

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON
NOVEMBER 12, 2019 AT THE DEPOSIT THEATER AT 7:00 P.M.

PRESENT: Mayor Moore, Trustees Brown, Warner and Rynearson, C/T Budine, DC/T Shirkey, Nathan VanWhy, Bob Gerry, DPW Supervisor Steve Evans, Police Chief Flavell, EMS Captain Chris Zacharias, Sheriff Harder, Sheriff Dumond, Deputy BC Executive Kevin MacManus, Tom Axtell, Ed Mooney, Roger Brainard, Eric Linkrout, Frank Dunshee, Marcus Snowman, Joy Felber Paul & Lucy Lantz, John Santory, Deb Stever, Jim Conklin, John O'Connor, Bridget Petterson, Mrs. Dennis, Neal MacDonald, Scott & Renee Conklin, Sue & Melissa Bishop, Eddie Joe Pavlov, Jim Conklin, Phoebe & Peter Carson, Bob Heary, Jen Berry, Traci Stuart, Sarah Evans, Tom & Teri Reis, Pete VanSlyke, Jamie Cook, Tim & Carol Hess, Nancy Zacharias, Nancy Stanton, Dorian Stevens, Dave Smith, Chuck Proffitt, Robert Cantwell, Don Cantwell, Hope and Gino Jones.

The Mayor opened the meeting with the pledge of allegiance at 7:00 p.m.

The Mayor opened the meeting thanking everyone who was attending. He stated that we were hold 3 public hearings, 1. A proposed local law #5 tax cap override, 2. A proposed local law #6 of 2019, a local law abolishing the position of Village Justice Amending the Village Charter and Village Code Accordingly and 3. A proposed local law #7 of 2019, a local law abolishing the position of Police Chief and the Village Police Department and amending the Village Charter and Village Code accordingly.

Mayor Moore stated that these are important topics ad we want to give everyone the chance to speak. Each one of these are their own topics, so try to speak about the proposed local law we are on, and save comments for the other local laws when we discuss them. Mayor Moore stated that we had several meetings with both the Broome County Sheriff and the Delaware County Sheriff and the Town of Deposit Supervisor. There will be a dedicated shift 8 hours a day on weekdays and an 8 hour shift on Saturday night. These shifts are not set and can be arraigned as we discover what will work best for the Village.

The Mayor opened the public hearing on proposed local law #5 of 2019 A local law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c. CT Budine explained that we had to do the override in advance of our final budget because it had to be filed with the State. Mayor Moore opened the floor to questions. Susan Bishop stated that she was confused over why we have the law if municipalities are just going to override it. Mayor Moore explained that the tax cap was implemented by the State to help keep taxes down. Ms. Bishop stated it was a good faith effort to keep taxes down. There were no other comments so Mayor Moore closed the public hearing at 7:11PM.

MOTION#289/19-20

A motion was made by Trustee Warner and seconded by Trustee Durning to adopt local law # 5. The motion carried unanimously.

Next Mayor Moore opened the public hearing for propose local law # 6 of 2019, a Local Law Abolishing the Position of Village Justice and Amending the Village Charter and Village Code accordingly. Mayor Moore opened the floor up to comments. Judge Lantz asked why budgets were not given back to the department heads if the proposed budgets were too high. Trustee Rynearson stated that we have 3 courts for our area.

Mr. Ryneason stated that back in October Judge Lantz had requested a full-time court clerk and an increase in his wages of 5% due to the anticipated work load of State mandates and that we were a courtesy court. But now that the court might close, you do not need a fulltime court clerk and maybe even less hours for her and that you didn't need a wage increase either. Judge Lantz said that the Clerk's office and DPW were duplicate services and we should get rid of them also. Mr. Lantz stated that what department gives back beside the court. CT Budine stated that the court has been running at a loss for at least the past 4 years. Mr. Lantz disputed those numbers. Neil MacDonald asked if anyone had spoken with the town Judges. Mayor Moore stated that Judge Felber said they could not speak on the matter as they were bound by rules, but they had spoken with the Town Supervisors and they were on board. Traci Stuart stated that the town residents should be allowed to vote on this if there were to be an increase in town taxes. Mayor Moore stated that he could not say what will happen to the town taxes. Judge Lantz stated that his budget was only 3% of the overall budget and he could cut his budget more so there was not such an increase. Judge Lantz suggested eliminating a full-time employee to reduce the budget. Chuck Proffitt stated that he did not want to do away with the judicial system. Trustee Ryneason stated that people should be upset that they have been paying for 2 courts for years. Melissa Bishop stated she felt the board was penny wise and pound poor. Bridget Pettersen suggested giving more tickets to help pay for the court. Pete McDade stated that he felt we should keep the court. We should not move into the IDA building and we had just over rode the tax cap so we could set our budget and then spend more. CT Budine explained that that is not what the tax cap override was for. We need to have it filed with the state in case we exceed the 2% state mandated tax cap. Pheobe Carson asked if the tax base was increasing or decreasing. Mayor Moore stated that it was decreasing and the board had to be mindful of what the taxpayer could afford and they were conscious of the fact that many home owners were on fixed incomes and needed to be considered also. Bridget Pettersen said there were other programs to help the elderly conserve money, such as help with heating etc. Trustee Ryneason stated that with the cost for the court going to the 2 towns their taxes were spread over a larger base. Sue Bishop stated that new comers to Katie's café ask about our schools, sports programs, medical services and police department. If we get rid of the court and police department they will not move here. Mayor Moore stated that people are not moving here now and we have those services. It was asked where the process for the local laws. Nathan VanWhy from Coughlin & Gerhart stated that both local laws were subject to permissive referendums and the residents had 30 days to gather signatures on a petition to take this to a vote of the residents. Neal MacDonald asked how many signatures would be needed and Nate said 20% of registered voters. Dean Price asked if it passed would the petition signers have to be registered voters. Mr. VanWhy stated yes. Chuck Proffitt stated that the board was supposed to represent the people and he felt they were not. Neil MacDonald asked what if people were not here to vote, and was assured that people could vote by absentee ballot. Pete McDade suggested a show of hands. Mayor Moore said that would not be fair as those present represented a small portion of Village residents.

MOTION#290/19-20

A motion was made by Trustee Ryneason and seconded by Trustee Durning to close the public hearing at 7:58PM. Motion passed unanimously.

The Mayor asked the board for input on the local law. Everyone stated that they had no more input.

Mr. VanWhy went over the SEQR and the board stated there was not impact.

MOTION#291/19-20

VILLAGE OF DEPOSIT

A RESOLUTION APPROVING LOCAL LAW NO. 6-2019

At a regular meeting of the Village Board of the Village of Deposit, held at the State Theater, 148 Front Street, Deposit, New York on the 12th day of November, 2019, the following resolution was

OFFERED BY: Trustee ___RD Rynearson_____

SECONDED BY: Trustee ___John Brown_____

WHEREAS, the Village Board of the Village of Deposit scheduled a public hearing for November 12, 2019 for Local Law No. 6 of the year 2019, entitled "A Local Law Abolishing the Position of Village Justice and Amending the Village Charter and Village Code Accordingly"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk's sign board, and

WHEREAS, said public hearing was duly held at the State Theater, 148 Front Street, Deposit, New York on 12th day of November, 2019 at 7:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board that adoption of the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.

NOW, THEREFORE, the Village Board hereby adopts, subject to permissive referendum, said local law as Local Law No. 6-2019 entitled "A Local Law Abolishing the Position of Village Justice and Amending the Village Charter and Village Code Accordingly" a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to publish notice of the adoption of this Local Law subject to permissive referendum in the official newspaper of the Village of Deposit, and enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State after expiration of the permissive referendum period or approval by the voters at a referendum requested upon appropriate petition; and

BE IT FURTHER RESOLVED that this shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, after expiration of the permissive referendum period or approval by the voters at a referendum requested upon appropriate petition.

CERTIFICATION

I, Karen Budine, do hereby certify that I am the Village Clerk of the Village of Deposit and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Village Board of the Village of Deposit at a meeting thereof held at the

State Theater, 148 Front Street, Deposit, New York on the 12th day of November, 2019.
Said resolution was adopted by the following roll call vote:

Mayor Moore Aye

Trustee Rynearson Aye

Trustee Warner Aye

Trustee Brown Aye

Trustee Durning Aye

Dated: November 12, 2019

Motion passed unanimously.

Mayor Moore opened the public hearing for the proposed local law #7 of 2019, a local law abolishing the position of Police Chief and the Village Police Department and amending the Village Charter and Village Code accordingly at 8:07PM. Mayor asked for public comment. Pheobe Carson asked if we would still have coverage at Village events and also would we still have crossing guards if we no longer had a police department. Mayor Moore stated that yes we would have events covered and we would just shift the crossing guards to the DPW budget. John O'Connor asked why there were so many scenarios for the budget, you should either have it or not. Mr. O'Connor also asked what the obsession with the day shift was. Trustee Rynearson stated that the board wanted to see what could be done and what those numbers would be. Mayor Moore stated the day shift was because of the school. Carolyn DeNys state that of all the options she like #5 the no court option with part-time police department and no extra hours or wages. She also recommended firing the current Police Chief and getting a new one, one who preferably keeps his word. John Santory a retired police officer said he was concerned with the evening and weekend shifts and felt those were the ones that should be covered. Sheriff Harder stated that the hours discussed were 5 week days and 1 weekend night. but those hours could be arraigned according to our needs. Mr. Santory asked about the response time and Mr. Harder asked what the response time currently when we have no coverage from our police department. Delaware County Sherriff stated that all small communities are being squeezed by unfunded mandates. Jen Barry stated that why couldn't we have our police department cover when the sheriff wasn't here. Deputy BC Executive Kevin McManus stated that the board approached Broome County because they were concerned and felt that the taxpayers were not getting enough bang for their buck, so to speak. The board members are trying to think outside the box and come up with a solution to the problem like we did with the emergency squad. Mr. MacManus also stated that the State would be giving a shared services match. Eric Linkroum asked what would happen if we get rid of the police department and a new board wanted it back. Mr. VanWhy stated that yes it could be brought back if a new board so chose. Mr. Linkroum stated he felt that his father's death in 1992 was still an open case because it didn't happen in a major Broome County area. He felt that contracts come and go and that this was just a temporary and people were not happy. Renee Conklin felt that the local police department had limitations in what they could do. Chief Flavell stated that yes we did as we had officer's that only worked part-time and each case they were on, had to wait until the next time they worked to move forward. Our department simply doesn't have

enough man power or the time to work cases. Chief Flavell stated that we do a lot of traffic stops which proceed to drug searches. Renee stated that a lot of municipalities are moving to consolidating services like we did with the EMS, this would be the same kind of arrangement. It's becoming the new normal. Frank Dunshee stated that Ms. Conklin was correct and he understands budgets constraints. Jamie Cook commended the police department for the job that they have been doing and wanted to know how many calls had been dropped, and the rational about the day time coverage, and if we could have the towns help pay for police coverage. Mayor Moore stated that the towns were not interested in sharing the cost of the village police dept. Trustee Rynearson stated that we don't get a lot of calls for crimes in progress and that most of the police department business were vehicle and traffic violations. Chief Flavell felt that he was covering 60-70%. He also stated that a traffic stop was a good time for a drug raid. Chuck Proffit wanted to know why we couldn't have 1 Chief and 1 deputy like years ago. Traci Stuart asked if the crossing guards would remain and if the Mayor was Commissioner of Police why wasn't he shifting around the coverage. Also, why would we pay again for BC Sheriff for coverage when we already pay this in our Town taxes? Mayor Moore stated because we are paying for a dedicated service and we can adjust those hours where we need them. Lisa Vandermark questioned the hours and the contract, Sheriff Harder stated the contract was in the works. How many officers were gone and not replaced. Eric Linkroum felt this was a cash grab from the counties. He stated this was a small town and everyone knew everyone else's problems and he felt the Mayor was protecting the drug problem. Mayor Moore stated that he categorically was not. John O'Connor asked if the asked about the ability of the BC Sheriff to cross the county line. Mayor Moore stated that the Town of Deposit was passing a Memo of Understanding tonight at their meeting to allow the BC Sheriff to patrol in the Delaware County side of the Village. Corey Matica asked how the board could vote when the public had so many questions. Nate VanWhy stated that there was a legal process to the entire thing and the board has been working on it. Lisa Vandermark asked why would you vote. Trustee Rynearson responded that there were time constraints for the budget process. Renee Conklin asked what the savings would be. CT Budine stated that the police budget that we are working out of is \$176,488 not including the crossing guards but including NYS retirement and police department insurance. Lucy Lantz stated that we had full time officers before. CT Budine explained that our officers are part-time on the shifts they want. They have full-time jobs elsewhere and are only willing to work the shifts they want, not the shifts we want. This has always been the problem. In the past applications for new officers have always been brought to the department and that we never have had to advertise for police, it was the department heads job to recruit. Traci Stuart feels like no one cares for Delaware County side. Trustee Rynearson stated that permission has been granted for the county to cover both sides of the Village. Trustee Durning stated that this whole process had not been easy and he felt that the board had worked hard. The State is handing down mandates and the board looked at the numbers. Municipalities are being forced to consolidate services like we did with the EMS and no one has noticed a loss in service. The board is just trying to do what they can for the taxpayer. Trustee Warner stated that currently the shifts we have covered are dictated by the officers. Trustee Brown stated that the board does seek public opinion and that is what this hearing is for. He has worked the numbers and feels that there would be a considerable savings with comparable coverage. Jay Vandermark stated that the Sheriff would not stay in the Village. Sheriff Harder stated that yes they would stay in the Village unless a priority call came in, just the same as it is now with the Village police and that the Sheriff would break off and come back as soon as another patrol arrived. Chief Flavell felt that Trustee Brown's numbers were wrong. Neal MacDoanld asked why we pay for positions like the planning board and trustees. If you want to save money make these positions volunteer. Mayor Moore stated the board felt we could not keep kicking the problem down the road. Paul Lantz

stated again that he could cut the court clerk's hours to make the budget work. Lisa Vandermark repeated the previously asked question if the budgets were given back to the department heads to work on them. Pete MacDade felt we needed to keep the police department. Corey Matica stated he was open to ideas and people wanted police coverage. He asked if we could have volunteer crossing guards.

MOTION#292/19-20

A motion was made by Trustee Ryneerson to close the public hearing at 10:08PM Trustee Warner seconded. Motion passed unanimously.

The Mayor asked for discussion from the board on the proposed local law. The board had no input. Nate VanWhy went over the SEQR and the board felt there was no negative impact.

MOTION #293/19-20

Trustee Durning made a motion to move forward and Trustee Ryneerson seconded. Motion passed unanimously.

MOTION #294/19-20

VILLAGE OF DEPOSIT

A RESOLUTION APPROVING LOCAL LAW NO. 7-2019

At a regular meeting of the Village Board of the Village of Deposit, held at the State Theater, 148 Front Street, Deposit, New York on the 12th day of November, 2019, the following resolution was

OFFERED BY: Trustee __RD Ryneerson_____

SECONDED BY: Trustee __Jim Durning_____

WHEREAS, the Village Board of the Village of Deposit scheduled a public hearing for November 12, 2019 for Local Law No. 7 of the year 2019, entitled "A Local Law Abolishing the Position of Chief of Police and Village Police Department and Amending the Village Charter and Village Code Accordingly"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk's sign board, and

WHEREAS, said public hearing was duly held at the State Theater, 148 Front Street, Deposit, New York on 12th day of November, 2019 at 7:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board that adoption of the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.

NOW, THEREFORE, the Village Board hereby adopts, subject to permissive referendum, said local law as Local Law No. 7-2019 entitled "A Local Law Abolishing the Position of Chief of Police and Village Police Department and Amending the Village Charter and Village Code Accordingly" a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to publish notice of the adoption of this Local Law subject to permissive referendum in the official newspaper of the Village of Deposit, and enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State after expiration of the permissive referendum period or approval by the voters at a referendum requested upon appropriate petition; and

BE IT FURTHER RESOLVED that this shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, after expiration of the permissive referendum period or approval by the voters at a referendum requested upon appropriate petition.

CERTIFICATION

I, Karen Budine, do hereby certify that I am the Village Clerk of the Village of Deposit and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Village Board of the Village of Deposit at a meeting thereof held at the State Theater, 148 Front Street, Deposit, New York on the 12th day of November, 2019. Said resolution was adopted by the following roll call vote:

Mayor Moore Aye

Trustee Rynearson Aye

Trustee Warner Aye

Trustee Brown Aye

Trustee Durning Aye

Dated: November 12, 2019

Motion passed unanimously

STREETS

Supervisor Evans stated new guardrails have been installed on Pine Street Extension. We have 2 water leaks one on Second and another on Main Street. We will have to rent a bigger machine to dig on Second Street because of the concrete. The crew is getting ready for winter.

MOTION #295/19-20

Mr. Evans asked for permission to declare the 2010 Chevy 3-500 Sewer Truck declared surplus. Trustee Warner made a motion to approve, Trustee Rynearson seconded. Motion passed unanimously.

FIRE DEPARTMENT

EMS Captain Zacharias stated that they had a check returned from a prior years purchase and asked if they could now have that money added to their expense line because they still needed to purchase the chain saws.

MOTION #296/19-20

A motion was made by Trustee Rynearson and Trustee Warner to move \$4770 from fund balance to a3420.2 equipment. Motion passed unanimously.

Captain Zacharias also stated that they needed to buy uniforms in the amount of \$3000, and that only 2 companies sell them.

MOTION #297/19-20

Trustee Rynearson made a motion to approve purchase of uniforms for \$3000, Trustee Durning seconded. Motion passed unanimously.

EMS

Captain Zacharias stated that the generator is installed and has power, it just needs gas. The Captain wanted to give kudos to the fire/ems as they had a fully and busy month.

POLICE DEPARTMENT

TRUSTEES

Trustee Rynearson wanted DPW Supervisor to get together a vehicle replacement plan. Trustee Durning suggested looking into a lease program.

Trustee Rynearson also want to have a discussion later about small signs like political signs.

Trustee Durning felt the board had done a good job with the public hearing.

Trustee Warner also felt the board had done a good job with the local laws and that this should have been done years ago.

Trustee Brown stated that the board was trying to be responsible. He also wanted to thank the Steve & the DPW for saving the WWTP on Halloween night.

PRESIDENT

Mayor Moore wanted to make sure everyone has a vote. He also stated that a vote for keeping the police department will be for fixing it because it's not working now.

FINANCE

MOTION#298/19-20

A motion was made by Trustee Rynearson seconded by Trustee Warner to authorize the Mayor's signature on the Abstract of Audited Vouchers #9 as follows:

| | |
|----------|---------------------|
| GENERAL: | \$ 59,365.24 |
| WATER: | \$ 40,406.54 |
| SEWER : | <u>\$ 33,072.70</u> |
| | \$132,844.48 |

The motion carried unanimously.

MOTION#299/19-20

Trustee Warner made a motion and Trustee Rynearson seconded to approve the Mayor's signature on the month to month rental agreement for the Deposit Community Theater. Motion passed unanimously.

MOTION#300/19-20

Trustee Durning made a motion and Trustee Ryneerson seconded to submit the 2019 BC relevy in the amount of 53,097.70. Motion passed unanimously.

MOTION#301/19-20

Trustee Ryneerson made a motion and Trustee Warner to approve budget adjustments.

Due from:

A3120.24 \$199.58

A3120.24 \$39.96

Due to:

A3120.2 \$199.58

A3120.4 \$39.96

Motion passed unanimously.

MOTION#302/19-20

A motion was made by Trustee Durning to approve Abstract #6 G. DeVincentis & Sons in the amount of \$35,607.80 and seconded by Trustee Ryneerson. Motion passed unanimously.

MOTION#303/19-20

A motion was made by Trustee Ryneerson and seconded by Trustee Durning to approve Abstract #5 WWTP upgrades from PK Songer in the amount of \$55,812.50. Motion passed unanimously.

GUESTS

Frank Dunshee stated that Boonville had entered into an electric purchasing agreement so that residents could purchase electric at a cheaper rate. Also, why did we only have one phone company. He also asked who was funding the new lines for TDS and what were they. Mayor Moore stated they were fiber optic lines and that is was not funded by the Village.

Mayor Moore informed everyone that the culvert was in for Riverside Park and things were moving forward.

MOTION#304/19-20

A motion was made by Trustee Ryneerson and seconded by Trustee Durning to adjourn at 11:12PM. Motion passed unanimously.

Respectfully Submitted:

Karen L. Budine
Clerk Treasurer