

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON
DECEMBER 9, 2008 AT THE DEPSOIT THEATER AT 7:00 P.M.

PRESENT: President Smith, Trustees Sollecito, Warner, O'Connell, O'Connor, C/T Decker, DCT Leonard, Chief Cantwell, Captain Raymond, Debbie Stever, Sarah Evans, Frank Dunshed, Gerard Kamp, John Rajoppi of Capra Laundry, Kendra Hansen, Nancy Stanton, Georganna Carson, and Steve Herz

PUBLIC HEARING

7:13 p.m.

Local Law Amending Chapter 80 of the Code of the Village
Flood Damage Prevention

President Smith opened the Public Hearing at 7:13 p.m. and read the following:

Section 1.

Be it enacted by the Board of Trustees of the Village of Deposit, in the Counties of Broome and Delaware, as follows:

Chapter 80, § 80-5 of the Village of Deposit Code, entitled "Applicability" and § 80-6 entitled "Basis for establishing areas of special flood hazard" are hereby amended as follows:

"§ 80-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Deposit, in Broome and Delaware Counties, New York."

"§ 80-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
- (1) Flood Insurance Rate Map (single panel) No. 360043 0005B, whose effective date is February 1, 1979.
 - (2) A scientific and engineering report entitled "Flood Insurance Study, Village of Deposit, New York, Broome and Delaware Counties dated August, 1978.
 - (3) Flood Boundary Map (single panel) No. 360043 0005B, whose effective date is February 1, 1979.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Office of the Village Clerk/Treasurer, 146 Front Street, Deposit, New York 13754."

Section 2.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances and the Village Board of Trustees hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

President Smith then asked if there was any public comment. Gerogeanna Carson asked what all that meant. Smith explained that the amendment removes many homes and business from the flood plain in the designated area. He further stated anyone wanting to look at the updated may need only stop in the Village Clerk's office. Smith

wished to thank Peder Hanson for all his hard work on getting the map updated – it was a long drawn out procedure.

Smith then asked the board for comments. Trustee O'Connor stated that it was time this had been done.

Smith closed the public hearing at 7:20 p.m. and offered the following resolution:

RESOLUTION ADOPTING LOCAL LAW NO. 7 for 2008

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Deposit for a public hearing to be held by said Board at the Deposit Theater, Front Street, Deposit, New York at 7:15 pm on Tuesday, December 9, 2008 to hear all interested parties on a proposed Local Law entitled "A Local Law Amending Chapter 80 – Flood Damage Prevention – of the Code of The Village of Deposit" by amending § 80-5 and § 80-6 to update the references to the special flood hazard insurance rate map; and

WHEREAS, the environmental significance of the Local Law No. 7 was considered by reviewing a short-form Environmental Assessment Form (EAF) and the action was determined to be a Type II action under the New York State Environmental Quality Review Act (SEQRA), which requires no further environmental review prior to the adoption of Local Law No. 7 for 2008; and

WHEREAS, notice of said public hearing was duly advertised in the Deposit Courier, 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 Deposit Theater on December 9, 2008 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, the Village Board of Trustees of the Village of Deposit, after due deliberation, finds it in the best interest of the Village to adopt said Local Law,

NOW, THEREFORE, the Village Board of Trustees of the Village of Deposit hereby adopts said Local Law as Local Law No. 7 for 2008 and the Village Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Deposit, and to file said Local Law with the Secretary of State.

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

Ayes: 5 Nays: 0

Trustee Sollectio	voting Aye
Trustee O'Connell	voting Aye
Trustee O'Connor	voting Aye
Trustee Warner	voting Aye
Mayor Smith	voting Aye

Dated: December 9, 2008

PUBLIC HEARING

7:21 P.M.

Local Law Amending Chapter 140
Alternate Zoning Person

President Smith opened the PH at 7:21 p.m. and read the following:
Local Law No. 6 of the year 2008.

"A Local Law Amending Chapter 140, Article XII, § 14-70 of the Code of the Village of Deposit regarding the Creation, Appointments and Organization of the Zoning Board of Appeals"
Section 1.

Be it enacted by the Board of Trustees of the Village of Deposit, in the Counties of Broome and Delaware, as follows:

Chapter 140, Article XII, § 140-70 of the Village of Deposit Code, is hereby amended as follows:

“Article XII
Zoning Board of Appeals

§140-70. Creation, appointments and organization.

- C. The Zoning Board of Appeals shall consist of five members appointed by the Mayor, subject to the approval of the Village Board of Trustees. The members of the Zoning Board of Appeals, as now constituted, shall continue in office until the expiration of their present terms. Thereafter, their successors shall be appointed for five-year terms in accordance with the New York State Village Law, so that one term shall expire at the end of each successive official year. If a vacancy shall occur otherwise than by expiration of a term, the Mayor shall appoint the new member for the unexpired term.
- D. The Chairperson shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson.
- E. Alternate Members. The Village Board of Trustees hereby establishes the position of alternate Zoning Board of Appeals member, for the purpose of substituting for a regular member in the event of a conflict of interest or because of illness or an extended absence of more than four months in one calendar year. Alternate Zoning Board of Appeals members shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees, for three-year terms. When so appointed, an alternate Zoning Board of Appeals member shall possess all of the powers and responsibilities of a regular Zoning Board of Appeals member.
- F. Training. Each Zoning Board of Appeals member shall complete training requirements as established by resolution of the Village Board of Trustees, as amended from time to time.”

Section 2.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances and the Village Board of Trustees hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

Smith asked if the public had any comments. There being none, he asked the trustees for comments – there being none he offered the following resolution:

RESOLUTION ADOPTING LOCAL LAW NO. 6 for 2008

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Deposit for a public hearing to be held by said Board at the Deposit Theater, Front Street, Deposit, New York at 7 pm on Monday, December 9, 2008 to hear all interested parties on a proposed Local Law entitled “A Local Law Amending Chapter 140, Article XII, § 140-70 of the Code of The Village of Deposit regarding the Creation, Appointments and Organization of the Zoning Board of Appeals”; and

WHEREAS, the environmental significance of the Local Law No. 6 was considered by reviewing a short-form Environmental Assessment Form (EAF) and the action was determined to be a Type II action under the New York State Environmental Quality Review Act (SEQRA), which requires no further environmental review prior to the adoption of Local Law No. 6 for 2008; and

WHEREAS, notice of said public hearing was duly advertised in the Deposit Courier, 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 Deposit Theater on December 9, 2008 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, the Village Board of Trustees of the Village of Deposit, after due deliberation, finds it in the best interest of the Village to adopt said Local Law,

NOW, THEREFORE, the Village Board of Trustees of the Village of Deposit hereby adopts said Local Law as Local Law No. 6 for 2008 and the Village Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Deposit, and to file said Local Law with the Secretary of State.

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

Ayes: 5 Nays: 0

Trustee Sollecito	voting	Aye
Trustee O'Connell	voting	Aye
Trustee O'Connor	voting	Aye
Trustee Warner	voting	Aye
Mayor Smith	voting	Aye

Dated: December 9, 2008

Smith closed the PH at 7:26 p.m.

President Smith announced that Lucy Lantz the Court Clerk had applied for a received a \$17,509.48 grant from the Unified Court System for mainly court security.

MOTION#251/08-09

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to waive the reading of the November 10, 18, and 25th meeting minutes. The motion carried unanimously.

MOTION#252/08-09

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to accept the November 10, 18, and 25th meeting minutes. The motion carried unanimously.

MOTION#253/08-09

A motion was made by Trustee Sollecito seconded by Trustee Warner to accept the November monthly Police Report. The motion carried unanimously.

MOTION#254/08-09

A motion was made by Trustee Sollecito seconded by Trustee Warner to accept the November monthly EMS Report. The motion carried unanimously.

MOTION#255/08-09

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to accept the November monthly Treasurer's Report. The motion carried unanimously.

There was no Fire Dept. report.

OLD BUSINESS

PWA Hubbard stated the Village had completed 93 work orders and 30 for the OLWWTP. Included were chipping brush, collecting debris, and equipping snow plows and cinder trucks for winter weather.

Hubbard wanted to be sure he was using the correct policy for calling the crew out in inclement weather. He stated when he receives a call from the county or Pd he calls Crew Chief VanPelt and he calls out the guys. This is OT and Hubbard wanted to be

sure the board wished him to continue this way. All agreed when he receives a call hazardous road call he needs to dispatch DPW.

WATER

Hubbard stated that a quote for the specs on the radio frequency boxes for the water tanks is forthcoming from OquaLogics.

SEWER:

Hubbard stated that tank #1 is completed and on line at the WWTP and work has begun on tank #2.

Hubbard stated the engineers would be sending two quotes for 8" sewer siphon project; one for winter work and one for work this spring. The Engineers feel work this spring will be cheaper. He also stated the bid opening had been changed to December 18th, 2008 at 4:00 p.m.

BUILDINGS:

Hubbard stated that the boiler at the fire station had an error code of E-2. He had Hartz go over and check. Seems a circulating pump is needed.

MOTION#256/08-09

A motion was made by Trustee O'Connor seconded by Trustee Warner to authorize Hubbard to order two F550 winter tires from Talmadge Tire in the amount of \$417.36 to be taken from A5110.2. The motion carried unanimously.

President Smith instructed Hubbard to write a second letter to Vacri about the generator that burned up as a result of a power failure at the plant.

FD

None

EMS

None

PD

None

Trustees

None

Finance

None

NEW BUSINESS

Capri Enterprises is requesting a change in the Central Business Code to allow the use of a Laundromat in this district. The board agreed to make the change in the zoning book with the stipulation they get a Special Use Permit. A Public Hearing was set for January 27th at 7:00 p.m.

FIRE DEPT.

MOTION#257/08-09

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to authorize the Fire Dept. to purchase one radio for 22-8 from Tri-County in the amount of \$106.51 and four pagers at \$2239.00 for a total of \$3245.51 to be taken from A3410.24. The motion carried unanimously.

EMS

None

PD

None

MOTION#258/08-09

A motion was made by Trustee O'Connor seconded by Trustee O'Connell to authorize the Mayor's signature on the Broome county Stop DWI Program increasing the grant to \$850.00. The motion carried unanimously.

MOTION#259/08-09

A motion was made by Trustee O'Connor seconded by Trustee O'Connell to appoint Debby Stever as the alternate Planning Board member. The motion carried unanimously.

MOTION#260/08-09

A motion was made by Trustee O'Connor seconded by Trustee Sollecito to appoint Lydia Krembs as another alternate member of the planning board. The motion carried unanimously.

TRUSTEES

Trustee O'Connor asked the board members if someone could take his place at the food give-away on Dec 16th as he cannot be there. Trustee O'Connell said he would try to make it.

FINANCE:

MOTION#261/08-09

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to accept the credit card policy to be incorporated into the personnel policy. The motion carried unanimously.

ELECTION RESOLUTION
2009-2010

WHEREAS, the next Village General Election for the Officers of the Village of Deposit will be held on March 3, 2009 and
WHEREAS, no person shall be entitled to vote at any Village election whose name does not appear on the register of the election district in which he/she claims to be entitled to vote, and WHEREAS, it is the duty of the inspectors of election to prepare such register of qualified voters for the district which they are appointed,
NOW THEREFORE BE IT RESOLVED:

1. Registration Day at the Village of Deposit has been abolished and any voter who wishes to vote in the next Village Election, to be held on March 3, 2009, must register with their County Board of elections by February 19, 2009.

Voting for the forthcoming Village elections shall be conducted at Sanford Town Hall, 91 Second Street, Deposit.

Trustee Sollecito	Aye
Trustee O'Connor	Aye
Trustee O'Connell	Aye
Trustee Warner	Aye
Mayor Smith	Aye

MOTION#262/08-09

A motion was made by Trustee Warner seconded by Trustee Sollecito to authorize the Mayor's signature on the abstract of audited vouchers as follows:

General Fund	\$ 59,977.30
Water Fund	\$ 6,514.07
Sewer Fund	\$ 113,373.89
T&A	\$ 1,732.30

The motion carried unanimously.

MOTION#263/08-09

A motion was made by Trustee O'Connor seconded by Trustee Warner to authorize the Mayor's signature on the Delaware County Planning Dept. contract in the amount of \$3500 annually for 2009-2010 to be split between Planning and Zoning next year. The motion carried unanimously.

GUESTS:

Frank Dunshee of Third St. asked if on the end of Sheldon St. the no parking could be from the corner to down the street to allow for cars to make the turn on Sheldon St. from Fourth St. as there are always a lot of cars parked on the corner of Sheldon and Fourth.

President Smith stated he would look into this. He continued how he would like to be able to pay water and sewer bills in installments and would also like to see the system upgraded to allow partial payments, credit and debit cards. He asked if there were any grants out there to update the system. He was advised to get Amy Kenyon's phone number and ask her.

Georganna Carson asked if people on Court Dean and Main St. had received building permits for the work they were doing. President Smith said he would pass that on to the CEO. She also wondered if anything had been done about the shrub on the corner of Elm and Pine had been addressed as you cannot see when you pull out into the road. This will also be addressed by the CEO.

MOTION#264/08-09

A motion was made by Trustee O'Connor seconded by Trustee Warner to enter into and out of Executive Session to discuss specific personnel. The motion carried unanimously.

MOTION#265/08-09

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to accept the Fire Dept. application of Mike Garnsey. The motion carried unanimously.

The meeting adjourned at 8:55 p.m.

Respectfully Submitted: