

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON JANUARY 12, 2010 AT THE DEPOSIT THEATER.

PRESENT: President O'Connor, Trustees Warner, O'Connor, Sollecito and McKee, C/T Decker, DCT Budine, PWA Hubbard, Economic Director Kenyon, Police Chief Cantwell, EMS Captain Couse, Asst Fire Chief Rynearson, Attorney Beth Westfall, Pearl Straus, Joann Raymond, Jim Conklin, Mary O'Connell, Lucy and Paul Lantz, Eddy Pavlov, Sharon Wright, Debbie Stever, Marcus Snowman, Noel Hauser, Wayne Raymond, Howie Couse, and Kermit Mott

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

President O'Connor then turned the meeting over to Economic Director Amy Kenyon you announced that the Village was awarded a \$75,000 grant from the Dept. of State Local Waterfront Revitalization Program to develop a master streetscape for the downtown business district. This grant will allow the Village to do environmental and historic reviews and preliminary designs for Front St. so that we have "shovel ready" plans and approvals in place to continue to improve downtown.

PUBLIC HEARING

Local Law #1 of 2010

Amend Section 130-21 of Village Water Code

O'Connor read the proposed changes to the water code as follows:

A: The debt reduction (DR) portion of the bill will be charged \$7.56 per residential and/or commercial unit at the property location, regardless of the number of meters.

B: The operation and maintenance (O&M) portion of the bill, for consumption up to 9000 gallons per quarter, shall be a minimum of \$20.00 per quarter, regardless of usage, and a maximum of \$52.00 per quarter.

C: The O&M portion of the bill, for consumption of 9000 or more gallons per quarter, shall be charged at the rate of \$5.63 per thousand gallons per quarter.

D: All water users outside of the Village shall be charged 1.25 times the above rates.

He then asked for public comments as follows: Frank Dunshee asked if less water is being pumped why are we being charged more? O'Connor stated it started with the budget, once the budget is set we then work the new charges. Frank Dunshee didn't feel that he should be charged more because we had lost revenue; that more should be done for the homeowner and businesses than raising rates. O'Connor stated that we still provide the service and maintain the service regardless of how much water is pumped. Trustee Sollecito stated that Norbord was one third of our budget and Trustee McKee stated that it cost us the same to process our water if we pump one gallon or one hundred. Sharon Wright asked how will motels be billed? – Decker stated that they would be billed by consumption. Wright also asked if businesses could be billed annually for O&M rather than quarterly. O'Connor stated no – bills were read quarterly for everyone. Wright also stated she would like the meter read date on the bills – why couldn't the bills reflect this??? O'Connor stated that the read date did not matter – the billing cycle was a 90 day cycle regardless of when the meters are read. Wright then asked what the \$20 administration fee was for. Decker explained it was just that – an administration fee for billing, software maintenance, meter reading etc. She explained this was included in consumption not on top of – those that had no consumption would not see this admin fee. Kermit Mott asked if the Village had looked for grant monies – O'Connor stated that Amy Kenyon was constantly looking for grant money in our behalf. President O'Connor then asked the board for any comments. There being none, O'Connor closed the Public Hearing at 7:50.

PUBLIC HEARING

Local Law #2 of 2010

Amend Section 106 of Village Sewer Code

President O'Connor opened the Public Hearing at 7:51 by reading the proposed changes to the sewer code as follows: Chapter 106, Article X, §106-46.E of the Village of Deposit Code, entitled "Sewer use charges established; classifications; penalty" is hereby amended to read as follows:

"E. Basis of charges. The basis of the charge for sewer capital charges and sewer rents to be paid by the owners of real property served or required to be served shall be determined from the following schedule:

(1) Classifications.

Classifications	Units
Residential	1
Commercial	1 + V _c

The residential classification shall include single-family residences, multiple residences, and mobile homes or trailers located on one lot or in a mobile home park. Each dwelling unit of a multiple residence shall constitute one (1) unit. Each mobile home or trailer on one lot or in a mobile home park shall constitute one (1) unit. All other properties shall be classified as commercial.

(2) Equations.

(a) The following equation, designated Equation No. 1, represents the per-unit charge:

$$C_u = \frac{C_d}{U_t} + \frac{C_{o\&m}}{U_t}$$

(b) [formerly (c)] The following equation, designated Equation No. 2, represents the charge for commercial units, based on volume contribution:

$$V_c = \frac{(V_u - 15,000 \text{ gal.})}{15,000 \text{ gal.}} \text{ but not less than zero}$$

(3) Definitions. The following are the definitions of abbreviations set forth in the equations:

- C_t = Total annual budget (dollars).
- C_d = Total annual debt service (dollars).
- C_{o&m} = Total annual budget (dollars).
- C_u = User charge per unit (dollars).
- U = Units (units).
- U_t = Total number of units (units).
- V_c = Units for above base level volume contribution (units).
- V_u = Volume of water consumption for a user per quarter (gallons). Use maximum quarterly volume per year.

Section 2.

The following provisions of §106-46.E(2) are hereby repealed: (b), (d), (e), (f), (g), (h), and (i).

Section 3.

The following definitions contained in §106-46.E(3) are hereby eliminated: F_a, F_s, N, P, P_c, P_u, S, N_b, N_w, U₁, and U_w.

Section 4.

Except as hereinabove amended, the remainder of Chapter 106 shall remain in full force and effect.

Section 5.

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 6.

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 O'Connor then asked for public comments. Sharon Wright asked how commercial billing would be done. Decker stated with a commercial formula changing gallons to units. Decker further stated that Local Law #2 simply updated the code book with eliminating all outdated formulas; the law did not change the sewer rates or method of billing at all. O'Connor then asked for comments from the board – there being none, the Public Hearing for Local Law # 2 was closed at 8:00 p.m.

PUBLIC HEARING
2010-2011
WATER/SEWER RATES

President O'Connor opened the Public Hearing on the 2010-2011 water/sewer rates at 8:05 p.m. O'Connor informed the public of the following water rates; \$52.00 O&M charge; \$7.56 DR charge; and \$5.63 per 1,000 gallons of water with a \$20.00 admin fee per customer. The out of town rate will change from 1.5 times to 1.25 times the Village rate. O'Connor then informed the board of the 2010-2011 sewer rates as follows: \$44.63 DR charge and \$90.79 O&M charge.

There being no comments the following resolution was adopted:

RESOLUTION NO. 20
RESOLUTION AMENDING WATER AND SEWER RATES
FOR THE VILLAGE OF DEPOSIT

The Village Board of Trustees of the Village of Deposit, duly convened in regular session, does hereby resolve as follows:

SECTION 1. Pursuant to Local Law No. 1 of 2010 and Section 130-26 of the Village Code, the previously enacted schedule of rates for water usage in the Village of Deposit is hereby amended to provide that, effective as of the April 2010 billing period, the rates for water usage in the Village of Deposit shall be as follows:

- A. The debt reduction (DR) portion of the bill will be charged \$7.56 per residential and/or commercial unit at the property location, regardless of the number of meters.
- B. The operation and maintenance (O&M) portion of the bill, for consumption up to 9000 gallons per quarter, shall be a minimum of \$20.00 per quarter, regardless of usage, and a maximum of \$52.00 per quarter.
- C. The O&M portion of the bill, for consumption of 9000 or more gallons per quarter, shall be charged at the rate of \$5.63 per thousand gallons per quarter.
- D. All water users outside of the Village shall be charged 1.25 times the above rates.

SECTION 2. Pursuant to Local Law No. 2 of 2010 and Section 106-46 of the Village Code, the previously enacted schedule of rates for sewer usage in the Village of Deposit is hereby amended to provide that, effective as of the April 2010 billing period, the rates for sewer usage in the Village of Deposit shall be as follows:

- A. The charges for sewer capital charges and sewer rents shall be based on two classifications, one for residential units and the other for commercial units.
- B. The residential classification shall include single-family residences, multiple residences, and mobile homes or trailers located on one lot or in a mobile home park. Each dwelling unit of a multiple residence shall constitute one (1) unit. Each mobile home or trailer on one lot or in a mobile home park shall constitute one (1) unit. All other properties shall be classified as commercial units.
- C. The minimum quarterly capital charge per unit shall be \$44.63.

D. The minimum quarterly sewer use charge per unit shall be \$90.79.

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

Motion made by: Trustee Sollecito

Motion seconded by: Trustee O'Connell

Vote: Mayor O'Connor voted aye

Trustee Sollecito aye

Trustee O'Connell aye

Trustee Warner aye

Trustee McKee aye

Resolution adopted January 12, 2010 by a vote of 5 to 0

MOTION#275/09-10

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to waive the reading of the December 7 Special and December 8 Regular Session minutes. The motion carried unanimously.

MOTION#276/09-10

A motion was made by Trustee McKee seconded by Trustee Warner to accept the December 7 Special and December 8 Regular Session minutes. The motion carried unanimously.

MOTION#277/09-10

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

MOTION#278/09-10

A motion was made by Trustee McKee seconded by Trustee O'Connell to accept for filing the monthly EMS Report. The motion carried unanimously.

MOTION#279/09-10

A motion was made by Trustee Sollecito seconded by Trustee Warner to accept for filing the monthly Treasurer's Report. The motion carried unanimously.

The Fire Dept report was turned in at the meeting and will be on the agenda for the work session.

OLD BUSINESS

Streets:

MOTION#280/09-10

A motion was made by Trustee Sollecito seconded by Trustee McKee to authorize 2010-2011 schedule of seminars and classes as follows: NY Rural Water Conference, Southern Tier Water Association, NYS DOT Hard Hat Show, and Broome County Highway Association picnic. The motion carried unanimously.

MOTION#281/09-10

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to authorize the Village Attorney to begin a mutual agreement with Deposit Central School. The motion carried unanimously.

Hubbard informed the board that the DEC had called about the Windsor Plant stating that it will take one operator an 8 hour day for six to nine months. After some discussion, it was decided that the Village could not spare an operator for six to nine months – we would have to decline. Hubbard also explained to the board that the bucket loader had broken. A pin had broken off twisting the arms off the loader. Milton Cat will take a look at the machine tonight. Hubbard stated that they had had a surprise visit from Warren Bennam with PESH. Bennam is still looking for the Village to buy a dig box. PWA reported that Trustee McKee had suggested looking into Robson Electric for quotes on several smaller fans with warranties before proceeding. Hubbard also announced that the cinder spreader had broken today as well – this can be fixed with the help of the Town of Sanford for about \$400 -\$500.

FD:

EMS

PD

Trustees: Trustee O'Connell stated that he had had complaints about the sidewalks not being shoveled and wanted the Courier to print a reminder in the newspaper. Trustee McKee asked the status of the IDA water line. Attorney Westfall replied that she had received paperwork from Glen Nealis that she will have to review and get back to the board.

Finance

NEW BUSINESS:

Streets

Water

Sewer:

MOTION#282/09-10

A motion was made by Trustee Sollecito seconded by Trustee Warner to authorize Aqua logics to install security measures on the SCADA system at the WWTP to allow work remotely from the laptops at a onetime cost of \$1414.00. The motion carried unanimously.

FD:

MOTION#283/09-10

A motion was made by Trustee McKee seconded by Trustee Sollecito to authorize the purchase of various equipment (saws all, gloves, radio straps, bearcat scanner, iron slings, flashlights etc.) for the Fire Dept from various vendors at a total cost of \$5171.40. The motion carried unanimously.

EMS:

EMS Captain Couse informed the board that they were conducting a CPR class on January 21, 2010 at 6:30 p.m. and a First Aid Class on January 23, 2010 at 6 P.m. for all departments.

MOTION#284/09-10

A motion was made by Trustee Sollecito seconded by Trustee McKee to authorize ten EMS to attend the FASNY training classes in Montour Falls at a cost of \$60.00 per person for a total of \$600.00. The motion carried unanimously.

Police

President:

MOTION#285/09-10

A motion was made to authorize the mayor's signature on the final payment request of Vacri construction for the WWTP in the amount of \$43,693.36. The motion carried unanimously.

C/T Decker then explained that the Village had asked for a proposal for structural and environmental engineering services. We received a two part plan at a rough estimate of anywhere from \$7,000 to \$10,000. Decker stated she needed more information on this.

RESOLUTION

ENGAGEMENT OF COUNSEL

JANUARY 12, 2009 REGULAR SESSION

WHEREAS, the Village of Deposit wishes to employ the Law Firm of Frank W. Miller, East Syracuse, New York, as counsel to the Village in connection with various matters and issues, including but not limited to enforcement of court orders, enforcement of village codes, laws, rules and regulations, and any other matters which may arise; and

WHEREAS, the firm will bill the Village \$180.00 per hour for work performed by Frank W. Miller and \$150.00 per hour for associate attorney time. The Village will be billed on a monthly basis with a detailed invoice along with detailed expenses such as court filings and travel.

WHEREAS, a retainer agreement letter was signed by the mayor on December 9, 2009 to commence work;

THEREFORE, be it resolved that John O'Connor, as Mayor of the Village of Deposit, is hereby authorized and directed to appoint the Law Firm of Frank W. Miller as counsel for the Village of Deposit effective December 9, 2009.

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

MOTION#286/09-10

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

General Fund	\$ 102,262.58
Water Fund	\$ 6,189.16
Sewer Fund	\$ 10,663.55
T&A	\$ 1,971.38
WWTP	\$ 74,242.23

The motion carried unanimously.

RESOLUTION

JOINT SALE OF TAX -ACQUIRED PROPERTIES

BY

VILLAGE OF DEPOSIT

AND COUNTY OF DELAWARE

WHEREAS, The County of Delaware has proceeded to foreclose on the following properties in the Village of; and

WHEREAS, it is in the best interest of the Village and the County of Delaware to work together to protect the Village tax lien;

NOW, THEREFORE, BE IT RESOLVED that the County of Delaware sell the interest of both municipalities, the proceeds from said sale shall be divided in proportion to the taxes owed each entity for the years 2008-2009. Each parcel shall be treated individually. The properties affected are listed as follows: 349.17-1-7, Jeffery Babcock; 349.17-4-9.2, Thomas Cox; 349.13-5-13, Patricia Elgouhary; 349.17-7-22.3, SBA Infrastructure; 349.13-4-6, Lynn Pinto; and 349.17-7-5.2, Eugene Ronan.

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

MOTION#287/09-10

A motion was made by Trustee Warner seconded by Trustee Sollecito to authorize final payment in the amount of \$26,041.00 to Allis Development for the Front St project fully reimbursable with a Senator Libous grant. The motion carried unanimously.

MOTION#288/09-10

A motion was made by Trustee McKee seconded by Trustee Warner to approve the 2010-2011 EDRLF budget as submitted. The motion carried unanimously.

C/T Decker announced a General Fund Budget meeting to be held on January 25, 2010 at 6:00 p.m.

GUESTS:

Frank Dunshee asked the board what was being done about the prior complaint to the board of the parking on Court St. during funerals. President O'Connor stated it had gone to the Planning Board.

MOTION#289/09-10

A motion was made by Trustee McKee seconded by Trustee Warner to appoint Joann Passaniti as an alternate to the ZBA effective immediately. The motion carried unanimously.

MOTION#290/09-10

A motion was made by Trustee Warner seconded by Trustee McKee to appoint Pearl Strauss as an alternate to the Planning Board effective immediately. The motion carried unanimously.

MOTION#291/09-10

A motion was made by Trustee Warner seconded by Trustee Sollecito to enter into and out of executive session for specific personnel and property transfers. The motion carried unanimously.

The Village board declined the request of Renee Conklin to attend a paramedic training class in Maryland.

The Village Board declined the request of Dale Van Pelt to be paid for unused vacation time before retirement. The Village's personnel policy requires those retiring to use all vacation time before the retirement date.

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted