

**FRUITLAND CITY COUNCIL  
THURSDAY, JULY 2, 2009  
SPECIAL MEETING  
MINUTES**

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The Fruitland City Council met at City Hall on Thursday evening, July 2, 2009 at 7:00 p.m. with the following members present:

*President Gregory J. Olinde, Treasurer Gloria J. Ortiz, Councilor Raymond D. Carey,  
Councilor Theodore O. Lokey, and Councilor Richard F. Tull.*

Also present were:

*City Manager John F. McDonnell, City Solicitor Andrew C. Mitchell Jr., Chief of Police Michael J. Phillips,  
and City Clerk Diane Nelson.*

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President Olinde called the special meeting to order at 7:00 p.m. for the purpose of discussing two projects, the Bennett Middle School (BMS) and the new Fruitland Police Station.

Chief Phillips provided a general overview of the Building Committee's activities since February of this year when Councilors decided to pursue a new stand alone Police Department in lieu of the combined new City Hall/Police Department as originally planned; committee members are Councilor Carey, City Manager McDonnell, Chief Phillips, and Captain Bradley.

Chief Phillips summarized that the initial floor plan has been reviewed with the Committee recommending minor changes for the engineers to incorporate into the plan prior to the next Committee review of a more detailed floor plan that will also include elevations. Concurrent with the floor plan review, the Committee has also begun to review outside services like the phone system in an effort to maximize and maintain project momentum.

In concluding his presentation, Chief Phillips submitted the preliminary plan for the new Police Building to Councilors for approval.

**After discussion and on a motion by Councilor Tull that was seconded by Councilor Carey, the preliminary plan for the new Police Building was approved by a unanimous vote in favor, with the understanding that, if feasible, the engineers would place the building on the lot in a manner that would allow the construction of a new City Hall at some future date that would be a symmetrical or mirror image of the Police Building.**

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After declaring a very brief recess at 7:44 p.m., President Olinde resumed the meeting at 7:45 p.m. with all Councilors, City Manager McDonnell, City Solicitor Mitchell and City Clerk Nelson in attendance for discussion of the Bennett Middle School Project.

President Olinde acknowledged Councilors' receipt of a June 25, 2009 document prepared by City Solicitor Mitchell that outlines what "City of Fruitland will require WBOE to do as part of the location of Bennett Middle School to South Division Street." Solicitor Mitchell drafted the document in response to recent email communications from WBOE about the Bennett Middle School Project, knowing that Councilors were not in consensus on all points of the document.

*A copy of the document as originally prepared is attached at the end of the minutes to allow for easy referral to points that were approved as written and those that were approved as amended.*

Points one (1) through nine (9) of the document were reviewed and discussed separately in order to ascertain consensus among Councilors on each of the nine (9) points previously discussed with the WBOE; points four (4) and five (5)(a) were amended as follows:

4. WBOE must reach an agreement with City as to the number of water EDUs needed for BMS and purchase same from City, "the first ten (10) at one-half (1/2) the impact fee in force and any above ten at the full impact fee in force."
5. Upgrade South Division Street, at WBOE expense:
  - (a) Public Works Director Townsend has advised that the road is in need of "a substantial upgrade to handle increased traffic. It must be upgraded pursuant to an engineering study to be performed at City expense, upgrade at Board expense."

**After discussion and on motion by Councilor Lokey seconded by Councilor Tull, Points one (1) through (9) of the June 25, 2009 Document that outlines what the "City of Fruitland Will Require WBOE to do as part of the location of Bennett Middle School to South Division Street" were approved as amended, by a unanimous vote in favor.**

*Councilor Tull originally seconded the motion with an amendment that was withdrawn during discussion and prior to the vote.*

**President Olinde acknowledged that City Solicitor Mitchell now had Councilors' authority to release points one (1) through (9) at the appropriate time.**

Review of the document continued with discussion of the yet to be resolved Points A, B, and C.

**After discussion and on motion by Councilor Carey seconded by Councilor Lokey, Point A of the June 25, 2009 Document was approved as written, by a unanimous vote in favor.**

**After discussion and on motion by Councilor Lokey, seconded by Councilor Tull, Point B of the June 25, 2009 Document that was amended to read, "WBOE shall at its expense locate and mark Malone Street from its intersection with Division Street to the rear point of the property" was approved by a unanimous vote in favor.**

**After discussion and on motion by Councilor Tull seconded by Treasurer Ortiz, Point C of the June 25, 2009 Document that was amended to read, "Sidewalks have been discussed as a requirement to be put in, in front of BMS for the width of the BMS property on South Division Street, by WBOE" was approved by a unanimous vote in favor.**

With no further business to discuss, **on motion made by Councilor Tull and seconded by Councilor Lokey with a unanimous vote in favor, the work session adjourned at 10:00 p.m.**

*Diane C. Nelson*

Diane C. Nelson, City Clerk

*Approved, September 8, 2009 dcn*