

January 6, 2009
4:30 p.m.
Town Hall, Route 434
Owego, New York

ORGANIZATIONAL MEETING OF THE OWEGO TOWN BOARD

Present: Supervisor Carol B. Sweeney
Council: Lynne L. Davis, Dean A. Morgan, John P. Schmacher &
Donald Castellucci, Jr.

Absent: none

A. Call to order, roll call and the Pledge of Allegiance.

Supervisor Sweeney called the meeting to order and led the Pledge of Allegiance.

B. Minutes of the previous meeting (none to be approved)

C. Consideration of Bids

D. Public Hearing

E. Reports of Department Heads

Debra Standinger, Planning & Zoning Administrator, stated that Mike Katchmir and Ron Schmidt will start commercial fire inspections shortly. Ron suggested that the time period for Building Permits regarding Woodstoves, pools and demolition be shortened to six months instead of the current 18 months allowed. This matter will be forwarded to the Planning & Zoning Committee for investigation and recommendation to the Board.

Scott Vasisko, Parks Maintenance Supervisor, stated that he has obtained a new contact for a fireworks display. It appears that this vendor can provide a more elaborate show for the cost. The tentative date for fireworks will be during the Wednesday, July 1, Concert in the Park.

Mick Trivisonno, Director of Utilities, stated that the plans and specs for the Depot Street Well Project are available in the Clerk's office. The bid opening will be held on Thursday, January 29. He further requested that an Economic Stimulus Workshop be scheduled. It will be held on January 12 at 9:00 a.m.

Dave Ferris, Highway Superintendent, reported that a boom arm mower has been purchased from the OGS list at a cost of \$78,113.26. Ferris reported that the old 1984 mower was sold for \$5,200.00.

Motion by Morgan, seconded by Schumacher and unanimously carried, Supervisor Sweeney was authorized to send a letter to the Army Corps of Engineers authorizing the

Highway Superintendent to sign the Department of the Army Permit for the Apalachin Creek Project.

Judy Quigley, Town Attorney, reported that as of this meeting she has not received any payment from Mr. O'Donnell regarding the payment for the customization of the drainage easement running along Mr. O'Donnell's back yard. A discussion followed.

Motion by Morgan, seconded by Davis and unanimously carried, the Town Attorney was authorized to send a letter to O'Donnell requesting payment by January 16 with a penalty of 10% if the bill remains unpaid. As the weather permits and O'Donnell's failure to pay, the Highway Department will proceed to remove the pipe and any and all playground equipment placed on the Town's easement.

Motion by Morgan, seconded by Castellucci and unanimously carried, the Town Clerk's Annual Report for 2008 was accepted.

Supervisor Sweeney's report included the following:

1. The December Monthly Report of the Town Clerk and the Planning and Zoning office are on file in my office.
2. We received the 2008 Journal of Proceedings of the Tioga County Legislature and I have placed them in the bookshelf in the Councilmen's office.
3. I have a complaint and photos from Bill and Linda Carrigg re: dead trees on Marshland Road. They are asking for help in addressing this dangerous situation.

F. Privilege of the Floor

Jeannette Hamp, 161 Gatewood Blvd. previously submitted an e-mail to the Supervisor regarding snow plowing in front of her residence. She stated that this problem has been addressed several times and did not understand why it takes so long to plow in front of her residence, sometimes, a day following a snowfall. Hamp noted that they literally have to shovel the road in order for her daughter to get to the bus stop. A lengthy discussion followed. Dave Ferris, Highway Superintendent, agreed to plow in front of her residence.

After all who wished to speak were heard, Privilege of the Floor was closed.

G. Presentation of Petitions, Communications and Notices

- 1. NYMIR Subscriber/Member Capital Distribution - reimbursement for capital contributions should commence after the policy is renewed in May.**
- 2. NYMIR 2009 Rate Adjustment - letter reviewed**
- 3. NYSEG Emergency Contacts - the letter is regarding contacts for street lights and not**

emergency contacts as stated on the agenda.

4. NYS Comptroller RE: Estimated State Thresholds - letter reviewed

H. Abstracts (none)

I. Unfinished Business

1. REAP Appointment

Motion by Morgan, seconded by Schumacher and unanimously carried, agenda item I. 1. REAP appointment will be placed on the January 20 agenda.

2. Kyrle Isenburg - Valley View Drive

A discussion followed.

Motion by Morgan, seconded by Schumacher and unanimously carried, Councilman Castellucci, Highway Committee Chair, will send a written response to Mr. Isenburg.

3. Resolution RE: Teamsters Stipulation Agreement Health Fund

Motion by Castellucci, seconded by Morgan and unanimously carried, pending the issues being resolved, the Supervisor was authorized to sign the Teamsters Stipulation Agreement Health Fund.

4. Resolution RE: Teamsters Contract

Motion by Castellucci, seconded by Morgan and unanimously carried, the following resolution was adopted:

WHEREAS the Town of Owego and the Town of Owego Highway Department/Teamsters Local 693 have negotiated a three year Collective Bargaining Agreement effective January 1, 2008 through December 31, 2010, including new provisions for compensation for the period of January 1, 2009 through December 31, 2010;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego does hereby ratify the agreement between the Town of Owego and the Town of Owego Highway Department/Teamsters Local 693; and it is further

RESOLVED that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute said agreement after issues concerning the participation agreement are resolved to the satisfaction of the Attorney.

5. Schedule Workshop RE: Infiltration Flow Study

Motion by Morgan, seconded by Davis and unanimously carried, a workshop was scheduled for January 14 at 11:00 a.m. regarding the Infiltration Flow Study.

J. Reports of Standing Committees

Motion by Castellucci, seconded by Morgan and unanimously carried, Councilman Schumacher was authorized to submit a letter to Visions Federal Credit Union and area businesses requesting funds for subsidizing the cost of a fireworks display during the concert scheduled around the Fourth of July Holiday.

K. Presentation of Resolutions, Motions and New Business

1. Appointments: Multiple Residence Inspector, Public Accountants, Deputy Highway Superintendent, Registrar, Deputy and Sub Registrar, Receiver and Deputy Receiver, Deputy Town Clerk, Deputy Supervisor, Historian, Public Information Officer for Emergencies

Motion by Morgan, seconded by Castellucci and unanimously carried, Michael Katchmir was reappointed as Multiple Residence Inspector.

Motion by Morgan, seconded by Castellucci and unanimously carried, Ciaschi, Dietershagen, Little, Mickelson & Company, LLP. was reappointed as Public Accountants.

Dave Ferris, Highway Superintendent reappointed Frank Kinney as Deputy Highway Superintendent.

Motion by Castellucci, seconded by Morgan and unanimously carried, Michael Zimmer, was reappointed at Registrar of Vital Statistics for the Town.

Michael Zimmer, Registrar, reappointed Loretta Marchewka as Deputy Registrar of Vital Statistics as well as Marian Roueche and Alice Gorham as Sub-Register of Vital Statistics.

Motion by Castellucci, seconded by Morgan and unanimously carried, Michael Zimmer, was reappointed as Receiver of Taxes and Assessments.

Michael Zimmer, Town Clerk and Receiver of Taxes and Assessments reappointed Loretta Marchewka as Deputy Town Clerk and Deputy Receiver of Taxes and Assessments. Zimmer further appointed Marian Roueche and Alice Gorham as Deputy Town Clerks and Deputy Receiver of Taxes and Assessments.

Supervisor Sweeney reappointed Bruce Brent as Deputy Supervisor.

Motion by Morgan, seconded by Castellucci and unanimously carried, Emma Sedore was reappointed as Town Historian.

Motion by Morgan, seconded by Castellucci and unanimously carried, Michael Zimmer was reappointed at Public Information Officer for Emergencies.

2. Resolution RE: Bidding Policy, Investment Policy, Emergency Policy, Supervisor and Receiver, etc.

Motion by Schumacher, seconded by Morgan and unanimously carried, the following resolution was adopted:

WHEREAS the Town Board is required annually to review and adopt or re-adopt certain policies and/or procedures of the Town;

NOW, THEREFORE, BE IT

RESOLVED, that the Receiver of Taxes and Assessments shall deposit, in his name as Receiver of Taxes and Assessments, in the banks which have been designated by the Town Board, within twenty-four hours after receipt thereof, all monies collected by him which are due to the Supervisor; and be it further

RESOLVED, that monies so deposited be paid to the Supervisor by the Receiver of Taxes and Assessments, no later than the 15th day of each month following receipt thereof;

AND BE IT FURTHER

RESOLVED, that in lieu of the Supervisor preparing and filing with the Town Clerk within 30 days after the close of the calendar year of 2008 an annual financial report accounting for all monies received and disbursed by her, containing bank certificates in all banks where Town monies are deposited showing the amount of the Town monies on deposit with the respective banks, that the Supervisor shall submit to the Town Clerk, within 120 days of the closing of the fiscal year, a copy of the report to the State Comptroller required by Section 30 of the General Municipal Law;

AND BE IT FURTHER

RESOLVED, that the Town Board of the Town of Owego does hereby re-adopt and reaffirm the procurement policy (Chapter 22 of the Town Code)of the Town of Owego after its annual review thereof;

AND BE IT FURTHER

RESOLVED, that after its annual review, the Town Board of the Town of Owego does hereby re-adopt and reaffirm the Investment Policy for the Town of Owego, as amended;

AND BE IT FURTHER

RESOLVED that the Town Board of the Town of Owego does hereby re-adopt and reaffirm the Town of Owego Capital Asset Policy;

AND BE IT FURTHER

RESOLVED, that, whereas Town Law Section 118(2) provides that the Town Board may authorize the payment in advance of audit of claims for public utility services, postage, freight, and express charges, the Town Board of the Town of Owego does hereby authorize the Supervisor to make payments in advance of audit of claims for public utility services, postage, freight, and express charges;

AND BE IT FURTHER

RESOLVED, that the Town Board of the Town of Owego authorizes the Supervisor to sign all yearly maintenance agreements and Library contracts that have been budgeted for the year;

AND BE IT FURTHER

RESOLVED, that the Town Board of the Town of Owego authorizes the Supervisor to hire substitute crossing guards at the same rate of pay as is currently paid to crossing guards;

AND BE IT FURTHER

RESOLVED that the Supervisor is authorized to invest Town funds in accordance with the General Municipal Law;

AND BE IT FURTHER

RESOLVED that all Department Heads are authorized to travel to all necessary local meetings during the year with reasonable expenses paid.

3. Appoint Standing Committees

Supervisor Sweeney made the following Standing Committee appointments for 2009:

Highway:

Donald Castellucci, Jr., Chairman, Lynne Davis, Member

Parks, Grounds & Recreation:

John Schumacher, Chairman, Dean Morgan, Member

Personnel, Assessments, Finances & Judiciary:

Donald Castellucci, Jr., Chairman, Dean Morgan, Member

Planning & Zoning:

Lynne Davis, Chairman, John Schumacher, Member

Sewer & Water:

Dean Morgan, Chairman, Lynne Davis, Member

4. Appoint Special Committees

Motion by Morgan, seconded by Davis and unanimously carried, the following Special Committees were accepted as presented:

Buildings:

Scott Vasisko, Chairman, Don Morey, Vice Chairman, with Dean Morgan, John Schumacher, Debra Standinger, Andrea Klett, Loretta Marchewka, Cheryl Adams, Diane Stephens and Ruth Casterline

Computer:

Ruth Casterline, Chairman, John Schumacher, Vice Chairman, with Carol Sweeney, Judy Quigley, Mick Trivisonno, Dave Ferris, Scott Vasisko, Michael Zimmer, Robert Henning, Debra Standinger and Andrea Klett

Loss Control:

John Schumacher, Chairman, David Ferris, Vice Chairman, with Mick Trivisonno, Scott Vasisko, Dean Morgan and Debra Standinger

Deferred Compensation:

Carol Sweeney, Chairman, with Judy Quigley and Ruth Casterline

Employee Association Negotiating:

Donald Castellucci, Jr., Chairman, John Schumacher, Vice Chairman, and Scott Vasisko

Teamsters Negotiating:

Judy Quigley, Carol Sweeney

Dog Control Liaison:

Debra Standinger

Town Clerk Liaison:

John Schumacher (Dean Morgan – Alternate)

5. Authorize Mileage Reimbursement Rate

Motion by Morgan, seconded by Castellucci and unanimously carried, the mileage reimbursement will follow the New York State Guidelines for Mileage Reimbursement with updates accordingly currently at .55/mile when using a personal vehicle when a town

owned vehicle is not available and .285/mile for use of a personal vehicle when a town owned vehicle is available.

6. Appoint Representative to Tioga County Council of Governments

Motion by Castellucci, seconded by Schumacher and unanimously carried, Councilman Castellucci will serve as the Town's representative on the Tioga County Council of Governments with Councilman Schumacher serving as the alternate.

7. Hickories Park Camping Fees, Pavilion and Bandshell Rental

Motion by Schumacher, seconded by Morgan and unanimously carried, the 2009 Hickories Park Camping Rates, Pavilion and Bandshell Rental will remain at the 2008 which is as follows:

Camping with electric \$19.00/day and \$14.00/day without electric

Seasonal Camping rate of \$456.00/4 weeks

Pavilion Rentals (1, 2, 3, 5 & 6) \$25.00 Monday through Friday and \$50.00 on Saturday and Sunday.

Pavilion 4, \$50.00 Monday through Friday and \$100.00 on Saturday and Sunday.

Bandshell: \$250.00 per day.

8. Appointments to Ethics Board

Motion by Sweeney, seconded by Morgan and unanimously carried, having waived the ten day notice policy, the following people were re-appointed to the Ethics Committee: Kathy Taylor, Maryanne VanBurger, James Hamlin, Emma Sedore and Joe Davis.

9. Set- time for Town Board Meetings

Motion by Schumacher, seconded by Morgan and unanimously carried, the 2009 Regular Meetings of the Owego Town Board were set as follows:

First Tuesday of each month at 4:30 p.m.

Third Tuesday of each month at 7:00 p.m.

10. Town Attorney - Seminar request

Motion by Morgan, seconded by Davis and unanimously carried, the Town Attorney was authorized to attend A Broome County Bar Association Seminar on Employment Law on Thursday, January 8, from 8:30 a.m. to 1:00 p.m. in Binghamton, NY.

11. Thresholds for Fixed Assets

Motion by Morgan, seconded by Davis and unanimously carried, at the request of Ruth Casterline, Fixed Assets Administrator, the capital gains fixed asset threshold was increased to \$1000.00.

12. Town of Owego Substance Free Workplace Policy and Testing

Motion by Morgan, seconded by Davis and unanimously carried, the Town of Owego Substance Free Workplace Policy and Testing Guidelines were re-adopted.

13. Resolution RE: Town of Owego Officials Retirement Work Schedule

Motion by Morgan, seconded by Davis and unanimously carried, the following resolution was adopted:

WHEREAS, the Town of Owego needs to establish the standard workday for hourly employees, elected officials and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System;

NOW, THEREFORE, BE IT

**RESOLVED, that the Town Board hereby establishes the standard workday for hourly employees to be a 5 day work week;
8 hour day;**

AND, BE IT FURTHER

RESOLVED, that the Town Board hereby establishes the standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System as noted below:

ELECTED OFFICIALS

**Supervisor
Town Clerk
Highway Superintendent**

5 day work week; 6 hour day

ELECTED OFFICIAL

Councilmen

3.33 day work week; 6 hour day

ELECTED OFFICIAL

Justices

2.875 day work week; 8 hour day

APPOINTED OFFICIALS

**Attorney
Assessor**

**Park Maintenance Supervisor
Planning & Zoning Administrator
Deputy Highway Superintendent
Director of Utilities**

5 day work week; 8 hour day

**APPOINTED OFFICIAL
P/T Stenographer**

2.50 day work week; 8 hour day

14. Public Sector 2009 HR Contract

Motion by Morgan, seconded by Davis and unanimously carried, the Supervisor was authorized to sign the Professional Services Agreement for Human Resource Consulting Services with Public Sector HR Consultants LLC.

L. Second Privilege of the floor

Supervisor Sweeney opened the second Privilege of the Floor and with no one wishing to be heard it was closed.

M. Executive Session RE: Petrifessa v. Town of Owego, lease of property, Individual Personnel Matter and acquisition of land

Motion by Schumacher, seconded by Morgan and unanimously carried, the Board entered Executive Session at 5:39 p.m.

Supervisor Sweeney reconvened the meeting at 6:07 p.m.

N. Adjournment

Motion by Morgan the meeting was adjourned at 6:07 p.m.

Respectfully submitted,

Michael E. Zimmer
Town Clerk