

January 20, 2009
7:00 p.m.
Town Hall, Route 434
Owego, New York

Regular Meeting of the Owego Town Board

Present: Supervisor Carol B. Sweeney
Council: Lynne L. Davis, John P. Schumacher, Dean A. Morgan
and 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 Meetings

The Minutes of the following Meetings were placed on file as presented: December 16, December 30 and January 6.

C. Consideration of Bids (no bids)

D. Public Hearing

1. "Gold Star" Veterans Exemption

Supervisor Sweeney opened the public hearing on the Gold Star Veterans Exemption. Councilman Morgan gave an overview of the proposed legislation that would allow an exemption for parents owning property in the Town of Owego who have lost a son or daughter in a war. Currently, there are two families in the Town that would qualify.

The Supervisor received a letter from Nathan Kennedy opposing the exemption. Kennedy wrote that an exemption does not bring back the dead and is unlikely to grant any meaningful comfort. He gave other reasons for not supporting the exemption.

Anita Harding stated that she meant no disrespect to Mr. Kennedy but stated the community could do a lot more for the veterans. She supported the exemption.

James Raftis supported the exemption and shared highlights of the Wreaths across America Project. He requested the Board seriously consider adopting this exemption.

Motion by Schumacher, seconded by Morgan and unanimously carried, the public hearing was closed.

Motion by Morgan, seconded by Castellucci and unanimously carried, Local Law #1 for 2009 was adopted:

GET LAW #1

E. Reports of Department Heads

The following Department Heads were present:

Scott Vasisko, Parks Maintenance Supervisor
Debra Standinger, Planning & Zoning Administrator
Dave Ferris, Highway Superintendent
Judith Quigley, Town Attorney
Carol Sweeney, Supervisor
Michael Zimmer, Town Clerk/Tax Receiver

Scott Vasisko, Parks Maintenance Supervisor, reported that his department will start to paint the Town Hall next week.

Debra Standinger, Planning & Zoning Administrator, stated she along with Mike Katchmir and Ron Schmidt, they need to maintain certification as Code Enforcement Officers.

Motion by Morgan, seconded by Castellucci and unanimously carried, Debra Standinger, Mike Katchmir and Ron Schmidt were authorized to attend STBOA courses in 2009 to maintain certification.

Standinger also updated the Board on the condition of property located at 221 Glann Road.

Supervisor Sweeney's Report included:

1. The Town received bids this morning for renewing the \$3.669 million Bond Anticipation Note (BAN) for the Water Reservoir and Emergency Back-up power project. With this BAN renewal we are paying off \$52,000 of principal. The low bidder for the BAN was JPMorgan Chase Bank at a rate of 2.35%, which is a great rate. The next lowest bidder was Chemung Canal Trust Company for only \$1 million of this BAN at a rate of 2.70% . The next lowest bidder was Janney Montgomery Scott LLC for all of the \$3.669 million at an interest rate of 3.5%. The highest bidder was M&T Bank for only \$2 million of this BAN at a rate of 3.82%. We will close on this BAN on January 29th. Last year's BAN was at a new interest rate of 2.6542% and was held by Roosevelt & Cross.

2. I would like to have authorization to pay the Neopost bill for \$247 (which is reduced by 5% from the original \$260) if paid before January 31. Also I would like authorization to sign the Neopost Rate Change Protection contract for the next year.

3. We will be meeting with the FEMA representative on Thursday to try and close out all the charges for the 2006 flood damage to the Apalachin Sewage Treatment plant and hopefully we will get our final payment soon. Our NYMIR representative will be at that meeting and we will

be asking NYMIR for reimbursement for whatever FEMA does not cover.

4. I also called Congressman Hinchey's Washington and Binghamton office to ask support of Representative Kanjorski's proposal to restore General Revenue Sharing to Local Governments in the Federal Stimulus proposal as was requested last week by the Association of Towns.

Motion by Schumacher, seconded by Davis and unanimously carried, the maintenance agreement invoice from NEOPOST which offers an additional 5% discount if paid by January 31, 2009 was approved for payment.

Motion by Castellucci, seconded by Davis and unanimously carried, pending approval by the Town Attorney, the Town will purchase Neopost Rate Change Protection at a cost of \$247.00.

F. Privilege of the Floor

Thomas Trotman, 32 Nuel Court, Endicott, presented a letter and pictures regarding unprofessional behavior by Town Highway employees and curb damage. In addition, a person visiting the Trotmans spoke of questionable behavior.

Gary Oney, Tobey Road, stated that his custom made mailbox had sustained damaged and he was seeking compensation above the normal rate.

Motion by Schumacher, seconded by Morgan and unanimously carried, the concerns from Thomas Trotman and the request from Gary Oney regarding compensation for mailbox damage was referred to the Highway Committee.

With permission of the Board, Agenda items K1. Reschedule Second Meeting in February and 4. 4. Broome County Empire Zone RE: Public Hearing - Shift Resolution - New Vision was moved to this time.

K. 1. Reschedule second February Board Meeting

Motion by Morgan, second by Schumacher and unanimously carried, the second meeting in the month of February has been rescheduled for Thursday, February 19, at 6:00 p.m.

K. 4. Broome County Empire Zone RE: Shift Resolution - New Vision

Margaret Scarinzi, Broome County Empire Zone Coordinator, requested that a public hearing be held regarding the relocation of New Vision from 4012 State Route 434 (Tioga County) to 1238 East Campville Road (Broome County).

Motion by Morgan, seconded by Castellucci and unanimously carried, a public hearing regarding the relocation of New Vision from 4012 State Route 434 (Tioga County) to 1238 East Campville Road (Broome County) on Tuesday, February 19 at 7:00 p.m.

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

G. Presentation of Petitions, Communications & Notices

1. Transfers

Motion by Morgan, seconded by Davis and unanimously carried, the following transfers were placed on file as presented:

GENERAL FUND - TOWN WIDE

**\$147.00 from A.1990.4101 Contingent - Contractual Expense
 to A.5010.1000 Hwy Admin - Personal Services**

HIGHWAY - TOWN OUTSIDE

**\$544.55 from DB.8000.9010 Employee Benefits - Retirement
 to DB.5142.1000 Hwy Snow -Personal Services**

2. The Monthly Statement of the Supervisor is on file with the Town Clerk

3. NYS Environmental Facilities Corporation RE: Clean Water State Revolving Fund
(Letter reviewed)

4. NYS Deferred Compensation Board RE: Heart Act
(Letter reviewed)

5. Letter - Gene & Irene Harris RE: Tree on Cafferty Hill Road

The Highway Superintendent stated that the tree should should come down.

Motion by Schumacher, seconded Morgan and unanimously carried, carried, agenda item G. 5. Gene & Irene Harris: RE: Tree on Cafferty Hill Road was referred to the Highway Committee for follow up.

6. Tioga County Youth Bureau: 2009 Youth Bureau Funding

The Governor has proposed consolidating 2009 Youth Bureau Funding into a Youth Programs Block Grant and cutting funding by 24.5%.

H. Abstracts

Motion by Schumacher, seconded by Castellucci and on a roll call vote unanimously carried the following bills were approved for payment:

Check Numbers: General Fund -# 209559-209643, Lighting District# 354-355 and IC

Digester Cover #137

General Fund - Town Wide	\$114582.84
General Fund - Town Outside	12844.44
Highway - Town Outside	83124.39
Water Districts	28780.77
Route 38 Water	981.93
Sewer Districts	31037.11
Route 38 Sewer	587.86
Digester Cover	150078.48
Lighting District 1	465.25
“ ” 2	983.45
“ ” 3	891.19
“ ” 4B	164.65
“ ” 5	539.56
“ ” 6	1297.17
“ ” 7	168.48
“ ” 8	112.79
“ ” 9	50.18
“ ” 4A	54.97
“ ” 10	<u>69.89</u>
TOTAL ALL FUNDS	426815.40

I. Unfinished Business

Motion by Morgan, seconded by Schumacher and unanimously carried, Dan Myers has agreed to serve as the REAP Representative for a term of one year till December 2009.

J. Reports or Standing Committees

Councilman Schumacher, Parks Committee Chair, stated that he has prepared proposed letters of support and or sponsorship for the Fireworks display at Hickories Park in July.

K. Presentation of Resolutions, Motions & New Business

2. NYS Assembly Bill A07699

Motion by Schumacher, seconded by Morgan and unanimously carried, the Town will need additional information from the State regarding implementing the health coverage for active firemen.

3. Permission for employees to attend Excel Level I Class on Friday, February 6 from 8:30 to 4:30 p.m.

Motion by Morgan, seconded by Castellucci and unanimously carried, Michael Zimmer, Marian Roueche, Debra Standinger, Colleen Craig, Ron Schmidt were authorized to attend

an Excel Level I class on Feb. 6 at a cost of \$99.00/each.

5. Resolution RE: Hancock & Estabrook, LLP Stipulation of Settlement

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

WHEREAS Pietrafesa & Bahouth, LLC; The Penn Traffic Co. commenced proceedings under Real Property Tax Law Article 7 contesting the assessment upon real property identified as Tax Map No. 129.11-1-16 for the tax roll years 2003/2004, 2004/2005, 2005/2006, 2006/2007, and 2007/2008; and

WHEREAS it appears a settlement has been reached in said action;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego authorizes and directs David Linger, Esq., of Hancock & Estabrook, LLP Attorneys for the Respondent Town of Owego to execute a Stipulation of Settlement, settling said action by reducing the assessment from \$3,013,200 to \$2,100,000 for the tax roll year 2007/2008 on said parcel identified as Tax Map No. 129.11-1-16 and that a refund be paid to The Penn Traffic Company by the Town of Owego, Tioga County, and the Owego-Apalachin School District of the amounts paid by Petitioner for the tax year 2007/2008 in excess of what the taxes should have been if the said assessment had been \$2,100,000, as reduced in said Stipulation of Settlement.

6. Set 2009 Perdiem Rate

A discussion was held.

Motion by Castellucci, seconded by Schumacher with one no vote by Supervisor Sweeney and four yes votes, the peridem rate for the Association of Towns Annual Training was set at \$64.00 for Sunday through Wednesday, February 15 - 18, 2008.

7. Dog Control Monthly Report - July - December 2008

Motion by Morgan, seconded by Castellucci and unanimously carried, The Dog Control Officer's report for July - December 2008 was accepted.

8. Planning & Zoning Department: Annual Report

9. Planning & Zoning Department 2008 Year End Building Permit Report

Motion by Morgan, seconded by Castellucci and unanimously carried, the Planning and Zoning Annual Report and the 2008 year End Building Permit Report were accepted as presented and amended.

10. Pay Increase for Donald Morey

Motion by Schumacher, seconded by Morgan and unanimously carried, Don Morey was given a 0.30/hour pay increase to set his pay at \$14.89 retroactive to January 1, 2009.

11. Appoint Delegate: Association of Towns

Motion by Morgan, seconded by Davis and unanimously carried, Councilman Castellucci was named as Delegate and Councilman Schumacher was named as Alternate Delegate for the Association of Towns Annual Meeting.

L. Second Privilege of the floor.

With no one wishing to be heard, the second Privilege of the floor was closed.

M. Executive Session RE: Acquisition of Land, an Individual Personnel Matter and lease of property.

Motion by Morgan, seconded by Castellucci and unanimously carried, the Board entered Executive Session regarding Acquisition of Land,an individual personnel matter and lease of property at 8:45 p.m.

Supervisor Sweeney reconvened the meeting at 8:52 p.m.

Motion by Morgan the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Michael E. Zimmer
Town Clerk