

February 2, 2010
7:00 p.m.
Town Hall, Route 434
Apalachin, New York

REGULAR MEETING OF THE OWEGO TOWN BOARD

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

Present: Supervisor Donald Castellucci, Jr.
Council: Dean A. Morgan and John P. Schumacher

Absent: Councilman Lynne L. Davis

Supervisor Castellucci called the meeting to order and requested that Judy Quigley Town Attorney lead the Pledge of Allegiance.

B. Minutes of the Previous Meeting

The minutes of the last meeting were placed on file as presented.

C. Consideration of Bids (None)

D. Public Hearings (None)

E. Reports of Department Heads

The following Department Heads were present:

Debra Standinger, Planning & Zoning Administrator: overview of Census 2010 Kickoff in Elmira.

Andrea Klett, Assessor: deed transfers, exemptions and follow up phone calls to Senior Citizens regarding the Enhanced Star Program.

Scott Vasisko, Parks Maintenance Supervisor: overview of the Larry Hynes Memorial Run in the Hickories.

Mick Trivisonno, Director of Utilities: reported on three main breaks over the past weekend. Overview of a request for a letter in support of the Village as it seeks funding for a composting facility. A lengthy discussion followed.

Motion by Morgan, seconded by Schumacher and unanimously carried, the Supervisor was authorized to sign a letter of support of the Village seeking funds for a composting facility.

Mark Clark, Highway Superintendent: reported on extensive damage from the past flooding. He noted that only temporary fixes were applied until later this year when permanent repairs can be

made. He further noted that South Apalachin had the worst damage. A compilation of all expenses is being kept for possible FEMA reimbursement.

Judy Quigley, Town Attorney: an additional resolution was added to the agenda for the Board's consideration of allowing a property owner access to landlocked property.

Mike Zimmer, Town Clerk/Tax Receiver: update to the Board of the Wells Fargo Tax Payment. He noted the payment did arrive on time; however, the disk was not formatted correctly.

Don Castellucci, Supervisor - report appears at end of minutes.

Motion by Morgan, seconded by Schumacher and unanimously carried, A letter will be sent from the Town Board stating: One half of the budgeted amount to fund REAP will be released at its February 23rd Town Board Meeting. The Board in turn requires a letter dated, June 30, 2010 from REAP, informing the Town of REAP's current status and progress. It will be decided at that time, based on the information received, if the second half of the funding will be released. The letter will also inform REAP that the funding will be revisited at budget time and there is concern on whether the Town can continue to fund this venture.

F. Privilege of the floor

Edgar Betz, 2 Sequoia Lane, presented pictures and a narrative of the recent flooding and the damage to his property. Betz noted that the Town had worked on the fix for twenty- two months has not yet taken care of the drainage problem that starts at the recent development on the top of the Hill in Tioga Terrace and ends at his property on Sequoia Lane. His letter requested in writing by March 1, 2010 the Board's intention to fix this problem. The Supervisor referred this matter to the Highway Committee for an answer by the end of the month.

Gloria Overby, Census 2010 Recruiting Assistant, gave an overview of the requirements to be a data collector and told the board of the 72 year privacy law which prevents releasing information. She gave literature to be available at the Town Hall.

Tom Varner and neighbors who live on the private roadway just off McFall Road as it starts to go uphill, shared with the Board the results of the flooding and how the road over the years has suffered damage. There are six homes on the private road. He recalled a conversation with the former Highway Superintendent to bring the road up to the specifications and having the Town deeding it over to the town for maintenance. The Supervisor referred this matter to the Highway Committee and told the residents that the Town will try to have a response by the end of the month, but with all the damage and repairs going on, it is possible an answer will be delayed.

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

G. Presentation of petitions, communications, notices and transfers

1. BMTS Notice of Long Range Regional Planning

Dean Morgan noted that he attended the meeting that was in Owego today.

2. Letter - Jerard and Nancy Lockwood RE: access to property (this subject will be addressed by a resolution later in the Minutes)

3. Boy Scouts of America - tree planting in observance of the BSA's 100th Anniversary

4. USEPA - Environmental Compliance Training (reviewed by Supervisor)

H. Abstracts

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

| | |
|------------------------------------|-------------------------|
| General Fund | \$81067.76 |
| General Fund - Town Outside | 21189.10 |
| Highway Town Outside | 161709.40 |
| Water Districts | 53947.98 |
| Route 38 Sewer | 680.71 |
| Sewer Districts | 29389.84 |
| Route 38 Sewer | 7328.03 |
| Water Tank Replace/Repair | <u>118371.10</u> |
| TOTAL | \$473683.92 |

I. Unfinished Business (None)

J. Reports of Standing Committees

Councilman Schumacher, Parks Chair, reviewed concerns at Muth Park raised by the President of the AYAA. Schumacher stated that several of the concerns were already addressed. He is awaiting a call back from the AYAA President.

Also in his report, Schumacher stated that one of the business sponsors for the Fireworks Display at the 2009 Fourth of July Celebration Concert has agreed to offer support for this year's display.

Councilman Morgan, Highway Committee, thanked the Highway Superintendent for placing the ad in the Pennysaver following the flood. Morgan was approached by several residents with positive feedback for the ad. Morgan also reviewed a request for use of the Town Hall for Census 2010 Training on April 27 - 30. It was noted that the room was unavailable and that he would make other suggestions.

K. Presentation of Resolutions, Motions and New Business

1. Resolution RE: AMSTAR - Water Storage

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

WHEREAS Amstar of Western New York Inc. has completed repainting of water storage tanks at New Street, Ridgefield Road and Upper Glann Road in the Town of Owego for the Town of Owego Consolidated Water District;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego does hereby accept Amstar of Western New York, Inc.'s portion as complete and authorizes final payment to Amstar of Western New York, Inc. for their portion of the water tank repaint/repair project

2. Resolution RE: final payment to Gary Dyer - Depot Street Well House

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

Gary Dyer Excavating and Tank Service, Inc. has completed construction of the Depot Street well house in the Town of Owego Consolidated Water District;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego does hereby accept said construction as complete and authorizes final payment to Gary Dyer Excavating and Tank Service, Inc. in the amount of \$33,266.20 for said project.

3. Resolution RE: Gary Dyer and Sunnyside South

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

WHEREAS Dyer Excavating and Tank Service is the owner of property on Sunnyside South in the Town of Owego; and

WHEREAS the Town of Owego has public utilities running through said property; and

WHEREAS it is in the Town's best interests to acquire said property;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute any and all documents pertaining to the purchase of said property located in the Town of Owego, County of Tioga and State of New York, known as Town of

Owego Tax Map No. 118.19-1-1.9 for the purchase price of \$2000.00.

4. Resolution regarding Lockwood's landlocked property

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

WHEREAS Dyer Excavating and Tank Service is conveying to the Town of Owego property located on Sunnyside South in the Town of Owego; and

WHEREAS Nancy and Jerard Lockwood own two parcels adjacent to the parcel to be acquired by the Town of Owego, which parcels are landlocked; and

WHEREAS it appears necessary to convey an easement for ingress and egress to the Lockwoods in order that they may access a shed located on the landlocked property;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego authorizes the Supervisor to execute an easement to Jerard and Nancy Lockwood granting them ingress and egress to their landlocked parcel in order to access the shed for the consideration of \$1.00; and it is further

RESOLVED that this resolution is adopted subject to permissive referendum as provided in Town Law Article 7; and it is further

RESOLVED that within ten days of the adoption of this resolution, the Town Clerk shall post and publish a notice setting forth the date of the adoption of the resolution and an abstract of the resolution stating the purpose and the effect thereof and that such resolution was adopted subject to permissive referendum.

L. Second Privilege of the floor

Supervisor Castellucci commented on how smooth the first month has gone, thanking fellow Board Members, Department Heads and their employees for their efforts.

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

M. Executive Session

Motion by Dean, seconded by Schumacher and unanimously carried, the Board entered Executive Session regarding OCG Limited Partnership and an individual personnel matter.

Supervisor Castellucci reconvened the meeting at 8:30 p.m.

Motion by Morgan, seconded by Schumacher and unanimously carried, Eric Frederick was

provisionally appointed as a laborer in the Highway Department effective February 3, 2010 at \$9.10/hour.

Motion by Schumacher, seconded by Morgan and unanimously carried, the Board re-entered Executive session at 8:34 p.m.

Supervisor Castellucci reconvened the meeting at 8:53 p.m.

Motion by Morgan the meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Michael E. Zimmer
Town Clerk

Supervisor's Report – February 2, 2010

1. John Schumacher and I met with Tom Bailey and Tom Doty with REAP on Thursday, January 21, 2010.
 - a. Dan Myers is stepping down from the board. We need to find a replacement.
 - b. **Time frame:** February 1st to March 1st application, decisions are made around July, Fed budget in October.
 - c. A grant is being planned that will enhance recognizing resources in the community. REAP will work with Towns to get everyone involved. The County is not providing funding but is allowing REAP to access space.
 - d. Need funding for operating expenses. Benefits of program are listed in handout.
 - e. **Their big picture:** Cornell project. Exploring other revenue sources. Received 20 million in grants/loans since inception that have helped the Towns and County.
2. I attended the Council of Government meeting on Thursday, January 21, 2010.
 - a. Stray Haven gave a report on their status. They also spoke on the growing problem with feral cats. Two feral cats can turn into 12, 680 cats over 5 years. They are asking that we consider trapping them and bring them to Stray Haven for a fee and they will euthanize them. They would welcome any suggestions as to how the program would work.
 - b. There was a lot of discussion over the future of health care costs. Over the next few months several options are going to be looked at in terms of possibly changing the types of insurance offered. Some might include Healthy Blue or Healthy Blue rewards. Also being looked at are plans that are attached to health saving accounts that have higher deductibles. The employer helps offset the deductibles and the rates in turn are less per plan.
 - 1 \$2,600. deductible for individual

- 2 \$5,200. deductible for family
- 3 \$295.31 for individual
- 4 \$709.64 for family

c. Tom Bailey gave an overview of REAP.

- 3. Dean Morgan and I spoke with the State Police, on Monday, January 25, 2010, regarding their lease.
- 4. I attended the Fireman information hearing on Wednesday, January 27, 2010.
- 5. I attended the Chamber of Commerce dinner on Thursday, January 28, 2010.
- 6. Everyone should have received the Census Packet brought back, by Dean Morgan and Debra Standing, with pertinent information regarding the upcoming census.
- 7. Board members need to go over the Town Board portion of the website and offer any opinions of how they would like to see it in the future. We need to get updated pictures for Board members. The Department Heads have chosen not to have their pictures on the website.
- 8. Governor's Budget AIM cut for 2010. Proposed \$150,153.00, which is a cut of \$7,903.00. We budgeted \$153,452.00; last years funding was \$158,056.00.
- 9. The Town Clerks' Monthly Report is on file in the Supervisor's Office.
- 10. The Planning & Zoning Monthly Report is on file in the Supervisor's Office.
- 11. The Town Court's Annual Report is on file in the Supervisor's Office.