

March 17, 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: Dean A. Morgan, Donald Castellucci, Jr., and
Lynne L. Davis

Absent: John P. Schumacher

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

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

B. Minutes of the previous meeting

The Minutes of the previous meeting were placed on file as presented.

C. Consideration of Bids (none)

D. Public Hearing

1. AYAA - Special Franchise

The intent of AYAA is to erect outfield signs sold for advertising. The signs will be erected from April through September.

Motion by Morgan, seconded by Davis and unanimously carried, after all who wished to speak were heard, the public hearing was closed.

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

2. Local Law RE: Chapter 40 Building Construction Code

The intent of the law is to shorten the time period for specific permits such as the installation of a swimming pool, installation of a wood stove or other heating appliance and the demolition of a structure.

Motion by Castellucci, seconded by Davis and unanimously carried, after all who wished to speak were heard, the public hearing was closed.

Motion by Castellucci, seconded by Morgan and unanimously carried, Local Law #2 for

2009 was adopted:

1. SECTION 1. Chapter 40 – BUILDING CONSTRUCTION §40-4 I of the Owego Town Code is amended as follows:

§40-4 BUILDING PERMITS

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by code enforcement personnel.

1) Building permits for the following shall expire six (6) months after the date of issuance:

- a. Installation of any solid fuel burning heating appliance, chimney or flue in any dwelling unit.**
- b. Installation of a swimming pool.**
- c. Demolition of any structure.**

2) All other building permits shall expire eighteen (18) months after the date of issuance.

2. SECTION 2. SEVERABILITY. If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

3. SECTION 3. EFFECTIVE DATE. This local law shall take effect immediately upon filing with the Secretary of State.

3. Local Law RE: Chapter 103 Section 94 Subdivision of land

The intent of the law is to bring the subdivision of land in compliance with stormwater requirements by requiring all inlets and catch basins to be stamped with “no dumping - drains to river”.

Motion by Morgan, seconded by Davis and unanimously carried, after all who wished to speak were heard the public hearing was closed.

Motion by Morgan, seconded by Davis and unanimously carried, Local Law #3 for 2009 was adopted:

1. SECTION 1. Chapter 103 – SUBDIVISION OF LAND §103-94 Inlets and catch basins paragraphs B. and C. are amended as follows:

B. Inlet frames and grates shall be heavy-duty cast iron as manufactured by the Neenah

Foundry Company Inc., or an approved equal. Standard eighteen-by-thirty-six-inch frames, grates and curb boxes shall be Neenah Catalog No. R-3246-B or equivalent and must be stamped with “NO DUMPING - DRAINS TO RIVER”.

C. Catch basins shall be of precast concrete or poured concrete. They shall have minimum inside dimensions of 24 inches by 36 inches. They shall have a sediment chamber extending at least two feet below the invert of the outlet pipe.

2. SECTION 2. SEVERABILITY. If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

3. SECTION 3. EFFECTIVE DATE. This local law shall take effect immediately upon filing with the Secretary of State.

E. Reports of Department Heads

The following Department Heads were present:

Debra Standinger, Planning & Zoning Administrator - BMTS will perform a Road Safety Assessment if requested.

Andrea Klett, Assessor- her staff is entering current sales. She is busy entering new construction on the Assessment Roll.

Mick Trivisonno, Director of Utilities- he reminded those present regarding a 2:00 meeting with Hunt Engineering. He also requested a workshop be scheduled with the Highway and Water & Sewer Committees regarding Lancaster and Newberry Drives water main and roadway improvements. A workshop is scheduled for Tuesday, March 24 at 4:00 p.m.

Motion by Castellucci, seconded by Morgan and unanimously carried, the Supervisor was authorized to sign the certificate of Substantial Completion for Pinnacle Construction regarding ?

Dave Ferris, Highway Superintendent- reported on Highway Department Advocacy Day in Albany last Tuesday. He updated the board on CHIPS funding.

Judy Quigley, Town Attorney

Carol Sweeney, Town Supervisor - her report included:

Michael Zimmer, Town Clerk- reported on new Handicapped Parking Permit Laws, Tax Collection and the Governor’s Budget bill does not include appointed versus elected Town Clerks and Highway Superintendents.

F. Privilege of the floor

Peter Damico, Apalachin Fire Department, presented the Department's letter of request to conduct their 51st Annual Field Days.

Motion by Morgan, seconded by Castellucci, and unanimously carried, the Apalachin Fire Department was authorized to conduct their 51st Annual Firemen's Field Days, June 3, 4, 5 and 6, 2009 at the Field Day grounds.

Thomas Trottman, 32 Nuel Court, expressed his thanks to the Highway Superintendent for having him arrested regarding an earlier incident involving an Highway Department Employee.

G. Presentation of Petitions, Communications and Notices

1. Town of Owego Court Report

Motion by Castellucci, seconded by Davis and unanimously carried, the 2008 Town of Owego Court Report was accepted.

2. Town Historian's 2008 Report

Motion by Sweeney, seconded by Castellucci, the 2008 Town Historian Report submitted by Emma Sedore was accepted and with much gratitude.

H. Abstracts

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

Checks:

General Fund: 209859-209925

Lighting Districts: 358-359

Water Tank Replace/Repair: 167

(I-S2 EPA Project: coded in I; but check written out of General Fund (209913) EPA Acct to be closed)

General Fund	14441.15
General Fund - Town Outside	19532.38
Highway - Town Outside	10858.88
Water Districts	23476.59
Route 38 Water	161.31
Sewer Districts	37142.03
Route 38 Sewer	56.65
I-S2 EPA Project	49466.61
Water Tank Repair/Replace	16451.71
Lighting District 1	469.64

“	”	2	989.10
“	”	3	898.50
“	”	4	165.90
“	”	5	543.81
“	”	6	1304.29
“	”	7	169.60
“	”	8	113.74
“	”	9	50.49
“	”	4a	55.51
“	”	10	<u>70.36</u>
Total All Funds			\$176418.25

Councilman Castellucci questioned where the Trial Balances are in the Board Members office.

J. Reports of Standing Committees

K. Presentation of Petitions, Communications and Notices

1. Schedule Public Hearing RE: Enforcement and Collection

Motion by Morgan, seconded by Castellucci and unanimously carried, a public hearing is scheduled for Tuesday, April 21, 2009 at 7:00 p.m. regarding a method of enforcement and collection when an owner or responsible party is required to perform work, acts or improvements upon property in the Town of Owego.

2. Resolution RE: Scrap Metal and Tire Clean Up Program

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

WHEREAS the Town of Owego wishes to enter into an agreement with Tioga County for a scrap metal and tire clean up program;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute the 2009 agreement between the Town of Owego and Tioga County for the scrap metal and tire clean up program.

3. Stream Clean Up request for sponsors

Motion by Morgan, seconded by Davis and unanimously carried, the Town will allocate \$100.00 to offset the cost of participatory gifts.

L. Second Privilege of the floor

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

M. Executive Session

1. Individual Personnel Matter, threatened litigation and the lease of town property

Motion by Morgan, seconded by Castellucci and unanimously carried, the Board entered Executive Session regarding an Individual Personnel Matter, threatened litigation and the lease of town property.

Supervisor Sweeney reconvened the meeting at