

April 20, 2010
7:00 p.m.
Town Hall, Route 434
Apalachin, NY 13732

REGULAR MEETING OF THE OWEGO TOWN BOARD

Present: Supervisor Donald Castellucci
Council: Dean Morgan, James Hamlin, John Schumacher and Lynne Davis

Absent: None

Department Heads present:

Mark Clark, Highway Superintendent
Scott Vasisko, Parks Maintenance Supervisor
Andrea Klett, Assessor
Debra Standinger, Planning & Zoning Administrator
Mick Trivisonno, Director of Utilities
Judith Quigley, Town Attorney
Michael Zimmer, Town Clerk/Receiver of Taxes

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

Supervisor Castellucci called the meeting to order. Scott Vasisko, Parks Maintenance Supervisor led the Pledge of Allegiance.

B. Minutes of the previous meeting

Motion by Hamlin, seconded by Morgan and unanimously carried, following the correction of a misspelled name, the Minutes of the April 6 Meeting were placed on file as presented.

C. Consideration of Bids (none)

D. Public Hearing

1. Jackson's Motocross Track - 17C

The Planning & Zoning Administrator gave an overview of the request for a Special Recreation Permit by the applicant, Jim Jackson. Letters from the Tioga County Planning Board and Town of Owego Planning Board recommended the approval. Letters from Tioga County Health and the Sheriff's Department found no problem or stated that they had no concerns.

The Town Attorney advised the Board on the Sections of the Town Code that addressed the request and encouraged them to ask questions.

Richard Lewis, Attorney for Jackson, gave an overview of the application, noting that the

applicant has no intention of stopping or shutting down the track. Lewis stated that Jackson wants to be a good neighbor. The granting of the permit will allow the applicant to charge for use of the facility in order to provide the monetary means to address most of the concerns of the surrounding neighbors. The applicant has submitted all the schematics regarding layout, ingress and egress and the sound barriers.

Brian Dean, Engineer, performed sound studies and the only bikes that exceeded the 70 decibels were those whose mufflers were modified after the bike was manufactured. Jackson stated these modified bikes would not be allowed to use the track.

Regarding the dust control, Jackson stated the dust issue has not been uncontrolled. Jackson proposed having the track open Monday through Friday from noon to dusk and weekends from 10:00 a.m. to dusk.

Lewis representing Jackson stated that he has visited the site 2 - 3 times and that ambient noise of helicopters, trains and trucks on Route 17 can be heard. Once again Lewis stated that the track will continue to operate even without a permit. However, with a permit, funds will be available to improve the site.

Jackson stated that the sound studies conducted by an engineer gave very accurate measurements. He further stated his passion for motocross and the permit will generate enough income to improve dust control and sound regulations.

Robert DePofi, Marshland Road, stated that the sound is the problem and that the only one who benefits from the permit is Jackson.

Bill Ebert, 367 Tilbury Hill Road, stated that he has requested Jackson be stopped. He stated the noise is constant and that he does not support the permit.

Jerry Gorski, 374 Tilbury Hill Road, provided information on sound studies. He requested that the permit be denied.

Paul Rickerl, 403 Tilbury Hill Road, stated that the track provides a consistent background of irritating noise.

Roger Barton, Apalachin Riverside Cemetery, stated that the noise from the track has disrupted graveside services.

Alex Shein, 6555 State Route 17C, stated that it certainly would be educational for the Board to hear the noise. He compared the noise to that of torture. He stated that everyone deserves to make a living, but if he was doing things that affected the community, he would want to be informed.

Several speakers addressed concerns over not receiving any notification of tonight's public hearing. The Supervisor stated that it was a clerical error that neighbors did not receive complimentary postcards; however, the Town was only legally obligated to place a legal notice in

the paper.

Kathy Camp, Kinney Road, questioned how the bike sounds would be muffled if running at the same time. She noted that the dust created from the track was not controlled. She requested additional time for residents to express their concerns.

Emery Dodge, Brainard St., stated that besides the noise, dust is an issue, he has an open car port serving as a picnic area and noted the amount of dust making the space unusable. He further stated that even with irrigation, surrounding vehicles will still be covered by the dust. He suggested that a permit if granted be for a limited time only.

Don Hawley, 2825 Marshland Road, stated that the track does not belong in the midst of a community. He noted that the noise works on your nerves after a while. He would like to see a stop to all dirt biking in the community.

Chris Reiber, 6555 State Route 17C requested the Board to experience the noise and dust for themselves. She stated that pictures and videos on various websites such as "u tube" and on the Jackson's Farm site, the dust is so thick you cannot see the riders.

Randy Marple, 226 Kinney Road, stated that his windows are closed year round, in the winter because it is cold and in the warmer months due to the dust and noise. He requested that his property be reassessed.

Beverly Kirkeguard, Tilbury Hill Road, made reference to Sections of the Town Code. The Town Attorney stated that the code being quoted governed competitive race tracks and not Special Recreation Permits.

The Supervisor stated that no decision will be made tonight.

Dan Andrews, Main St. Apalachin, stated that Jackson needed to charge for using the track in order to properly maintain it and control the dust issue.

Rudy Camp, 186 Kinney Road, stated that his entire back yard abutts Jackson's property. He has found remnants of alcoholic beverages, bikers using the public street and an overabundance of fumes that remains in the air for quite a while.

Several residents who had already spoken asked questions or made statements regarding pollution, stormwater drainage issues and sound decibels.

Jackson concluded by stating that he pays \$14,000.00 in Town & County and School Taxes. He was trying to keep his property.

The Supervisor questioned the hours of operation and Jackson's willingness to eliminate a weekend date.

Motion by Schumacher, seconded by Morgan and unanimously carried, the Board

adjourned the public hearing.

E. Reports of Department Heads

Debra Standinger, Planning & Zoning Administrator, stated she received a letter from Outdoor Advertising regarding upgrading the sign that appears on Town property near the Depot Street wells on Route 434. The Attorney will investigate this matter.

The Town received a letter from Tioga County Water Quality Control Committee advising the Board of Stream and Tire Clean Up Days, Thursday - Saturday, May 13 - 15.

Scott Vasisko, Parks Maintenance Superintendent, requested a workshop with the Board to discussed the Heating and Air Conditioning in the Town Hall. Before the meeting is adjourned a date and time will be decided.

Mark Clark, Highway Superintendent, gave an overview of three potential solutions for the Bolles Hill Road Bridge. The Town Attorney questioned the late status of the alternate plans considering the amount of time already spent on this project and that the signed agreement has already been mailed to the State Attorney's office.

Judith Quigley, Town Attorney, requested approval to have the Town's gravel pit on Corporate Drive appraised. The Tioga County Economic Development Agency has expressed an interest in marketing the property for potential development.

Motion by Morgan, seconded by Hamlin and unanimously carried, the Board agreed to hire Michael Cole of Cole and Associates for appraising the property on Corporate Drive at a cost not to exceed \$1200.00

Supervisor Castellucci's report:

Supervisor's Report – April 6, 2010

1. I attended the COG meeting. We received information on the new federal regulations regarding lead abatement. Also, you received an email from me regarding Lobby Day in conjunction with the Broome County Assn. of Towns and Villages on April 22nd. I need to know as soon as possible if you plan on attending.
2. We need to appoint a Reap Board member.
3. Dean and I attended an award ceremony for Brianna Cart and her efforts with Angels Over Iraq and Afghanistan.
4. I received a letter regarding property on Valley View Road. I would like to refer it to the Planning and Zoning committee.

5. Please get your calendars to Ruth regarding the retirement system requirements if you have not done so already. I would like to comply with that as soon as possible.
6. The Monthly Report of the Town Clerk is on file in my office.
7. The Monthly Report of the Planning and Zoning Administrator is on file in my office.
8. I received a letter from Robert Henning regarding highway issues. I believe everyone received it. I would like to refer that to the Highway Committee with a response back.

F. Privilege of the floor

Giovani Santacroce, requested the Board consider naming the skate board portion of Marvin Park in memory of a friend. He was advised that the Town did not own the park, therefore had no jurisdiction. Santacroce was directed to the Village.

Herb Spicer, East Campville Road, questioned what can be done about un-inspected bikes using the road and the excessive noise. He also offered suggestions regarding the McCann property on Route 17c.

G. Presentation of Petitions, Communications, Transfers and Notices

1. Tioga County Board of Elections - use of Town Hall for polling places

Motion by Morgan, seconded by Hamlin and unanimously carried, the Tioga County Board of Elections was authorized to use the Town Hall Meeting Room on Tuesday, September 14 from 11:30 a.m. to 9:00 p.m. and Tuesday, November, 2, from 5:30 a.m. to 9:00 p.m. for Elections. The Town Clerk will send a letter of approval.

2. NYMIR - proxy vote

Motion by Schumacher, seconded by Hamlin and unanimously carried, the Supervisor was authorized to sign the voting proxy for NYMIR as presented.

3. STERPDB - ARC funding Workshop - no interest

4. Monthly Statement of the Supervisor

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

5. NYS Assoc. Flood Plain and Stormwater Managers Training

Motion by Morgan, seconded by Schumacher and unanimously carried, Ron Schmidt, Mike Katchmir and Debra Standinger were authorized to attend the NYS Assoc. Floodplain and Stormwater workshops on May 4 and 5, 2010 in Oneonta, New York with all reasonable expenses paid.

6. STBOA - Quarterly Meeting

Motion by Morgan, seconded by Schumacher and unanimously carried, Mike Katchmir, Ron Schmidt and Debra Standinger were authorized to attend the Southern Tier Building Officials Association Meeting and Training to be held on Wednesday, June 9, 2010 in Horseheads, New York with all reasonable expenses paid.

H. Abstracts

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

General Fund - Town Wide	\$45395.44
General Fund - Town Outside	13205.38
Highway Town Outside	47569.59
Water Districts	26344.12
Route 38 Water	1375.02
Sewer Districts	263432.47
Route 38 Sewer	2087.31
Lighting District 1	400.54
“ ” 2	898.04
“ ” 3	782.02
“ ” 4b	146.24
“ ” 5	477.05
“ ” 6	1189.80
“ ” 7	151.63
“ ” 8	98.83
“ ” 9	45.23
“ ” 4a	46.92
“ ” 10	62.96
Total all funds	\$403708.59

I. Unfinished Business

J. Reports of Standing Committees

Supervisor Castellucci requested Lynne Davis, Building Committee Chair, to work with Scott Vasisko and set up a committee meeting.

K. Presentation of New Business, Resolutions and Motions

1. Highway Department Review Proposal

The Town Attorney announced to the Board that Michael Richardson has compiled a lot of

information to help cut costs in municipalities. Depending how things are done, some of the concepts can be used in the Town to save money.

Motion by Schumacher, seconded by Davis and unanimously carried, workshop to discuss the Heating, Ventilation and Air Conditioning in the Town Hall is scheduled for May 4 at 6:00 p.m. prior to the next regular 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 - Regarding an Individual Personnel Matter

Motion by Morgan, seconded by Hamlin and unanimously carried, the Board entered into Executive Session regarding an individual personnel matter at 9:28 p.m.

Supervisor Castellucci reconvened the meeting at 9:40 p.m.

N. Adjournment

Motion by Morgan the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Michael E. Zimmer
Town Clerk