

April 21, 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.
John P. Schumacher and Lynne L. Davis

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. She welcomed those in attendance and explained when they would be able to speak.

B. Minutes of the previous meeting.

The Minutes of the April 7th meeting were placed on file as presented.

C. Consideration of Bids (none)

D. Public Hearing

1. Local Law regarding property maintenance.

Debra Standinger, Planning and Zoning Administrator, gave an overview of the proposed legislation and answered questions

Jane Ebert, Tilbury Hill Rd, questioned the particulars of the new law and said she was in favor of this law. Several residents were in attendance and supported Ebert's comments.

Beverly Kirkegaard, Tilbury Hill Rd, shared her concern over others not following the law and questioned if a paint ball business was allowed. Jerry Gorski of Tilbury Hill Rd was questioning the noise restriction for a Dirt Bike Track in the area.

Judy Quigley has talked to the attorney of the property owner and they are suppose to be getting a permit.

There will be separate hearings about these issues at a undetermined future date.

Bob Stothers from the Tioga Terrace Civic Association talked about a situation in his area and said he was in favor of this law.

Motion by Schumacher, seconded by Castellucci to close the floor for discussion after

hearing all who wished to speak, the Public Hearing was closed. All in favor.

Motion by Morgan, and seconded by Schumacher, and unanimously carried. Local Law #4 was adopted:

1. SECTION 1. §44-1 Purpose.

The purpose of this chapter is to provide for a method of enforcement and collection against an owner of property or other responsible party who has endangered the public safety, health, or general welfare by failing to comply with any federal, state, general, special or local law or ordinance or any order of the Town Code Enforcement Officer or Building Inspector which requires said owner or responsible party to perform work, acts, or improvements upon property in the Town of Owego.

The Town Board of the Town of Owego has determined that it is in the interest of the public safety, health and general welfare of the residents of the Town that the Town be empowered to undertake such work, acts or improvements and to collect the costs in the same manner as a real property tax lien.

2. SECTION 2. §44-2 Enforcement.

Whenever an owner of real property or other responsible party is required by any federal, state, general, special or local law or ordinance or order of the Town Code Enforcement Officer or Building Inspector to make improvements, perform any work or to do any act on such property, and such owner or responsible party shall fail to make the improvement or perform the work or act required, the Town may enter upon the premises and cause such improvement, work or act to be done on such property, when the public health, safety, or general welfare is endangered by the failure to act.

E. Report of Department Heads

The following Department Heads were present:
Andrea Klett, Assessor
Debra Standing, Planning and Zoning
Scott Vasisko, Parks Maintenance Superintendent
Mick Trivisonno, Director of Utilities
Dave Ferris, Highway Superintendent
Judy Quigley, Town Attorney
Carol Sweeney, Supervisor

Andrea Klett, Assessor, said that she was all finished with processing data and was ready to print the Assessment Roll. Grievance Day will be held Tuesday May 26 from 2 - 4 pm and 6 - 8 pm.

Scott Vasisko, Parks Maintenance Supervisor, said that the park and campgrounds are open. The reservations for seasonal campers and pavilion rentals, are going very well so far this year.

Mick Trivisonno, Director of Utilities, talked about the Smoke Testing Sanitary Sewers meeting to be held April 23, 2009 @ 7 pm in the Apalachin Elementary School Auditorium. Moody and Associates will clean and inspect the Tobey Road pump.

Motion by Morgan, seconded by Davis and unanimously carried, section 95-46 of the Owego Town Code to establish sewer rates.

WHEREAS the Town Board of the Town of Owego is authorized under Section 95-46 of the Owego Town Code to establish sewer rates for the sewer districts and extensions thereof in the Town of Owego;

NOW, THEREFORE, BE IT

RESOLVED that commencing January 1, 2009, the sewer rate for residential properties connected to the sewer system in the Consolidated Sewer District and extensions thereof shall be \$3.71 per thousand gallons of water used, based upon the water meter reading; and it is further

RESOLVED that the flat rate for residential sewer users in the Consolidated Sewer District and extensions thereof that are not metered water users shall be \$222.60 per year; and it is further

RESOLVED that for premises upon which is situated the building or buildings constituting the golf club house owned by Marshland Links, LLC the rate shall be \$1855.53 annually; and it is further

RESOLVED that for premises upon which is situated the building or buildings constituting Lockheed Martin Main Complex the rate shall be \$86,520 annually; and it is further

RESOLVED that the capital charge for all residential, commercial, business and/or institutional sewer users in the Consolidated Sewer District and extensions thereof shall be \$81.60 per unit per year.

Motion by Morgan, seconded by Davis and unanimously carried, Section 120-38 of the Owego Town Code to establish water rates.

WHEREAS the Town Board of the Town of Owego is authorized under Section 120-38 of the Owego Town Code to establish water rates for water districts and extensions thereof in the Town of Owego; and

WHEREAS it appears necessary to establish new water rates for the Consolidated Water District;

NOW, THEREFORE, BE IT

RESOLVED that effective January 1, 2009, the water rate for all properties

connected to the water system in the Consolidated Water District and extensions thereof shall be \$3.38 per 1000 gallons of water used, based upon the water meter reading; and it is further

RESOLVED effective January 1, 2009 the water capital charge for properties in the Consolidated Water District and extensions thereof shall by \$76.86.

Debra Standinger, Planning and Zoning Administrator, requested that Carol Sweeney be authorized to sign the MS4 Annual Report that is being submitted by the Broome Tioga Stormwater Coalition.

Motion by Schumacher, seconded by Morgan and unanimously carried to accept that Carol Sweeney be authorized to sign the MS4 Annual Report.

Debra Standinger also mentioned that Kyle Flemming, Dog Control Office, said that the dog census will get underway with the help of Paulette Kuchinsky.

Supervisor Sweeney's report consisted of the following:

1. The Dog Control's March monthly report is on file in my office.
2. We have some bad news and good news about revenues. We received our first mortgage tax distribution check for the year. The amount was \$126,140. In 2008 the amount received was \$148,089 and in 2007 the amount of the first check was \$152,785. This is the bad news.

The good news is that we just received via direct deposit from the County a much larger than expected sales tax distribution for March. We received \$285,740.28 for March. In March 2008 we received \$146,000. We called the County to find why the amount was so high and they stated they had called the State and were told that the State did a sales tax audit of a large company in Tioga County and the amount that the State gave the County was the correct amount.

3. I just received from Loretta Sullivan regarding a proposal from Cayuga County for naming all of Route 38 as the New York State Vietnam Veterans' Memorial highway. She would like to know what our thoughts are about this.

Everyone was alright with the name change of route 38 to New York State Vietnam Veterans' Memorial Highway.

4. We received an invitation to the Owego Little League opening day ceremonies. Does anyone want me to put in a confirmation for them?

It was decided that everyone would make their own arrangements for Owego Little League opening day ceremonies.

5. We received a request from Donald R. King for an answer on his request for reimbursement for the tree that he had taken down. Do we have an answer for Mr. King?

In reference to Donald King, Judy Quigley stated that it would have to be researched on who actually is responsible for his road.

Motion by Castellucci, seconded by Schumacher, unanimously carried, that Judy Quigley will compose a letter for the Supervisor Carol Sweeney to sign.

6. We received a Memo from the Tioga County Youth Bureau with the news that they think that they will receive an 18% reduction in funding for this year although they have not received anything official from the State. For the Town of Owego that means a loss of \$1,893. Cheri and I are putting in for funding for \$500 each for the summer Reading Programs which would cover 33% of the total \$3,000 costs. For the Summer Recreation program we are applying for \$7,623 out of the total cost of \$17,000 for this program (which is 45% of the total costs). If the funding is further reduced we will have to adjust these amounts.

7. Our office has not seen any checks or agreements yet so I would like to know the status recouping the overcharges from the State Highway Audit.

Dave Ferris has not heard back about overpayments and asked Carol Sweeney to send letters out inquiring about overcharges from the State Highway Audit.

F. Privilege of the floor

Rick Bell, 24 King Point Circle, questioned what can be done about the dumpster that was left by a builder who went bankrupt. He also wanted to know if the “craters” in Davis Hill Rd are going to be repaired as it makes a hazard to drive the road.

David Ferris, Highway Superintendent said they are going to patch the Davis Hill Road.

Privilege of the floor was closed.

G. Presentation of Petitions, Communications and Notices

1. Liquor License - Twin Tier Holdings

Twin Tier Holdings was applying for a new liquor license at a establishment located on Route 38.

2. Letter from William Donahue RE: Dave Ferris

A letter of commendation re: Dave Ferris for his up keep of the roads at the top of Tioga Terrace and particular thanks to employee Mike Taylor.

3. NYMIR Proxy

Motion by Castellucci, seconded by Morgan and unanimously carried, the Supervisor was authorized to vote for the board members, sign and submit the proxy.

4. Letter from Congressman Michael Accuri RE: highway Bill Authorization
(The letter was reviewed.)

5. 2010 Census Employees (The letter was reviewed.)

6. USEPA - State Revolving Loan Fund Project (The letter was reviewed.)

7. Monthly Statement of the Supervisor

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

8. Strawberry Festival Parade

Motion by Castellucci, seconded by Morgan to table the decision regarding participation in the Strawberry Festival Parade until the May 5th meeting and unanimously carried.

9. NYSDOT RE: Route 434 turning lanes at Town Hall

The proposed turn lanes at the Town hall exceed the costs allowed. Morgan suggested that a copy of the letter from Pam Eshbaugh of DOT region 9 be sent to Cathy Woodward via e-mail.

10. NYSA Drinking Water and Sewage Treatment Projects - Federal Stimulus Funding

11. Schedule Public Hearing RE: amending Chapter 120 Water, Article V Services Section 120-27 Materials

Motion by Morgan, Second by Castellucci and unanimously carried, a public hearing regarding amending Chapter 120 Water, Article V Services Section 120-27 Materials was scheduled to be held on May 5th at 4:30 PM.

H. Abstracts

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

General Fund	48,569.55
General Fund Town Outside	5,877.73
Highway - Town Outside	19,463.16
Water Districts	12,743.53
Route 38 Water	614.83
Sewer Districts	176,809.24
Route 38 Sewer	103.31
Capital Reserve-Machinery	78,113.26
Lighting District 1	397.73
Lighting District 2	896.74

Lighting District 3	780.36
Lighting District 4B	145.97
Lighting District 5	476.11
Lighting District 6	1,188.16
Lighting District 7	151.36
Lighting District 8	98.62
Lighting District 9	45.17
Lighting District 4A	10.83
Lighting District 10	98.83
TOTAL ALL FUNDS	346,589.49

I. Unfinished Business (none)

J. Reports of Standing Committees

Councilman Morgan reviewed the Press release for Tire Clean-up May 14 -16, 2009 at 8:30 am to 4 pm behind the Owego Town Hall. Thursday and Friday will be covered by the county work crew and Sat will be covered by the town work crew.

Workshop for lease of Town property will be Wed April 29th at 4 pm.

Councilman Castellucci wanted to thank Andrea Klett, Assessor, for a job well done.

K. Presentation of Motions, Resolutions and New Business 1. Small Cities Grants - Marshland Road

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

Whereas: New York Stat Office for Small Cities, through the New York State Housing Trust Fund Corporation, is funding a grant to purchase homes in a flood prone area; and

Whereas: This grant is being administered by the County of Tioga for its local governments: and

Whereas: The properties purchased by these grant monies should remain the property of the Local Government; therefore be it

Resolved: That the (*Town of Owego*) will purchase said property (*located at 430 Marshland Road Apalachin*) from the County of Tioga for the amount of one dollar.

2. HSBC Collateral Agreement

Motion by Castellucci, seconded by Schumacher and unanimously carried, pending Judy Quigley’s approval of the resolution and HSBC collateral agreement was adopted:

Inserted at end of minutes.

3. Agreement to Spend Highway Funds

Motion by Castellucci, seconded by Morgan and unanimously carried by roll call to accept the proposed projects for the year 2009.

4. Appoint Tioga County Planning Board Members

Motion by Schumacher, seconded by Davis, and unanimously carried, Wendy Walsh was replaced by Jason Rieg to serve on the Tioga County Planning Board until 12/31/2009.

L. Second Privilege of the floor

Ron Bell, 921 Barton Road, talked about his zoning situation.

Chester (Richard) Bell, 777 Beach Road & Barton Road, told of his use of his farms history which his son, Ron as taken over.

M. Executive Session

1. Individual Personnel Matter and Short/Stray Haven Fund Raisers

Motion by Morgan seconded by Schumacher and unanimously carried, the Board entered into Executive Session at 8:25 p.m. regarding an individual personnel matter.

Supervisor Sweeney reconvened the meeting at 8:45 p.m.

N. Adjournment

Motion by Morgan, meeting was adjourned at 8:45 PM.

Respectfully submitted,

Alice B. Gorham
Deputy Town Clerk