

May 4, 2010
7:00 p.m.
2354 State Route 434
Apalachin, NY

REGULAR MEETING OF THE OWEGO TOWN BOARD

Present: Supervisor Donald Castellucci, Jr.
Council: Dean Morgan, James Hamlin, John Schumacher & Lynne Davis

Absent: None

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

Supervisor Castellucci called the meeting to order and requested Mark Clark, Highway Superintendent, lead 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 Competitive Bids - none

With permission of the Board, a presentation was made to Emma Sedore who recently retired as Town Historian. Supervisor Castellucci read a proclamation that was adopted later in the meeting.

Due to the expected lengthy Public Hearing regarding Jackson's Motocross Track - request for a Special Recreation Permit, reports of Department Heads was moved to this time.

E. Reports of Department Heads

Department Heads present:
Andrea Klett, Assessor
Scott Vasisko, Parks Maintenance Supervisor
Mick Trivisonno, Director of Utilities
Debra Standing, Planning & Zoning Administrator
Mark Clark, Highway Superintendent
Judy Quigley, Town Attorney
Donald Castellucci, Jr., Supervisor
Michael Zimmer, Town Clerk/Receiver of Taxes

The Assessor noted that over 300 notifications of changes in assessment were sent to the property owners.

The Parks Maintenance Supervisor reviewed the resolution for the purchase of a mower from his Capital Reserve Account.

K. 1. Resolution RE: Park's Department purchase of mower

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

WHEREAS, the Town of Owego Parks Department wishes to purchase a two (2) mowers at a total cost of up to \$20,089.84 from Lindsey Lawn & Garden, Inc.; and

WHEREAS, one (1) mower being a John Deere 72" Side Discharge Mower at a cost of up to \$3,439.00; and

WHEREAS, one (1) mower being a John Deere 1445 31HP Diesel Front Mower at a cost of up to \$16,650.84; and

WHEREAS, it appears appropriate to pay for said mowers from the Capital Reserve for Park Equipment, Account Number HP.7140.2000;

NOW, THEREFORE, BE IT

RESOLVED, that payment be made to Lindsey Lawn & Garden, Inc. from the Capital Reserve for Park Equipment in the amount up to \$20,089.84 for said mowers.

The Planning and Zoning Administrator stated that the Tioga County Sheriff's Department was requested to provide the Weekend Work Detail at Exit 66 for Tire Clean Up day on Sunday, May 9. The Highway Department will pick up the stacked tires on Monday, May 10.

The Director of Utilities requested a joint Workshop with the Highway Superintendent to discuss projects with the Town Board. The Workshop was scheduled for 4:00 p.m. on May 13, 2010.

The Highway Superintendent reported that the work is complete on the Bolles Hill Road Project. He also stated that he would be meeting with Mr. Robert Henning, Pennsylvania Ave., and Tioga County Soil and Water Conservation Dept. regarding a creek that runs in his backyard.

Supervisor Castellucci's report contained the following:

Supervisor's Report 5/4/2010

I received notice of memorandum from Broome County Planning stating that the Town of Maine is proposing adopting a new ethics law and a six month moratorium on the issue of floodplain dev permits.

I received a request from the Broome County Planning and Economic Development Department regarding their request for being lead agency on the Susquehanna Heritage Area Management Plan. Sending a response stating the Town has no objection to BCP& E being the lead agency but does not support the Susquehanna designation as previously submitted.

Family Children's Society annual meeting report is on May 13th at noon at the Binghamton Club. RSVP May 10th.

Tioga County Chamber/HHK Human Resources Roundtable on June 15, 2010
Tioga Opportunities from 8:00 - 9:30 am

VFW is hosting a dinner honoring WW2 and Korean War Veterans on Sunday May 16, 2010 from 1-4 pm

We received a check from our health insurance consortium for \$21,070.85 reconciling our Medicare Part D for 2008. I will discuss with Ruth and Cheri where those funds will be allocated.

The monthly report of the Planning and Zoning Administrator is on file in my office.

The monthly report of the Town Clerk is on file in my office.

D. Public Hearings

1. Jackson's Special Recreation Permit - Mototrack

On Motion of Morgan, seconded by Davis and unanimously carried the public hearing regarding the issuance of a Special Recreation Permit requested by James Jackson regarding a Motocross Track on his property was opened.

The Supervisor advised those in attendance of the rules:

Direct comments and questions to the Town Board.

Respect everyone's opinion.

Those in attendance who have not expressed their opinion at the first public hearing would have the option to speak first. All questions and comments are to be directed to the Town Board only. Respect the opinions of everyone whether in agreement with yours or not.

Richard Lewis, Attorney for Jackson, requested that a negative declaration SEQR be prepared since the track is under operation, and that other than a fence being replaced, there will be no construction or changes made to the site. He further requested that Brian Dean of O'Brien & Gere, explain the results of additional studies confirmed. Mr. Dean stated that he did not conduct any studies outside of the area stated on information he submitted today. He did not perform a study on Marshland Road or Tilbury Hill Road.

Councilman Hamlin questioned the Planning and Zoning Administrator, regarding the number of bikes running at one time.

Jim Jackson stated that on a normal busy day he will have 23 - 28 people at the track.

Jackson's Attorney stated that his client has taken steps to mitigate the problems regarding noise and dust. His client will continue to operate to supplement his farm in order to survive.

The Planning & Zoning Administrator explained that the town is the lead Agency for the purpose of conducting the SEQR review and led the Board through Part 1 and Part 2 of the full EAF submitted by Mr. Jackson.

It was noted for the record that the Town Planning Board and Tioga County Planning Board both recommended approval of the issuance of a Special Recreation Permit for Jackson for operating a Motocross Track on his property.

The Tioga County Sheriff's Department found no problem with traffic if approved and the Tioga County Health Department did not have any concerns regarding this application.

The Planning and Zoning Administrator continued with Part III of the SEQR.

Part 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS

#7 - Impact on Air

1. The applicant is requesting a Special Permit from the Owego Town Board to develop and operate recreational vehicle riding tracks. Operation of the tracks will produce dust, which will impact air quality.
2. The impact could be mitigated by reducing the number of riders and hours of operation and increasing the frequency of watering the track. Limit the number of riders to 20 total on all tracks at any one time. Limit hours of operation to Wednesday & Thursday from Noon - dusk, and Saturday from 10AM - 6PM . Dependent upon weather conditions, the track will be watered at a minimum twice daily, prior to commencement of riding, and once mid-way through the operation that day.
3. Based on the information available it is reasonable to conclude that this impact is important.

#17 - Noise and odor impact

1. The applicant is requesting a Special Permit from the Owego Town Board to develop and operate recreational vehicle riding tracks. Operation of the tracks will produce operating noise exceeding the local ambient noise levels.
2. The impact could be mitigated by reducing the number of riders and hours of operation as well as monitoring the exhaust systems on the vehicles to prohibit those having after market exhaust systems from utilizing the tracks. Also erecting physical noise barriers by placing hay bales in the areas shown on the noise study to have higher decibel readings. Limit the number of riders to 20 total on all tracks at any one time. Limit hours of operation to Wednesday & Thursday from Noon - dusk, and Saturday from 10AM - 6PM .
3. Based on the information available it is reasonable to conclude that this impact is important.

Jackson and his Attorney apologized for a misunderstanding regarding whether the track will be closed one weekend each month or one weekend day per week.

Motion by Morgan seconded by Schumacher, the Town Board declared themselves Lead Agency and found that although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in Part 3 have been required; therefore a CONDITIONED negative declaration will be prepared.

Motion by Schumacher, seconded by Davis to amend the proposed mitigation measures for the conditioned negative declaration to add operation on Tuesday from Noon to dusk.

Vote on the amendment showed four yes votes and one no vote by Hamlin. Motion carried.

Vote on the motion as amended showed four yes votes and one no vote by Hamlin. Motion carried.

The Supervisor opened the public comment period.

The following persons spoke in favor of the Special Recreation Permit for Jackson's Motocross

Track:

Jim Jackson (owner), Randy Smith, Ralph Wheeland, Pam Burns, Joel Bender, Darwin Wood, Pete D’Ferris, Phil Card, Steven Deemie, John Hanley, Marie Maserelli, Scott Andrews, Brenda Schmidt, Tim Raymond, Mike Wilkins, Terry Wood, John Wood, and Richard Lewis, Attorney for Jackson. Several Other persons spoke but failed to sign in.

The following persons spoke against approval of the permit:

Dick Kuzma, Jim Phillpott, Michael Fauci, Attorney, Kay Poulton , George Duhanich, Kathy Camp and several other persons spoke but failed to sign in.

Motion by Schumacher, seconded by Hamlin to have a Special Meeting regarding the issuance of a Special Recreation Permit for Jim Jackson to operate a Motocross Track was scheduled for Tuesday, June 8 at 7:00 p.m. Motion carried with four yes votes and one no vote by Hamlin.

Motion by Morgan, seconded by Hamlin and unanimously carried, the public hearing on the issuance of a Special Recreation Permit for Jim Jackson to operate a Motocross Track was adjourned.

F. Privilege of the floor - With no one wishing to be heard, privilege of floor was closed.

G. Presentation of Petitions, Communications and Notices - none

H. Abstracts

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

| | |
|------------------------------------|-----------------------|
| General Fund - Town Wide | \$75085.50 |
| General Fund - Town Outside | 5116.20 |
| Highway Fund - Town Outside | 47175.71 |
| Water Districts | 28093.89 |
| Route 38 Water | 344.79 |
| Sewer Districts | 18078.21 |
| Route 38 Sewer | 7933.90 |
| Water Tank Replace/Repair | <u>6647.33</u> |
| Total All Funds | \$188475.53 |

I. Unfinished Business - none

J. Reports of Standing Committees

Motion by Morgan, seconded by Davis and unanimously carried, the proclamation regarding Emma Sedore who recently retired as Town Historian was adopted:

**WHEREAS Emma Sedore was appointed the Town of Owego Historian on January 5, 1988;
and**

WHEREAS throughout Emma’s tenure as Historian she has been instrumental in many projects to preserve the history of the Town of Owego and to educate the community about the Town’s history; and

WHEREAS among the projects Emma has been instrumental in are, the preservation of the historical maps that are currently on display in the Town of Owego Board Room, spearheading the writing of the chapter about the Town of Owego in Tioga County's Bicentennial book "Seasons of Change," the placement of several historical markers in the Town of Owego such as the Rockefeller home on Route 17C, the Chenango Canal Extension on Route 434 in Apalachin and the Apalachin Tavern on Main Street in Apalachin, has taken part in many re-enactments of life on Hiawatha Island, and conducted walking tours of the historical homes in the Village's historical district;

WHEREAS Emma has served as Board Secretary for the Tioga County Historical Society, authored an in house publication titled Notable Women in History, has contributed to their newsletter, created exhibits, and performed research for the Historical Society; and

WHEREAS Emma is a Trustee of the New York State Public Historians Association; and

WHEREAS Emma is a published author, having written two books titled "Hiawatha Island - Jewel of the Susquehanna", and "Images of an American Town - Town of Owego"; and

WHEREAS Emma Sedore has retired as Town of Owego Historian;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego, on their behalf and on behalf of the residents of the Town of Owego hereby express their sincere gratitude to Emma Sedore for her diligent work as the Town's Historian for the past 22 years and for her many acts of participation, research, and education of the community regarding the history of the Town of Owego.

Motion by Morgan, seconded by Castellucci and unanimously carried, the following resolution regarding the 85th Anniversary of the Owego Kiwanis Club was adopted:

WHEREAS Kiwanis International is a global organization of volunteers of all ages dedicated to changing the world one child and one community at a time; and

WHEREAS the Owego Kiwanis club was issued a charter on August 13, 1925; and

WHEREAS the Owego Kiwanis club is instrumental in the betterment of the community through sponsoring various activities and fund raising events, by participating in service opportunities within the community, and by mentoring teens and young adults to become leaders in their community; and

WHEREAS the Owego Kiwanis club is celebrating its 85th anniversary;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego, on behalf of the Town and its residents, hereby acknowledge the Owego Kiwanis club for the contribution they make to the community and we do further hereby proclaim May 6, 2010 as Owego Kiwanis day in the Town of Owego.

Councilman Davis reported that the signs at the intersection of Route 434 and Pennsylvania Ave. have all been removed by the property owner.

Councilman Schumacher provided information regarding an auctioneer for surplus Town

vehicles.

Motion by Schumacher, seconded by Morgan and unanimously carried, after review and a recommendation by the Town Attorney, Roy ? was authorized to auction off surplus Town vehicles.

K. Presentation of Resolutions, Motions and New Business

2. Tioga County Council on the Arts - Art Walk

Motion by Hamlin, seconded by Morgan and unanimously carried the Town will not participate in the Art Walk due to security and staffing.

3. Resolution RE: standard workday reporting

Motion by Hamlin, seconded by Davis and unanimously carried, the resolution regarding the standard workday for Town Officials was adopted and appears at the end of these Minutes.

4. Apalachin Garden Club - flower planting

Motion by Schumacher, seconded by Davis and unanimously carried, the Apalachin Garden Club was authorized to plant flowers at the Hickories Park but not at the Town Hall since some repairs at the Town Hall will interfere with the planting this year.

5. Owego Fire Department - Central New York Firemen's Auxiliary Conference

Motion by Hamlin, seconded by Schumacher and unanimously carried, agenda item K. 5. Owego Fire Department - Central New York Firemen's Auxiliary Conference was tabled.

L. Second Privilege of the floor

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

M. Adjournment

Motion by Morgan the meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Michael E. Zimmer
Town Clerk

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Owego hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

| Title | Name | Social Security Number (Last 4 digits) | Registration Number | Standard Work Day (Hrs/day) | Term Begins/Ends | Participates in Employer's Time Keeping System (Y/N) | Days/Month (based on Record of Activities) |
|----------------------------|-------------------------|---|---------------------|--------------------------------|-------------------------|---|---|
| Elected Officials | | | | | | | |
| Supervisor | Donald Castellucci, Jr. | | | 6 | 01/01/2010-12/31/2013 | N | 20.00 |
| Town Clerk | Michael E. Zimmer | | | 6 | 01/01/2010-12/31/2013 | N | 20.00 |
| Board Member | Lynne L. Davis | | | 6 | 01/01/2010-12/31/2013 | N | 5.22 |
| Highway Supt' | Mark R. Clark | | | 7 | 01/01/2010-12/31/2013 | N | 20.00 |
| | | | | | | | |
| | | | | | | | |
| Appointed Officials | | | | | | | |
| Attorney | Judith M. Quigley | | | 6 | 01/01/2010 – 12/31/2011 | N | 12.85 |
| | | | | | | | |
| | | | | | | | |
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On this 4TH day of May, 2010

Date enacted: 5/4/2010

Michael E. Zimmer

I, Michael E. Zimmer, clerk of the governing board of the Town of Owego of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 4th day of May, 2010

on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of four members, and that 4of such members were present at such meeting and that 4of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the Town of Owego.
