

June 2, 2009
4:00 p.m.
Town Hall, Route 434
Owego, New York

REGULAR MEETING OF THE OWEGO TOWN BOARD

Present: Supervisor Carol B. Sweeney
Council: John P. Schumacher, Dean A. Morgan and Lynne L. Davis
Absent: Councilman Donald Castellucci, Jr.

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

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

B. Minutes of the previous meetings

The Minutes of the May 5, May 17 and May 22, 2009 Minutes were placed on file as presented.

C. Consideration of Bids (none)

D. Public Hearing (none)

E. Reports of Department Heads

The following Department Heads were present:

Andrea Klett, Assessor, Debra Standinger, Planning & Zoning Administrator, Mick Trivisonno, Director of Utilities, Scott Vasisko, Parks Maintenance Supervisor, Judy Quigley, Town Attorney, Carol Sweeney, Supervisor and Mike Zimmer, Town Clerk/Receiver.

The Supervisor's Report included the following:

1. I attended the Excellus review of the Health Insurance Consortium's 2008 usage. The 2008 total claims expense (\$8 million) increased by 21% over the 2007 expenses (\$6.6 million). In 2008 there were 45 claimants that had medical claims of \$25,000 or more with a total cost of \$2,381,910. In 2007 there were 27 claimants that had medical claims of \$25,000 or more with a total cost of \$1,371,923. For Chronic Clinical Management Diagnoses the highest costs and highest prevalence was for back pain. There were 422 members that had that diagnose last year and male spouses drove the vast majority of the costs for this diagnosis. The second most prevalent diagnoses was for cholesterol disorders and here employees were responsible for the vast majority of the costs. The most prescribed prescription drug for our group was Lipitor with Prevacid being the second most prescribed. They also shared that we should be reminding our employees of the high cost of an ER visit versus seeing your primary physician. (\$884 vs \$47). If the cost increases keep increasing at this rate we could be in for another tough rate increase for 2010.

2. The May monthly report for the Town Clerk's office and the Planning and Zoning office are on file in my office.
3. The Town just received today the first of three return of capitalization checks from NYMIR in the amount of \$6,122.50. This will be deposited back in the Town Wide fund since that is where the capitalization was paid from back in 1995-1999.

F. Privilege of the floor

With permission of the Board, Agenda K. 2. Well Head Protection Permit #1- 2009 - State Route 38 was moved to this time.

Tim Steed, Hunt Engineers, representing Balen LLC, stated that the intent of the project was to develop a 30,000 square foot medical building at 1248 State Route 38, the project will include the extension of the water and sewer districts in the area. Mick Trivisonno, Director of Utilities, reviewed his comment letter.

A discussion followed.

Motion by Morgan, seconded by Davis and unanimously carried, Well Head Protection Permit #1 for 2009 was approved subject to the following:

- ▭ **The Project connects to the Town of Owego Water and Sewer System and all needed sewer information is forwarded on to the Village of Owego Sewer Department for their approval**
- ▭ **Meets with all the Storm Water Phase II regulations due to being a sole source aquifer.**

With the Board's permission, Agenda Item K-3 Schedule Public Hearing - Town Board Special Permit #1-2009, Tioga County Historical Society Civil War Re-enactment was moved to this time.

Motion by Morgan, seconded by Schumacher and unanimously carried, a Public Hearing regarding Town Board Special Permit #1-2009, Tioga County Historical Society Civil War Re-enactment was scheduled for June 16 at 7:00 p.m.

After all who wished to speak were heard privilege of the floor was closed.

G. Presentation of Petitions, Communications, Notices and Transfers

1. Tobacco Free of Broome and Tioga County - advertising

Reality Check solicited the support of the Town to request that businesses voluntarily reduce or remove tobacco advertising from both inside and outside their establishments.

Motion by Sweeney, seconded by Morgan to approve the following resolution:

Commitment to Our Community

Municipality Resolution Supporting the Reduction of Point of Purchase Tobacco Advertising

Research has shown that:

- ▯ **Each day, more than 4,000 youth under the age of 18 try smoking for the first time, and one-third of these children will die prematurely from tobacco related illnesses; and**
- ▯ **Teens are more likely to be influenced to smoke by cigarette advertising than by peer pressure; and**
- ▯ **Three out of four youth shop in convenience stores at least once a week; and**
- ▯ **Children are more likely than adults to notice and remember tobacco advertising; and**
- ▯ **Nearly 90% of smokers started smoking before the age of 18; and**
- ▯ **Youth experimentation with smoking can be directly linked to tobacco advertising and other promotional activities.**

In addition:

- ▯ **The 2006 Surgeon General Report reports that tobacco companies have purposefully marketed to children as young as 14 years of age.**
- ▯ **The tobacco industry spends an estimated \$444 million dollars in New York State annually on tobacco advertising.**

Now be it resolved that the Town of Owego does hereby express its support of the efforts of Tobacco Free Broome and Tioga and Reality Check and encourages retailers to voluntarily decrease overall tobacco advertising in their places of business and to eliminate tobacco advertising from areas likely to be seen by children including wall space below 4 feet, near candy and toy displays, and on counter tops.

Roll call showed the following:

Morgan - yes	Schumacher - no
Davis - no	Sweeney - yes

Motion failed with two no votes and two yes votes.

2. Sheen Housing - available housing services (letter reviewed)

3. NYS office of Real Property - Tentative Equalization Rate (letter reviewed)

4. NYSDOT culvert repair block (Letter reviewed)

5. BMTS - additional ARRA funding - the American Recovery and Reinvestment Act

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	\$96832.05
General Fund - Town Outside	18861.31
Highway - Town Outside	77935.08
Water Districts	37092.93
Route 38 Water	1173.85
Sewer Districts	42908.91
Route 38 Sewer	<u>1643.99</u>
Total All Funds	\$276448.12

I. Unfinished Business

1. Fireworks Display

Motion by Schumacher, seconded by Morgan and unanimously carried, the Supervisor was authorized to sign the \$3,500.00 contract with Proximity Pyrotechnics for a minimum twenty minute fireworks display at the Hickories Park with the Town listed as additional insured.

J. Reports of Standing Committees (None given)

K. Presentation of Motions, Resolutions and New Business

1. Resolution - Tioga County Distinguished Citizen

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

WHEREAS the Boy Scouts of America Distinguished Citizen of the Year award is given to honor individuals who have distinguished themselves in their profession, community and personal life; and

WHEREAS Les Wagner was selected to be this year's honoree; and

WHEREAS Les is a lifelong resident of Tioga County having grown up in Gaskill Corners where his independent entrepreneurial spirit had its beginning; and

WHEREAS Les graduated from Owego Free Academy in 1968 and after receiving a B.S. in Industrial Engineering at Cornell University returned to Owego to work at his dad's American Motors Dealership where he developed his fundamentals of business management; and

WHEREAS in 1973 Les saw an opportunity and purchased parts to a broken down sawmill in Watkins Glen for \$2000.00, moved them to Owego, rebuilt the mill, and what

started out as a hobby became a full time business selling rough cut lumber to the population of the greater Owego area; and

WHEREAS after the original mill burned to the ground in 1978, a new sawmill was created and throughout the next ten years the business experienced an on and off again prosperity and struggle until 1987 when a sustained 20 year pattern of expansion began which has resulted in Wagner Sawmills employing over 200 people; and

WHEREAS Les has many varied interests and hobbies including the sport of rowing, card playing, Porsche rebuilding, Amphicar touring, auctions, and shooting sporting clays; and

WHEREAS many individuals and organizations have been recipients of Les's generosity such as the Boys & Girls Club, local golf tournaments, fund raisers, fraternity projects, local school districts, sports clubs, his employees, the Hiawatha Boat Club, and the Les Wagner Foundation which supports the Club and the Boathouse he built on the Susquehanna River to benefit area rowers; and

WHEREAS Les has spent his entire life helping to build a better community and has demonstrated to others the Boy Scout principles of being trustworthy and loyal; and

WHEREAS Les's work ethic, achievements and contributions exemplify the character that this award is meant to honor;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego does hereby acknowledge Les Wagner for his contributions and commitment to the community and congratulate him for being chosen the Distinguished Citizen of the Year by the Baden Powell Council.

L. Second Privilege of the floor

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

M. Executive Session - Union Negotiations, Lease of Town Land and CNYOG v. Town

Motion by Morgan, seconded by Davis and unanimously carried, the Board entered into Executive Session regarding Union Negotiations, Lease of Town Land and CNYOG v. Town at 5:16 p.m.

Supervisor Sweeney reconvened the meeting at 5:38 p.m.

Motion by Schumacher the meeting was adjourned at 5:38 p.m.

Respectfully submitted,

Michael E. Zimmer
Town Clerk