

July 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: Donald Castellucci, Jr., Lynne L. Davis,
Dean A. Morgan, and John P. Schumacher

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.

B. Minutes of the Previous Meeting

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

C. Consideration of Bids

None

D. Public Hearing

1. Route 38 Water District Extension No. 1

Supervisor Sweeney opened the Public Hearing.

Tim Steed, Hunt Engineers, on behalf of Balen, LLC, gave an overview regarding the establishment of Extension No. 1 in the Route 38 Water District noting that only a Special Building Permit is required.

Michael Trivisonno, Director of Utilities, expressed his approval for the project noting the water needs will be met.

David Rogers, 1253 State Route 38, questioned whether he would have to hook up to the water and sewer extensions. Michael Trivisonno, Director of Utilities, stated that Rogers would not be required to hook up since his residence is not located in the extension to the districts.

Motion by Schumacher, seconded by Morgan and unanimously carried,

Supervisor Sweeney closed the Public Hearing regarding the establishment of Extension No. 1 in the Route 38 Water District.

2. Route 38 Sewer District Extension No. 1

Supervisor Sweeney opened the Public Hearing.

Michael Trivisonno, Director of Utilities, stated Ron Horton, Wastewater Superintendent, will accept the extra sewage at the Village of Owego Sewer Treatment Plant.

Tim Steed, Hunt Engineers, gave an overview of the proposed establishment of Extension No. 1 in the Route 38 Sewer District.

Motion by Schumacher, seconded by Davis and unanimously carried, Supervisor Sweeney closed the Public Hearing regarding the establishment of Extension No. 1 in the Route 38 Sewer District.

Tim Steed, Hunt Engineers, reviewed Part I of the State Environmental Quality Review Short Environmental Assessment Form and discussed the procedure required for the approval of the water and sewer extension.

Debra Standinger, Planning and Zoning Administrator, reviewed Part II of the State Environmental Quality Review Short Form noting there are no adverse effects to the environment.

Motion by Morgan, seconded by Davis and unanimously carried, finding no significant adverse effects on the environment, the Supervisor was authorized to sign the State Environmental Quality Review Short Environmental Assessment Form.

With the Board's permission, **Agenda Item K-6 Resolution RE: Route 38 Water District Extension No. 1** was moved to this time.

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

At a regular meeting of the Town Board of the Town of Owego, in the County of Tioga, New York, held at the Town Hall in said Town, on the 21st day of July 2009.

PRESENT:

Carol B. Sweeney, Supervisor
Dean Morgan, Councilman

(a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient;

(b) That all property and the property owner within the proposed extension are benefitted thereby;

(c) That all property and the property owner benefitted are included within the limits of the proposed extension;

(d) That it is in the public interest to establish said extension; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed extension as set forth in said petition, map and plan be approved; that the improvements therein mentioned be constructed by the petitioner; and such extension shall be known and designated as Extension No. 1 to the Route 38 Water District of the Town of Owego and shall be bounded and described as set forth in Schedule A attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED:

That the water line for said water extension is to be constructed by the petitioner, wholly at his own expense; that the cost of connecting the same with the Town of Owego water system shall be borne by the petitioner; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be, and hereby is, authorized and directed to file a certified copy of this resolution in the Office of the Clerk of the County of Tioga, which is the County in which the said Town of Owego is located, and in the Office of the State Department of Audit and Control, within ten days after the adoption of this Resolution, pursuant to the provision of Section 195 of the Town Law.

Dated:

Carol B. Sweeney
Supervisor

Dean Morgan
Councilman

the proposed method of financing, the fact that the map, plan and report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying July 21, 2009 as the date, at 7:00 p.m. on said day as the time, at the Owego Town Hall, 2354 Route 434, Apalachin, New York as the place where this Town Board would meet and consider said petition, map and plan, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such Order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on July 21, 2009 at 7:00 p.m. in the Owego Town Hall, 2354 Route 434, Apalachin, New York, at which time all those wishing to be heard were heard; and

WHEREAS, it is the intention of the petitioner to construct said sanitary sewer system solely at his own expense and to connect with the sewer line of said Town of Owego Consolidated Sewer District, now, after due deliberation, it is

RESOLVED AND DETERMINED:

(a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient;

(b) That all property and the property owners within the proposed extension are benefitted thereby;

(c) That all property and the property owners benefitted are included within the limits of the proposed extension;

(d) That it is in the public interest to establish said extension; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed extension as set forth in said petition, map and plan be approved; that the improvements therein mentioned be constructed by the petitioner; and such extension shall be known and designated as Extension No. 1 to the Route 38 Sewer District of the Town of Owego and shall be bounded and described as set forth in Schedule A attached

hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED:

That the sanitary sewer system and sewer line for said sewer extension is to be constructed by the petitioner, wholly at his own expense; that the cost of connecting the same with the Town of Owego sewer system shall be borne by the petitioner; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be, and hereby is, authorized and directed to file a certified copy of this resolution in the Office of the Clerk of the County of Tioga, which is the County in which the said Town of Owego is located, and in the Office of the State Department of Audit and Control, within ten days after the adoption of this Resolution, pursuant to the provision of Section 195 of the Town Law.

Dated:

Carol B. Sweeney, Supervisor _____
Donald Castellucci, Jr., Councilman

Lynne Davis, Councilwoman _____
Dean Morgan, Councilman

John Schumacher, Councilman

3. Local Law - Chapter 125 Zoning

Supervisor Sweeney opened the Public Hearing.

Debra Standinger, Planning and Zoning Administrator, gave an overview regarding repealing and modifying certain sections of Chapter 125 Zoning of the Code of the Town of Owego.

Motion by Schumacher, seconded by Morgan and unanimously carried, Supervisor Sweeney closed the Public Hearing regarding repealing and modifying certain sections of Chapter 125 Zoning of the Code

of the Town of Owego.

Motion by Schumacher, seconded by Davis and unanimously carried, Local Law Number 6 was adopted as follows:

1. **Section 1.** Owego Town Code Chapter 125 Zoning, Section 125-42 (A) Temporary signs, paragraph(2) Political signs is hereby repealed.
2. **Section 2.** Owego Town Code Chapter 125 Zoning, Section 125-48(A) Trailer Parking, paragraph(1) is hereby repealed.
3. **Section 3.** Owego Town Code Chapter 125 Zoning, Section 125-55 Buildings and building lot standards, paragraphs B. and D. are hereby repealed.
4. **Section 4.** Owego Town Code Chapter 125 Zoning, Section 125-66 Building Permits, paragraph C. is modified as follows:
 - C. All applicants for building permits shall submit one copy of a layout or plot plan drawn to scale and with all dimensions shown, showing the exact size and location on the lot of the building and accessory buildings and the intended use of the building.
5. **Section 5.** Owego Town Code Chapter 125 Zoning, Section 125-66 Building permits, paragraph D. is hereby repealed
6. **Section 6. 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.
7. **Section 7. 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 in attendance:

David Ferris, Highway Superintendent
Andrea Klett, Town Assessor
Judith Quigley, Town Attorney
Debra Standinger, Planning and Zoning Administrator
Michael Trivisonno, Director of Utilities
Scott Vasisko, Parks Maintenance Supervisor

Debra Standinger, Planning and Zoning Administrator, reported her department is issuing many building permits and is dealing with code enforcement issues regarding livestock.

Scott Vasisko, Parks Maintenance Supervisor, reported two instances of vandalism in Muth Park which were handled by the State Police. Vasisko received positive feedback on the fireworks display, noted the large attendance at last week's concert and discussed upcoming events at Hickories Park.

Councilman Schumacher stated that this is the first time the Town used the services of a local fireworks vendor from Spencer.

Councilman Morgan expressed his appreciation to Scott Vasisko and John Schumacher for all their efforts.

Supervisor Sweeney thanked the following local businesses for their donations to the fireworks display: Visions Federal Credit Union - \$3,000.00, Tioga State Bank - \$75.00 and Chemung Canal Trust Company - \$100.00.

With the Board's permission, **Agenda Item K2 Resolution RE: Payment to Proximity Pyrotechnics LLC** was moved to this time.

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

WHEREAS the Town of Owego Parks Department employed Proximity Pyrotechnics LLC to perform a fireworks display at a cost of up to \$3,500.00; and

WHEREAS, it appears appropriate to pay for said fireworks display from the Town of Owego Trust and Agency Account, TA.0930 Concert Donations;

NOW, THEREFORE, BE IT

RESOLVED, that payment be made to Proximity Pyrotechnics LLC from the Town of Owego Trust and Agency Account, TA.0930 in the amount up to \$3,500.00.

Michael Trivisonno, Director of Utilities, discussed ongoing problems and expenses associated with a booster pump at the Deerfield Drive Reservoir which services four houses. Trivisonno was getting two proposals to have the Town purchase individual pumps for each house and have the residents responsible for electricity and maintenance costs thereafter.

Tim Steed, Hunt Engineers, discussed water pressure problems associated with separate booster pumps and suggested creating a separate water district for the affected homes.

A workshop will be scheduled with the homeowners to discuss this situation.

Trivisonno reported that the Dover Pump Station was vandalized by neighborhood children using paint balls. The State Police resolved the situation and the parents will pay restitution.

Earl L. Matteson, 12 Holiday Hill, requested that the penalties be waived from his March water bill stating he has a letter from First Citizens National Bank stating the bill was processed on March 4.

Motion by Morgan, seconded by Davis and unanimously carried, the late fee applied to the July 1, 2009, water bill for Earl L. Matteson, 12 Holiday Hill, was waived due to a letter from First Citizens National Bank which stated the bill was processed on March 4, 2009. A refund check for \$13.59 will be issued to Mr. Matteson.

David Ferris, Highway Superintendent, reported he met with Michael Trivisonno, Debra Standinger and Dean Morgan regarding the Apalachin Creek Stabilization Project.

Ferris stated this project will be funded with \$50,000.00 from FEMA and \$50,000.00 from funds secured by Senator Thomas Libous. Wendy Walsh, District Manager, Soil and Water Conservation District, will oversee the funding secured by Senator Libous.

Motion by Morgan, seconded by Castellucci, and unanimously carried, Supervisor Sweeney was authorized to sign any and all documents required to complete the Apalachin Creek Stabilization Project.

Ferris requested permission to place the Apalachin Creek Stabilization Project out for bid.

Motion by Morgan, seconded by Castellucci and unanimously carried, David Ferris, Highway Superintendent, was authorized to advertise for bid the Apalachin Creek Stabilization Project with bids to be opened at 11:30 a.m. on August 4 at the Owego Town Clerk's Office.

Judith Quigley, Town Attorney, updated the board on a court case regarding Jackson's Motor Cross Track.

Supervisor Sweeney's report included the following:

1. I attended the Camp Ahwaga open house at the Owego Middle School. They are totally full with over 80 campers and extremely appreciative of the Town's support of this program.
2. We received a request from Gretchen Blachowiak for a block party on Maplewood Drive in Apalachin for Saturday, August 29. Can we authorize this block party now so they can continue planning?

Motion by Castellucci, seconded by Morgan and unanimously carried, Gretchen R. Blachowiak was granted permission to hold a community block party on Maplewood Drive on Saturday, August 29, contingent upon notification to Davis Ferris, Highway

Superintendent, and all fire and emergency personnel.

3. The sales tax revenue for June was \$165,609.48. The sales tax revenue for June 2008 was \$199,918.24 a drop of \$34,308.76 or 17%. If this drop continues it will greatly affect our budget for next year.

4. Frank Allen gave me an update on the Southside Stagecoach Scholarship recipients and the balance of the fund. The two recipients this year are Leah Ayers and Nicole Stermensky. Their future plans are to attend St. Lawrence University and Broome Community College respectively. They both will receive an \$800 scholarship and they both wrote nice thank you letters. The current balance of the fund is \$102,990 so the principal that initially started this fund is being preserved.

5. The Town is continuing with all the paperwork for long term financing with EFC for the digester covers project. We are asking for 30 year financing with a 50% interest rate subsidy and are hoping for an end of September closing.

6. USDA is in the process of completing a Civil Rights Compliance Review for the Town so Board members and some of the Town's employees might receive a phone call concerning this review. They will also be touring our water and sewer facilities.

7. We received an electric fixed rate quote from Integrys Energy for fixed rates till Dec. 31, 2010. Gordon Boyd from MEGA energy is recommending that we look seriously at locking in these rates. Does the board want to take any action tonight?

A discussion followed regarding energy usage and fixed versus variable rates.

Motion by Morgan, seconded by Castellucci and unanimously carried, the decision regarding MEGA fixed versus variable energy rates was referred to the Water and Sewer Committee for recommendation by the Utilities Director and was tabled to be placed on the agenda for August 4 with the most recent fixed rate quote available.

A motion made by Davis, seconded by Sweeney to change the meeting time of the August 4 Regular Meeting of the Owego Town Board to 3:00 p.m. was carried with the following roll call vote:

Castellucci - Yes
Morgan - No
Davis - Yes
Schumacher - Yes
Sweeney - Yes

F. Privilege of the Floor

Supervisor Sweeney opened Privilege of the Floor.

Gary Little, 647 Cafferty Hill Road South, presented a petition regarding digging ditches and replacing pipe on Cafferty Hill Road. Little also requested the removal of dead trees and branches covering up traffic signs and the resurfacing of his road.

Virginia Lawyer, 21 Wellington Drive, distributed and read a letter regarding her excessive water bill.

At the Town Attorney's request, Michael Trivisonno, Director of Utilities, reviewed the background information regarding the reading and testing of Lawyer's water meter. Trivisonno noted the Utilities Department utilizes courtesy telephone calls for high or low water readings.

Motion by Schumacher, seconded by Davis and unanimously carried, the letter from Virginia Lawyer, 21 Wellington Drive, regarding her excessive water bill was referred to the Water and Sewer Committee.

With the Board's permission, **Agenda Item K1 Traci Shiner Gibson Monument in Hickories Park** was moved to this time.

Gordon and Mary Shiner requested the erection of a monument in Hickories Park in honor of their daughter, Traci Shiner Gibson. Mrs. Shiner displayed an example of the tile monument which would be placed on a rock accompanied by a plaque.

Motion by Davis, seconded by Castellucci and unanimously carried, Agenda Item K1 Traci Shiner Gibson Monument in Hickories Park was referred to the Parks Committee.

After all who wished to speak were heard, Supervisor Sweeney closed Privilege of the Floor.

G. Presentation of Petitions, Communications, Transfers and Notices

1. Letter: NYSDEC RE: WCIP Grant Program

Supervisor Sweeney reviewed the letter from the New York State Department of Environmental Conservation regarding the Water Quality Improvement Projects Grant Program.

A discussion followed regarding grant application, cost estimates and projected receipt of money for contract awards.

2. Supervisor's Monthly Report

The Supervisor's Monthly Report is on file in the Clerk's Office.

3. Notice: NYSEG - Mandated Special State Assessment

Supervisor Sweeney reviewed the notice from NYSEG noting the mandated special state assessment on utility companies, effective July 1, 2009, - March 2014, amounts to an annual bill increase of approximately 2 per cent.

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	\$ 61,781.93
General Fund - Town Outside	8,502.51
Highway - Town Outside	86,460.30
Water Districts	195,856.30

Route 38 Water	722.59
Sewer Districts	20,290.47
Route 38 Sewer	415.47
Cap/Equip-Crestview/P.Knol	16,565.00
Water Tank Replacement/Repair	22,000.00
Digester Cover	1,000.00
Lighting District 1	302.87
Lighting District 2	771.62
Lighting District 3	620.32
Lighting District 4B	119.01
Lighting District 5	384.51
Lighting District 6	1,030.94
Lighting District 7	126.71
Lighting District 8	78.19
Lighting District 9	37.90
Lighting District 4A	35.04
Lighting District 10	<u>52.70</u>
GRANT TOTAL	\$417,154.38

I. Unfinished Business

J. Report of Standing Committees

John Schumacher, Loss Control Committee Chairman, updated the Board on TING Committee Meetings and expressed his appreciation to Judith Quigley, Town Attorney, and David Ferris, Highway Superintendent, for their participation.

K. Presentation of Resolutions, Motions and New Business

3. Schedule Public Hearing RE: Extension of Water District No. 26

Motion by Morgan, seconded by Davis and unanimously carried, scheduling a Public Hearing regarding the Extension of Water District No. 26 was tabled until the petition is received and reviewed by the Town Attorney and a map, plan and report are filed with the Town Clerk.

4. Resolution RE: HMGP Funding From SEMO

Motion by Morgan, seconded by Davis and unanimously carried, the following resolution was adopted as amended:

WHEREAS the Town of Owego is making application to New York State Emergency Management Office (SEMO) for funding under the Hazard Mitigation Grant Program (HMGP);

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego retroactive to July 13, 2009, authorizes the Supervisor to execute any and all documents to complete the application to SEMO for the HMGP.

5. Resolution RE: Highway Purchase of 2009 Pick Up Truck

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

WHEREAS the Town of Owego Highway Superintendent wishes to purchase a 2009 GMC 4X2 pick up truck at a total cost of \$54,191.88; and

WHEREAS an appropriation of \$39,335.38 from the Capital Reserves Highway Machinery Fund, Account No. HM.5131.2000 is necessary to partially pay for said truck, with the remaining balance coming from the Highway budget:

NOW, THEREFORE, BE IT

RESOLVED that payment of \$54,191.88 be made to Burr Truck and Trailer Sales with \$39,335.38 being appropriated from the Capital Reserves Highway Machinery Fund, Account No. HM.5131.2000 and the remaining balance of \$14,856.50 from the Highway budget.

8. Resolution RE: Allen Glen Road Easement - Frederick T. and Ellen M. Schmidt

Due to a conflict of interest, Councilman Schumacher excused himself at 8:38 p.m.

David Ferris, Highway Superintendent, presented an overview regarding the Allen Glen Road easement.

Judith Quigley, Town Attorney, reviewed the work necessary to recede and remove the trees to prepare the property for the easement.

Councilman Morgan questioned the location of Schmidt property in the Village of Owego.

Motion by Morgan, seconded by Davis and unanimously carried, a Special Meeting including an Executive Session regarding Acquisition of Real Property - Schmidt/Schumacher was scheduled to be held on Tuesday, July 28, at 2:00 p.m.

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

WHEREAS Allen Glen Road in the Town of Owego is in need of relocating; and

WHEREAS it appears necessary for the Town of Owego to obtain a temporary and permanent easement from Frederick T. and Ellen M. Schmidt for a right of way to relocate a portion of Allen Glen Road;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego authorizes the Highway Superintendent to relocate that portion of Allen Glen Road that commences at the Village of Owego line and continues approximately 675 feet west by relocating it approximately ten to twenty feet north of its current location; and it is further

RESOLVED that the Town Board of the Town of Owego accepts from Frederick T. and Ellen M. Schmidt a temporary and permanent easement for a right of way to relocate a portion of Allen Glen Road; and it is further

RESOLVED that the Town Board of the Town of Owego authorizes

and directs the Supervisor to execute any and all documents necessary to convey said temporary and permanent easement.

9. Resolution RE: Allen Glen Road Easement - John and Nora Schumacher

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

WHEREAS Allen Glen Road in the Town of Owego is in need of relocating; and

WHEREAS it appears necessary for the Town of Owego to obtain a temporary and permanent easement from John and Nora Schumacher for a right of way to relocate a portion of Allen Glen Road;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego authorizes the Highway Superintendent to relocate that portion of Allen Glen Road that commences at the Village of Owego line and continues approximately 675 feet west by relocating it approximately ten to twenty feet north of its current location; and it is further

RESOLVED that the Town Board of the Town of Owego accepts from John and Nora Schumacher a temporary and permanent easement for a right of way to relocate a portion of Allen Glen Road; and it is further

RESOLVED that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute any and all documents necessary to convey said temporary and permanent easement.

Councilman Schumacher reentered the meeting at 9:00 p.m.

L. Second Privilege of the Floor

Supervisor Sweeney opened the Second Privilege of the Floor.

With no one in attendance wishing to speak, Supervisor Sweeney closed the Second Privilege of the Floor.

M. Executive Session

- 1. Individual Personnel Matter**
- 2. Lease of Town Property**

Motion by Morgan, seconded by Castellucci and unanimously carried, the Board entered Executive Session regarding 1. Individual Personnel Matter and 2. Lease of Town Property at 9:02 p.m.

**MINUTES JULY 21, 2009 EXECUTIVE SESSION
OF THE REGULAR TOWN OF OWEGO BOARD MEETING
TAKEN BY JUDITH QUIGLEY, TOWN ATTORNEY**

Executive Session began at 9:02 p.m.
All Board Members were present as was Mick Trivisonno.

There was a general discussion regarding how to proceed with an employee who has been absent from work due to recent and repeated non-work related incidents causing injury to his back. At the close of the general discussion, a motion was made by Donald Castellucci and seconded by Dean Morgan and unanimously carried authorizing the Supervisor to send a letter to the employee advising him that in the event his doctor clears him to return to work, he will be placed on an unpaid leave of absence (“suspension”) as set forth in Civil Service Law §72(5) pending the results of an independent medical examination inasmuch as there is probable cause to believe that his continued presence on the job represents a potential danger to himself or others due to a potential for “episodic injury” according to his own medical doctor and his recent history of re-injury after less than one month from the original injury in June 2009.

The meeting was adjourned at 9:32 p.m.

Supervisor Sweeney reconvened the meeting at 9:32 p.m.

N. Adjournment

Motion by Morgan the meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Loretta P. Marchewka

Deputy Town Clerk