

September 6, 2011
7:00 p.m.
2354 State Route 434
Apalachin, New York

REGULAR MEETING OF THE OWEGO TOWN BOARD

Present: Supervisor Donald Castellucci, Jr.
Council: Dean Morgan, Barbara Roberts and Wayne Moulton

Absent: Councilman Lynne Davis

Department Heads: Mark Clark, Highway Superintendent
Scott Vasisko, Parks Maintenance Supervisor
Mick Trivisonno, Director of Utilites
Irene Gavin, Town Attorney

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

Supervisor Castellucci called the meeting to order and Councilman Morgan led the Pledge of Allegiance.

B. Minutes of the previous meeting

The Minutes of the previous meeting were placed on file as amended.

C. Consideration of Bids - No bids

D. Public Hearing - No public hearing

E. Reports of Department Heads

Scott Vasisko, Parks Maintenance Supervisor, reviewed a quote from Mark Lisak regarding paving at the Hickories Park. After a brief discussion this item was tabled until the Attorney could discuss this matter with the Town Board under Attorney Client privilege.

Vasisko also reviewed an event scheduled for the Hickories Park that has been interpreted as a private event and now it appears that the event is open to public. The applicant is aware of the necessary permits but has not been informed regarding liability insurance. The applicant will be advised of the need for insurance or the event cannot be held.

Mick Trivisonno, Director of Utilites, expressed his thanks to Ryan Crispell who painted 30 hydrants in the Apalachin area as an Eagle Scout Project.

Mark Clark, Highway Superintendent, stated that his department was working on flood damage following the storm on Sunday and that his crew cleaned up a tree that fell across Main Street in Apalachin. The FEMA representative that was working with Clark has stated that FEMA has no money at this time.

Mike Zimmer, Town Clerk, reviewed a letter from the office of Senator Libous requesting use of the Town Hall Meeting Room for a Community Meeting on October 19, 2011 from 6:00 p.m. to 7:30 p.m.

Motion by Roberts, seconded by Moulton and unanimously carried, Senator Libous was granted permission to use the Town Hall Meeting Room on October 19, 2011 from 6:00 p.m. to 7:30 p.m. for the purpose of a Community Meeting. Supervisor Castellucci and Councilman Morgan will handle the details.

F. Privilege of the floor

Jim Costley, 6 Berne Drive, questioned why the brush at his address has not yet been removed. He noted that the brush has been at the curb since June 18. Costley pointed out that the pile continues to grow with people adding brush. He stated that he has made several calls and wished this matter would be settled.

G. Presentation of petitions, communications and transfers

1. Letter - Mark & Rose Seaver RE: penalty on utility bill

Motion by Morgan, seconded by Roberts and unanimously carried, agenda item G. 1. Letter - Mark and Rose Seaver RE: penalty on utility bill was tabled and referred to the Water & Sewer Committee.

2. Petition and Letter RE: Powell Road

Mark Clark, Highway Superintendent, reported that the work on Powell Road had been scheduled for the beginning of this week and will be completed before winter.

3. Invitation RE: potential gas drilling in the area - no one expressed an interest in attending the meeting.

4. 2011 Town Summer Recreation Program Review - Supervisor Castellucci gave highlights from the report operated by the Waterman Center.

H. Abstracts

Motion by Morgan, seconded by Roberts and on a roll call vote unanimously carried, the bills were approved for payment. (The list of abstracts appear at the end of these minutes)

I. Unfinished Business

1. Letter from Chris Reiber RE: inquiry and questions - Jackson's Motocross Park

Irene Graven, Town Attorney, stated that Ms. Reiber questioned what the procedure is for Mr. Jackson to renew his permit to operate a recreation area. Graven noted that the Planning & Zoning Administrator has received a letter from Reiber requesting her opinion of the law and the renewal process. Graven stated that she has responded to Reiber.

2.Ketchuck Rezoning request

The public hearing was held at the last meeting. Mr. & Mrs. Barber submitted another letter that did not object to the re-zoning.

Motion by Morgan and seconded by Roberts to approve Local Law #3, 2011 Re-zoning of property identified with a tax map number of 142.08-1-1.1 on Cafferty Lane from Residential B to Agriculture was approved with two yes votes and one abstention by Moulton.

3. Authorization to hire additional Highway Employees

Motion by Roberts seconded by Moulton and unanimously carried, the authorization to hire two Highway Dept. employees was tabled indefinitely until the particulars regarding Civil Service

4. Authorization to purchase one Highway Truck and the sale of two Highway Trucks

J. Reports of Standing Committees

Councilman Morgan, Water & Sewer Committee Chair, reviewed a letter regarding the wavier of a penalty placed on a utility bill. Mick Trivisonno, Director of Utilities, stated that this letter will be discussed tomorrow in a committee meeting.

Morgan also reported that the remaining tires from the Spring Tire Pickup have finally be removed from the back parking lot at the Town Hall.

Councilman Roberts stated that a Workshop is scheduled for Wednesday, September, 7 at 8:00 a.m. regarding the Hickories Park.

K. New Business

1. Resolution RE: Increase in Highway Town Outside Budget

Motion by Morgan, seconded by Moulton, the following resolution was adopted:

WHEREAS it appears necessary to increase the Town of Owego Highway Town Outside budget by \$60,000 due to the unanticipated flood damage to the Town's roads in April and May 2011;

NOW, THEREFORE, BE IT

RESOLVED that pursuant to Town Law Section 112, the Town Board of the Town of Owego does hereby increase the Town of Owego Highway Town Outside budget by \$60,000 as follows:

Revenue:

Acct. No. DB.1120 Highway - Sales Tax
from \$1,100,000. to \$1,160,000.

Expenditure:

Acct. No. DB.5110.4850 Highway Repairs - Gravel
from \$55,000. to \$115,000.

2. Resolution RE: Increase in Planning and Zoning Budget

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

WHEREAS the Town of Owego Planning and Zoning Department will receive \$159,089 from the New York State Office of Emergency Management, which amount represents payment for the Severe Repetitive Loss Program; and

WHEREAS due to this increase it is necessary to increase the Planning and Zoning budget by \$159,089;

NOW, THEREFORE, BE IT

RESOLVED that pursuant to Town Law Section 112, the Town Board of the Town of Owego, upon receipt of said funds, increases the Planning and Zoning budget by \$159,089 as follows:

Revenue:

Acct. No. B.4960 Federal Aid Emergency Disaster - \$159,089

Expenditure:

Acct. No. B.1940.4414 Land Purchase-Buyout - \$159,089

3. 2011 Justice Court Assistance Program Application

Motion by Morgan and seconded by Roberts to adopt the following resolution:

Whereas the Town Court has requested authorization to apply for 2011 Justice Court Assistance Program Grant for 5 Monitors, 4 Fujitsu Scanners with Adobe Acrobat, 4 Advanced Exchanges for work groups at point of sale at a cost of \$2,930.00.

Now, therefore be it

Resolved that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute the application for a grant to the 2011 Justice Court Assistance Program.

Motion carried with three yes vote and one abstention by Moulton.

4. Order Calling for a Public Hearing - Water & Sewer Extension

Motion by Morgan, seconded by Roberts and unanimously carried, the following Order Calling for a Public Hearing 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 Owego Town Hall on the 6th day of September, 2011.

PRESENT: Supervisor Donald Castellucci, Jr.
Councilman Dean Morgan
Councilwoman Barbara Roberts
Councilman Wayne Moulton

ABSENT: Councilwoman Lynne Davis

In the Matter of the

Establishment of Extension No. 27 of the
Consolidated Water District of the Town of Owego,
County of Tioga, and State of New York.

ORDER CALLING PUBLIC
HEARING

WHEREAS, a petition dated August 29, 2011 has been submitted in due form by Gary N. Goss, Jr., containing the required signature, and a map, plan and report having been presented and placed on file with the Owego Town Clerk, County of Tioga and State of New York requesting the establishment of an extension to the Town of Owego Consolidated Water District, to be known as Extension No. 27, which is a two acre portion of Tax Map No. 118.00-2-24 and a map showing the proposed extension is set forth in Schedule A attached hereto and made a part hereof, and

WHEREAS the improvements proposed consist of the construction and maintenance of a water line to serve said extension in the district in accordance with certain plans made a part of such petition, now on file in the office of the Town Clerk of said Town; and

WHEREAS said water line extension will be constructed at the expense of the petitioner and connected with the water line of said Town of Owego Consolidated Water District;

NOW, THEREFORE, BE IT

ORDERED that a public hearing be held by the Owego Town Board on the 20th day of September, 2011 at 7:00 p.m. at the Owego Town Hall, Route 434, Owego, New York to consider said petition including the environmental significance thereof and to hear all persons interested in the subject thereof and for such and further action on the part of said Town Board with relation to the premises; and it is further

ORDERED that the Owego Town Clerk shall cause a certified copy of said order to be published at least once in the Press and Sun Bulletin not less than ten nor more than twenty days before the date set for the public hearing, and shall cause a copy thereof to be posted on the sign board of the Town not less than ten nor more than twenty days before the date designated for the hearing.

Dated: September 6, 2011

Donald Castellucci, Jr.
Dean Morgan

Vote
Yes
Yes

Barbara Roberts Yes
Wayne Moulton Yes

Motion by Roberts, seconded by Morgan 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 Owego Town Hall on the 6th day of September, 2011.

PRESENT: Supervisor Donald Castellucci, Jr.
 Councilman Dean Morgan
 Councilwoman Barbara Roberts
 Councilman Wayne Moulton

ABSENT: Councilwoman Lynne Davis

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WHEREAS the improvements proposed consist of the construction and maintenance of a water line to serve said extension in the district in accordance with certain plans made a part of such petition, now on file in the office of the Town Clerk of said Town; and

WHEREAS said water line extension will be constructed at the expense of the petitioner and connected with the water line of said Town of Owego Consolidated Water District;

NOW, THEREFORE, BE IT

ORDERED that a public hearing be held by the Owego Town Board on the 20th day of September, 2011 at 7:00 p.m. at the Owego Town Hall, Route 434, Owego, New York to consider said petition including the environmental significance thereof and to hear all persons interested in the subject thereof and for such and further action on the part of said Town Board with relation to the premises; and it is further

ORDERED that the Owego Town Clerk shall cause a certified copy of said order to be published at least once in the Press and Sun Bulletin not less than ten nor more than twenty days before the date set for the public hearing, and shall cause a copy thereof to be posted on the sign board of the Town not less than ten nor more than twenty days before the date designated for the hearing.

Dated: September 6, 2011		<u>Vote</u>
	Donald Castellucci, Jr.	Yes
	Dean Morgan	Yes
	Barbara Roberts	Yes
	Wayne Moulton	Yes

5. Schedule Public Hearing - Tobey Road Well House financing

Motion by Morgan, seconded by Roberts and unanimously carried, a public hearing to consider financing for the Tobey Road Well House is scheduled for Tuesday, October 4 at 7:00 p.m.

Motion by Morgan, seconded by Roberts and unanimously carried, a workshop to discuss the Utilities Budget is scheduled for Thursday, September 8 at 8:00 a.m.

L. Second Privilege of the floor

M. Executive Session

Motion by Morgan, seconded by Roberts and unanimously carried. The Board entered Executive Session at 8:24 PM.

1. Pending litigation

Motion by Morgan, seconded by Roberts and unanimously carried, the Supervisor was authorized to sign a wavier of the Supreme Court Justice Tait's conflict of interest regarding following tax certiorari cases:

BCT 17, LLG Biago Cataldo and Kathy Cataldo- Medionte v. Town of Owego
Marshland Trail Estates, LLC v. Town of Owego

The meeting was reconvened at 8:55 PM.

N. Adjournment

Motion by Morgan the Meeting was adjourned at 8:55 PM.

Respectfully Submitted,

Michael E. Zimmer

Abstracts

Fund	Amount
A- Town Wide	55811.90
B- Town Outside	7803.81
DB- Hwy Town Outside	506554.84
F-Water Districts	36121.46
FA- Route 38 Water	1217.71
G- Sewer Districts	38449.12
GA-Route 38 Sewer	<u>534.83</u>
TOTAL	\$646403.67

Local Law #3 for 2011

1. SECTION 1. The Code of the Town of Owego, Chapter 125 Zoning, Article III, Section 125-7 Zoning Map is hereby amended pursuant to the applicable provisions of the Town Law and the provisions of the Municipal Home Rule Law, and specifically superseding Town Law Section 264(1) as follows:

The following tax map parcel in the Town of Owego previously zoned Residential B (RB), shall be changed to Agricultural (AG):

Tax Map No. 142.08-1-1.1

2. SECTION 2. 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.

3. SECTION 3. EFFECTIVE DATE. This local law shall take effect immediately upon filing with the Secretary of State.

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Town Hall, Route 434
Apalachin, NY

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Absent: Councilman Lynne Davis

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

Whereas the Town Court has requested authorization to apply for 2011 Justice Court Assistance Program Grant for 5 Monitors, 4 Fujitsu Scanners with Adobe Acrobat, 4 Advanced Exchanges for work groups at point of sale at a cost of \$2,930.00.

Now, Therefore, Be It

Resolved that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute the application for the grant to the 2011 Justice Court Assistance Program.

This is to certify that I Michael E. Zimmer, Town Clerk for the Town of Owego in said County of Tioga have compared the above copy of the Resolution adopted at the Owego Town Board Meeting held on September 6, 2011 with the original now on file in this office, and that the same is a correct and true transcript of such original and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 7th day of September, 2011.

Michael E. Zimmer, Town Clerk