

Wednesday, November 4, 2009
3:30 p.m.
Town Hall Meeting Room
2354 State Route 434
Apalachin, NY

Regular Meeting of the Owego Town Board

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

A.. Call to Order, Roll Call and the Pledge of Allegiance

Supervisor Sweeney called the meeting to order, led the Pledge of Allegiance and called for a moment of silence in memory of Fred Roueche, husband of Deputy Town Clerk Marian Roueche.

B. Minutes of the Previous Meeting

The minutes of the October 20 Meeting were placed on file as presented.

C. Consideration of Bids (none)

D. Public Hearings

1. Sewer District Ext. 14

Supervisor Sweeney opened the public hearing. A brief overview included that the area involved was Tobey Road and Debra Lee Drive, Sewer Extension 14.

Motion by Castellucci, seconded by Morgan and unanimously carried, the public hearing was closed.

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

Consolidated Sewer District Extension 14

WHEREAS, an estimate for the fiscal year commencing January 1, 2010, of anticipated revenues and expenditures for Consolidated Sewer District, Extension 14 of the Town of Owego has been prepared and such estimate includes the cost of construction of a sewage collection system including sewage mains, laterals, and necessary appurtenances to convey said sewage from said district to an interceptor sewer connected with Water Pollution Control Plant No. 2 in said Town, including the acquisition of necessary land and an assessment roll describing the lots of land in said Consolidated Sewer District which have

been benefited thereby, together with the names of the owners of said lots, and such estimate amounts to Twelve Thousand, Thirty-One Dollars (\$12,031.00) and such estimate and assessment roll have been filed with the Town Clerk of the Town of Owego,

WHEREAS, a public hearing was held on November 4, 2009 at 3:30 p.m. at which time the Town Board met at its meeting room at the Town of Owego Town Hall, Route 434, Owego, New York and to hear and consider any objections made to said assessment roll and that notice of such meeting was given by publication in the Press & Sun Bulletin.

NOW THEREFORE, BE IT

RESOLVED, that as nearly as may be ascertained, the proportion of benefit that each lot or parcel will derive from the improvement in such district is equal, whether the lot is vacant or occupied;

THEREFORE, there being 69.84 units, each unit, occupied or vacant, is hereby assessed the sum of One Hundred Seventy-Two Dollars and Twenty-Seven Cents (\$172.27) as shown on said assessment roll.

2. Sewer District Ext. 15

Supervisor Sweeney opened the public hearing. A brief overview included that the area involved was Old Owego and Stephens Road.

Motion by Schumacher, seconded by Davis and unanimously carried, the public hearing was closed.

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

Consolidated Sewer District Extension 15

1. WHEREAS, an estimate for the fiscal year commencing January 1, 2010, of anticipated revenues and expenditures for Consolidated Sewer District, Extension 15 of the Town of Owego has been prepared and such estimate includes the cost of construction of a sewage collection system including sewage mains, laterals, and necessary appurtenances to convey said sewage from said district to an interceptor sewer connected with Water Pollution Control Plant No. 2 in said Town, including the acquisition of necessary land and an assessment roll describing the lots of land in said Consolidated Sewer District which have been benefited thereby, together with the names of the owners of said lots, and such estimate amounts to Eleven Thousand, Seven Hundred Eight Dollars (\$11,708.00) and such estimate and assessment roll have been filed with the Town Clerk of the Town of Owego,

. WHEREAS, a public hearing was held on November 4, 2009 at 3:30 p.m. at which time the Town Board met at its meeting room at the Town of Owego Town Hall, Route 434, Owego, New York and to hear and consider any objections made to said assessment roll and that notice of such meeting was given by publication in the Press & Sun Bulletin

NOW THEREFORE, BE IT

RESOLVED, that as nearly as may be ascertained, the proportion of benefit that each lot or parcel will derive from the improvement in such district is equal, whether the lot is vacant or occupied;

THEREFORE, there being 153.61 units, each unit, occupied or vacant, is hereby assessed the sum of Seventy-Six Dollars and Twenty-Two Cents (\$76.22) as shown on said assessment roll.

3. Water District Ext. 15

Supervisor Sweeney opened the public hearing. A brief overview included that the area involved was Tobey Road.

Motion by Morgan, seconded by Castellucci and unanimously carried, the public hearing was closed.

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

Consolidated Water District Extension 15

1. WHEREAS, an estimate for the fiscal year commencing January 1, 2010, of the cost of the construction of the water distribution system for Consolidated Water District, Extension 15 in the Town of Owego has been prepared, and an assessment roll describing the lots and parcels of land in said district together with the names of the owners of the several lots and parcels, and such estimate amounts to Seven Thousand, Five Hundred Sixty-Eight Dollars (\$7,568.00) and such estimate and assessment roll have been filed with the Town Clerk of the Town of Owego,

WHEREAS, a public hearing was held on November 4, 2009 at 3:30 p.m. at which time the Town Board met at its meeting room at the Town of Owego Town Hall, Route 434, Owego, New York and to hear and consider any objections made to said assessment roll and that notice of such meeting was given by publication in the Press & Sun Bulletin.

NOW, THEREFORE, BE IT

RESOLVED, that as nearly as may be ascertained, the proportion of benefit that each lot or parcel will derive from the improvement in such district is equal, whether the lot is vacant or occupied;

THEREFORE, there being 44.11 units, each lot or parcel, occupied or vacant, is hereby assessed for its respective number of units at One Hundred Seventy-One Dollars and Fifty-Seven Cents (\$171.57) per unit as shown on said assessment roll.

4. Water District Ext. 17

Supervisor Sweeney opened the public hearing. A brief overview included that the area involved was Laine Court and Shady Drive.

Motion by Davis, seconded by Morgan and unanimously carried, the public hearing was closed.

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

Consolidated Water District Extension 17

1. WHEREAS, an estimate for the fiscal year commencing January 1, 2010, of the cost of the construction of the water distribution system for Consolidated Water District, Extension 17 in the Town of Owego has been prepared, and an assessment roll describing the lots and parcels of land in said district together with the names of the owners of the several lots and parcels, and such estimate amount Nineteen Thousand, Six Hundred Eleven Dollars (\$19,611.00) and such estimate and assessment roll have been filed with the Town Clerk of the Town of Owego,

WHEREAS, a public hearing was held on November 4, 2009 at 3:30 p.m. at which time the Town Board met at its meeting room at the Town of Owego Town Hall, Route 434, Owego, New York and to hear and consider any objections made to said assessment roll and that notice of such meeting was given by publication in the Press & Sun Bulletin.

NOW, THEREFORE, BE IT

RESOLVED, that as nearly as may be ascertained, the proportion of benefit that each lot or parcel will derive from the improvement in such district is equal, whether the lot is vacant or occupied;

THEREFORE, there being 71.28 units, each lot or parcel, occupied or vacant, is hereby assessed for its respective number of units at Two Hundred Seventy-Five Dollars and Thirteen Cents (\$275.13) per unit as shown on said assessment roll.

5. Water District Ext. 20

Supervisor Sweeney opened the public hearing. A brief overview included that the area involved was Griffen Drive and Brookside Ave. West.

Motion by Castellucci, seconded by Davis and unanimously carried, the public hearing was closed.

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

Consolidated Water District Extension 20

1. WHEREAS, an estimate for the fiscal year commencing January 1, 2010, of the cost of the construction of the water distribution system for Consolidated Water District, Extension 20 in the Town of Owego has been prepared, and an assessment roll describing the lots and parcels of land in said district together with the names of the owners of the several lots and parcels, and such estimate amounts to Seventeen Thousand, Nine Hundred Seventy-Five Dollars (\$17,975.00) and such estimate and assessment roll have been filed with the Town Clerk of the Town of Owego,

WHEREAS, a public hearing was held on November 4, 2009 at 3:30 p.m. at which time the Town Board met at its meeting room at the Town of Owego Town Hall, Route 434, Owego, New York and to hear and consider any objections made to said assessment roll and that notice of such meeting was given by publication in the Press & Sun Bulletin.

NOW, THEREFORE, BE IT

RESOLVED, that as nearly as may be ascertained, the proportion of benefit that each lot

or parcel will derive from the improvement in such district is equal, whether the lot is vacant or occupied;

THEREFORE, there being 63.21 units, each lot or parcel, occupied or vacant, is hereby assessed for its respective number of units at Two Hundred Eighty-Four Dollars and Thirty-Seven Cents (\$284.37) per unit as shown on said assessment roll.

E. Reports of Department Heads

The following Department Heads were present:

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

Debra Standinger, stated due to the new regulations, the Town Code will need modification to reflect the changes and suggested that a public hearing be held.

Motion by Schumacher, seconded by Morgan and unanimously carried, a public hearing on Town Code Chapter 99 Storm Water Management will be held on December 1 at 5:00 p.m.

Mick Trivisonno, Director of Utilities, advised the board of a pending petition for water service on Marshland Road. Included in his report he advised the Board of the latest information involving the Susquehanna River Basin Coalition and a request by natural gas drillers wishing to purchase Town water.

A workshop was scheduled for either November 16@ 4:00 p.m. or 17 at 6:00 p.m. with Tim Steed, Engineer, regarding the purchase of water to be used for natural gas drillers.

Mike Zimmer, Town Clerk, requested that a contract pending the approval of the Town Attorney regarding the scanning of scrap books prepared years ago by Town Clerks be approved up to a cost of \$5000.00. This project was budgeted.

Motion by Schumacher, seconded by Davis and unanimously carried, the Contract for Services submitted by General Code Publishers for scanning scrapbooks of Town history was approved contingent upon the cost not to exceed \$5000.00 and the contract being approved by the Town Attorney and signed by the Supervisor.

Supervisor Sweeney's report included the following:

1. We received \$8,323 from the State for partial reimbursement of the costs for our 2009 Summer Youth Programs.
2. On December 1 from 2 to 4 pm at the Broome County Public Library the USEPA will be conducting a public meeting regarding their establishment of total maximum daily loads (TMDLs) and their expectations for states to achieve associated strict pollutant caps needed to meet Chesapeake Bay water quality standards. The USEPA is seeking preliminary public input at

this meeting. I am planning on participating in this meeting and will have Bruce Brent leading the Board meeting at 4:30 pm until I can arrive.

3. The Town's budget will be voted on at our next meeting. Unless the board wants any changes discussed tonight the only change I will make is for the Dental Insurance going up by 13% and I will put those projections in your box next week.

Motion by Morgan, seconded by Castellucci and unanimously carried, the December 1, 2009, Regular Meeting of the Town Board was changed to 5:00 p.m.

F. Privilege of the Floor

With permission of the Board agenda item:

I. Unfinished Business

3. Bolles Hill Road - was moved to this time.

Dave Ferris, Highway Superintendent, stated that he has contacted Mr. Fahringer, Little Meadows, regarding the Bolles Hill Road Bridge. Ferris stated that he has not heard anything in return. Judy Quigley, Town Attorney, stated that her duty was to protect and advise the Town Board. The concerns that Little Meadows may have need to be directed to their legal counsel. A formal agreement still must be set in place.

Ann Hoffman, Bolles Hill Road, voiced her concerns and frustrations regarding Little Meadows. She requested a copy of what the Highway Superintendent sent to Mr. Fahringer, Little Meadows.

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

G. Presentation of Petitions, Communication and Notices

1. Appropriation Transfers

Motion by Morgan, seconded by Castellucci and on a roll call vote unanimously carried, the following revised transfers were approved:

TOWNWIDE

1.\$177.99 from A.1680.4410 Central Data – Contracts for Service
to A.1680.4100 Central Data – Material & Supplies

\$500.00 from A.1110.4143 Justices – School/Dues/Travel
to A.1110.4100 Justices – Material & Supplies

\$301.04 from A.5132.4200 Highway Garage – Electric & Gas
to A.5010.4100 Street Admin – Material & Supplies

\$863.48 from A.5132.4200 Highway Garage – Electric & Gas
to A.5132.4410 Highway Garage – Contracts for Services

2.4525 Hwy Snow – Diesel Fuel

– Hwy Equip. Reserve

4525 Highway Repairs – Diesel Fuel

y Repairs – Pipe

4525 Highway Repairs – Diesel Fuel

y Repairs – Guide Rail

.4525 Highway Repairs – Diesel Fuel

y Repairs – Resurfacing

25 Highway Repairs – Diesel Fuel

y Misc. – Material & Supplies

01 Contingent

min – Contracts for Service

Contingent

P – Insurance

Contingent

ump Station – Material & Supplies

01 Contingent

Upgrade Pumphouse – Contracts for Services

01 Contingent

dmin – Personal Services

101 Contingent

atment – Personal Services

00 Sewer Treatment – Electric

atment – Material & Supplies

00 Sewer Treatment – Electric

atment – Insurance

00 Sewer Treatment – Electric

atment – Flood Insurance

200 Sewer Treatment – Electric

atment – Contracts for Services

200 Sewer Treatment – Electric
Treatment – Safety Equipment

seconded by Castellucci with the following changes:

payable to Fastenal (previously paid)
payable to McNamara's \$167.24
938 payable to McNamara's \$145.28

roll call vote, were unanimously carried:

side	\$29,399.39
outside	8372.58
	53845.18
	47896.71
	451.88
	38188.49
	<u>7917.22</u>
	\$186071.45

al Gas Town Committee

advised the board on changes to a document and that any questions and changes must have scientific involvement. A meeting will be held tomorrow at 3:00 p.m. to review the document and proposed changes.

seconded by Morgan and unanimously carried, the Board entered Executive Session regarding CNYOG v. the Town and an Individual Personnel Matter at 4:30 p.m.

vened the meeting at 4:40 p.m.

arding the orange covers for light pole bases as submitted by Patterson Electric at a total cost of \$4545.00

seconded by Davis and unanimously carried, the Supervisor was authorized to spend up to \$2000.00 to get the Exit 65 lights working.

Planning Board Member

seconded by Castellucci and unanimously carried, the name of Jason Rieg will be submitted to the Tioga County Planning Board for approval as the Town's representative on the Tioga County Planning Board

committees

that the Vietnam Valor Memorial Bridge on Route 38 will be dedicated at Noon on Veterans Day. He also reviewed the festivities celebrating Veterans' Day. prepared and circulated for signatures.

Motions, Motions and New Business

William S. Brown

Motion by Morgan, seconded by Davis and unanimously carried, the following resolution in honor of William S. Brown retiring from the Highway Department, was adopted:

William S. Brown has been employed by the Town of Owego for thirty years and has performed his duties in a workmanlike manner, and was always reliable and professional; and

WHEREAS, William S. Brown is retiring from his position as Heavy Equipment Operator II with Town of Owego;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego, on its behalf and on behalf of the employees and citizens of the Town, expresses its appreciation to William S. Brown for his service to the Town of Owego; and be it further

RESOLVED that this resolution be spread upon the minutes of this meeting and a certified copy be presented to William S. Brown.

2. Permission to Attend Broome County Bar Association's Oil and Gas Update 2009

Motion by Castellucci, seconded by Morgan and unanimously carried, the Town Attorney was authorized to attend the Broome County Bar Association's Oil and Gas Update 2009 with all reasonable expenses paid.

3. Apalachin Fire District RE: FEMA Grant

Motion by Castellucci, seconded by Davis and unanimously carried, the Board authorized Supervisor to send a letter of support to be attached to the Apalachin Fire District FEMA Grant Application for a home and sprinkler simulation mobile training trailer.

4. Permit Application - James Jackson

Debra Standinger, Planning and Zoning Administrator, reported that James Jackson, Jackson Farms, Route 17c was half way through his application for a MX Motorcycle Track in Campville on his property. Richard Lewis, Attorney for Jackson, requested a Workshop with the Board. After a brief discussion, Standinger agreed to place this item back on the agenda when appropriate.

5. Rezoning Request - Randy G. Harper

Debra Standinger, Planning & Zoning Administrator, stated that Randy Harper was requesting re-zoning of his property since he owns a parcel that is contiguous to a parcel already zoned Agricultural. Standinger stated that Mr. Harper has a buyer interested in purchasing the property in order to have horses. The sale is pending this re-zoning request.

Motion by Castellucci, seconded by Davis and unanimously carried, a public hearing to consider the re-zoning of property identified with a tax map number of 153.05-1-7 from Residential B to Agricultural is scheduled for Tuesday, December 1, at 5:00 p.m.

6. Permission to Attend American Planning Association's Digital Billboards and Sign Regulations Teleconference

Motion by Castellucci, seconded by Davis and unanimously carried, Debra Standinger, Planning & Zoning Administrator along with Councilman Morgan were authorized to attend the American Planning Association's Digital Billboards and Sign Regulations Teleconference on Monday, November 16 in Binghamton, New York.

L. Second Privilege of the Floor

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

M. Executive Session

2. Lease of Town Property

Motion of Castellucci, seconded by Davis and unanimously carried, the Board entered into Executive Session regarding the lease of town property at 5:05 p.m.

Supervisor Sweeney reconvened the meeting at 5:08 p.m.

N. Adjournment

Motion to adjourn by Morgan at 5:08 p.m.

Respectfully submitted,

Michael E. Zimmer
Town Clerk

