

November 17, 2009
7:00 p.m.
Town Hall Meeting Room
2354 State Route 434
Apalachin, NY

REGULAR MEETING OF THE OWEGO TOWN BOARD

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

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

(None)

E. Reports of Department Heads

The following Department Heads were present:

David Ferris, Highway Superintendent
Andrea Klett, Town Assessor
Judith Quigley, Town Attorney
Debra Standing, Planning and Zoning Administrator
Michael Trivisonno, Director of Utilities
Loretta P. Marchewka, Deputy Town Clerk

Andrea Klett, Town Assessor, reported her department is processing Star Exemption and Senior Exemption Applications and mid October sales have been entered on the system.

Michel Trivisonno, Director of Utilities, reported on the upcoming Chesapeake Bay TMDL Meeting. Trivisonno noted Supervisor Sweeney will be delivering a speech at the meeting and urged her to address the importance of all wastewater treatment plants, no matter what size, to assist in pollution control.

Debra Standing, Planning and Zoning Administrator, reported that Richard Shugars resigned as part-time DCO on November 12, 2009. On the

recommendation of Kyle Fleming, DCO, Standinger requested hiring Ron Raab as part-time DCO.

Motion by Morgan, seconded by Castellucci and unanimously carried, Ron Raab was appointed part-time Dog Control Officer at the same rate of pay as the current part-time Dog Control Officer effective immediately.

David Ferris, Highway Superintendent, reported that the latest Association of Towns Magazine contains an anti-regulation article regarding the ineffectiveness of "Children at Play" signs.

Loretta P. Marchewka, Deputy Town Clerk, on behalf of Michael Zimmer, Town Clerk, requested permission to attend the New York State Town Clerks Association, Inc. Regional Meeting regarding mass fatality procedures to be held in Liverpool, New York.

Motion by Morgan, seconded by Castellucci and unanimously carried, Michael E. Zimmer, Town Clerk, and Loretta P. Marchewka, Deputy Town Clerk, were authorized to attend the New York State Town Clerks Association, Inc. Regional Meeting in Liverpool, New York, on December 7, 2009, at a total cost of \$50.00 with all reasonable expenses paid.

Supervisor Sweeney's Report included the following:

1. We received \$104,180.24 of sales tax revenue for October. This is down 6.1% from last October 2008.
2. I am asking permission for Cheri Grenier to attend the NYS GFOA Central Region Holiday Seminar on December 3. It is in Syracuse but she will be car pooling with Vestal. The cost is \$50.

Motion by Castellucci, seconded by Morgan and unanimously carried, Cheri Grenier was authorized to attend the NYS GFOA Central Region Holiday Seminar on December 3, 2009, in Syracuse, New York, with all reasonable expenses paid.

3. I placed in everyone's box a Call for Candidate Projects from BMTS for the Unified Planning Work Program and the 2011-2015 Transportation Improvement Program. The due date for the projects is November 30. Do you want to submit anything tonight or wait till the next board meeting on December 1st which means that we will be a little late?

This item will be placed on the agenda for December 1.

F. Privilege of the Floor

Supervisor Sweeney opened Privilege of the Floor.

With the Board's permission, the following Agenda items were moved to this time: **K-10. Well Head Protection Permit Application - Hometown Auto Sales and Service, I-3. Bolles Hill Road and**

G-1. Letter - Elwood C. Campbell RE: Bornt Hill Road Drainage

K-10. Well Head Protection Permit Application - Hometown Auto Sales and Service

Debra Standinger, Planning and Zoning Administrator, reviewed the Well Head Protection Permit Application submitted by Jonathan B. Marks of Hometown Auto Sales and Service.

A motion was made by Castellucci and seconded by Morgan to approve the Well Head Protection Permit Application submitted by Jonathan B. Marks of Hometown Auto Sales and Service for property located at 6792 State Route 434, Apalachin, (Tax Map. No. 142.14-2-35).

A discussion followed regarding the stipulations included in the comment letter submitted by the Director of Utilities.

The motion passed unanimously contingent upon the following stipulations set forth by the Director of Utilities:

- 1. That the parcel meet all well head requirements for the Zone that it is in - Zone 2.**
- 2. All barrels of oil, antifreeze and transmission fluid shall have dual containment protection. Barrel is defined as 5 gallons or greater.**
- 3. The Utilities Department has access to operate and maintain the sewage pump station and valve pit at the corner of Route 434 and Pennsylvania Avenue. Free of parked vehicles for sale 24/7/365. Area is shaded on map.**

I-3. Bolles Hill Road

Judith Quigley, Town Attorney, reviewed the process for accepting the agreement between the Town of Owego and the Borough of Little Meadows for installation and maintenance of a temporary pipe and the maintenance of Bolles Hill Road and Frank Mead Road. Quigley noted that a Public Hearing is required. Quigley discussed the requirements necessary for final approval by the NYS Attorney General.

Paul Novak, Little Meadows, Pennsylvania, will secure a copy of the minutes from the Borough of Little Meadows and will personally deliver a copy of the agreement to Charles Fahringer for his signature.

Robert Gemmel, 2876 Bodle Hill Road, questioned the number of Public Hearings that will be required by the Town of Owego.

Pat Brown, 263 Frank Mead Road, questioned what is involved in a Public Hearing.

Ann Hoffman, 2739 Bolles Hill Road, questioned whether it would be advantageous for the Borough of Little Meadows and the Town of Owego to meet to discuss this agreement.

Motion by Morgan, seconded by Castellucci and unanimously carried, a Public Hearing regarding the Town of Owego entering an agreement with the Borough of Little Meadows, Pennsylvania, for the Town of Owego Highway Department to install a culvert pipe at the Bolles Hill Road Bridge and perform maintenance and snow removal on the portions of Bolles Hill Road and Frank Mead Road which are within the boundary of the Borough of Little Meadows, Pennsylvania, was scheduled to be held on December 1 at 5:00 p.m.

G-1. Letter - Elwood C. Campbell RE: Bornt Hill Road Drainage

Richard Huttleston, Tioga County Legislator, stated he was in attendance because he represents the Campbells in Legislative District 1. Legislator Huttleston expressed his appreciation to the Town Board for their decision regarding Mrs. Lawyer's excessive water bill.

Elwood C. Campbell, 1910 East Campville Road, reviewed his letter regarding the formation of a ditch on his property which was caused by water runoff from the Bornt Hill Road drainage shared by Tioga and Broome Counties. Campbell distributed maps and presented photographs of water damage and erosion to his property.

Legislator Huttleston stated the damage to this property is the result of progress and development and questioned the number and size of culverts in this area.

Mr. Campbell stated he is unable to sell four acres of land due to inaccessibility caused by property damage.

Gertrude Campbell stated the Town of Union and the Town of Owego diverted water underground on their property which contributed to the damage.

Supervisor Sweeney suggested a field trip to the area to ascertain the extent of the damage.

Motion by Morgan, seconded by Castellucci and unanimously carried, Agenda Item G-1. Letter - Elwood C. Campbell RE: Bornt Hill Road Drainage was referred to the Highway Committee to be

placed back on the agenda when all the pertinent information is available.

Legislator Huttleston emphasized that the Campbells must be patient and allow ample time for proper studies and information to be gathered.

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

G. Presentation of Petitions, Communication and Notices

1. Letter - Elwood C. Campbell RE: Bornt Hill Road Drainage

Moved to Privilege of the Floor.

2. Monthly Report of Supervisor

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

3. Letter - David and Martha Bohrer RE: Riverview Road Drainage Issues

Supervisor Sweeney reviewed the letter from David and Martha Bohrer regarding drainage issues on Riverview Road.

Supervisor Sweeney will inform the Bohrers that the Town was solving a road issue and not a drainage issue.

4. Letter (email) - Connie Jacobs RE: Old Route 38 Drainage

Supervisor Sweeney reviewed the communication submitted by Connie Jacobs regarding drainage problems on Old Route 38.

David Ferris, Highway Superintendent, stated this is a plugged culvert. The Highway Department will begin work tomorrow on this two day project.

Supervisor Sweeney will respond to Connie Jacob's email.

H. Abstracts

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

General Fund

\$ 94,342.18

General Fund - Town Outside	29,930.27
Highway - Town Outside	146,249.52
Water Districts	33,148.09
Route 38 Water	1,267.28
Sewer Districts	67,378.07
Route 38 Sewer	1,358.95
Lighting District 1	375.72
Lighting District 2	865.98
Lighting District 3	740.89
Lighting District 4B	139.33
Lighting District 5	453.58
Lighting District 6	1,149.49
Lighting District 7	145.29
Lighting District 8	93.60
Lighting District 9	43.37
Lighting District 4A	43.93
Lighting District 10	60.35
GRAND TOTALS	\$377,785.89

I. Unfinished Business

1. Marcellus Shale Natural Gas Town Committee

Motion by Sweeney, seconded by Castellucci and unanimously carried, Agenda Item I-1. Marcellus Shale Natural Gas Town Committee was tabled and will be placed on the agenda for December 1.

2. Exit 65 Lights

David Ferris, Highway Superintendent, reported the conduit is in but he does not know when the lights will be turned on.

Supervisor Sweeney stated this item will be kept off the agenda until further notice.

3. Bolles Hill Road

Moved to Privilege of the Floor.

J. Reports of Standing Committees

Councilman Castellucci, Highway Committee, Chairman, reported that the newly elected Highway Superintendent is in need of a new truck.

Motion by Castellucci, seconded by Morgan and unanimously

carried, the following resolution was adopted:

WHEREAS the Town of Owego Highway Superintendent wishes to purchase a 2010 Ford 4X4, F250 XL pickup truck at a total cost of \$21,878.81; and

WHEREAS an appropriation of \$21,878.81 from the Capital Reserve Highway Machinery Fund, Account No. HM.5131.2000 is necessary to pay for said Pickup Truck;

NOW, THEREFORE, BE IT

RESOLVED that payment be made to VanBortel Ford, Victor, NY, from the Capital Reserve Machinery Fund, Account HM.5131.2000 in the amount of \$21,878.81.

Councilman Morgan, Parks, Grounds and Recreation Committee, reported the roof on the shop at Hickories Park is finished, the Hickories Park basketball courts are complete and much outside work has been accomplished due to the good weather.

K. Presentation of Resolutions, Motions and New Business

1. Resolution RE: 2010 Town of Owego Annual Budget

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

WHEREAS Town Law Article 8 requires the Town of Owego to adopt an annual budget for the fiscal year 2010; and

WHEREAS a public hearing was held at the Town Hall in the Town of Owego on October 20, 2009, to hear comments concerning the preliminary budget for 2010, at which time all those persons wishing to were permitted to make comments concerning the preliminary budget or any items contained therein;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego does hereby adopt the budget placed on file with the Town Clerk as its annual budget for the Town for the fiscal year beginning January 1, 2010.

2. Permission to Attend Association of Towns 2010 Training School for Newly Elected Officers

Motion by Morgan, seconded by Castellucci and unanimously

carried, Councilman Castellucci was authorized to attend the General Information 2010 Training School for Newly Elected Officials to be held from January 13-15, 2010, at The Double Tree Hotel Rochester in Rochester, New York, with all reasonable expenses paid.

3. Permission to Attend Association of Towns 2010 Training School and Annual Meeting

Motion by Morgan, seconded by Castellucci and unanimously carried, Agenda Item K-3. Permission to Attend Association of Towns 2010 Training School and Annual Meeting was tabled and placed on the agenda for December 1.

4. Computer Emergency Room Internet Website Agreement

Motion by Castellucci, seconded by Morgan and unanimously carried, Supervisor Sweeney was authorized to sign the 2010 Internet Website Agreement with Computer Emergency Room.

5. Computer Emergency Room Computer Maintenance Agreement

Motion by Morgan, seconded by Castellucci and unanimously carried, Supervisor Sweeney was authorized to sign the 2010 Computer Maintenance Agreement with Computer Emergency Room.

6. Owego Water Treatment Petition

Supervisor Sweeney reported the petition to reject the Site Plan Review for Patriot Water, LLC located on Taylor Road which was submitted by the residents of Lincolnshire and surrounding homes was given to the Planning Board which will be making the decision on this project.

7. Town of Owego Fire District - Request for 2010 Meeting Room Reservations

Motion by Morgan, seconded by Castellucci and unanimously carried, the Town of Owego Fire District Commissioners were authorized to utilize the Owego Town Hall for their 2010 meetings to be held on the second Monday of each month from 7:00 p.m. - 10:00 p.m.

8. Apalachin Fire District FEMA Grant Request

Supervisor Sweeney reviewed the communication from Wayne E. Frye, Apalachin Fire District/Department Firefighter/Novice Grant Writer, requesting a letter of support for the Apalachin Fire

District FEMA Grant. The Commissioners will be asked to attend a workshop to deliver a presentation regarding this grant.

Motion by Castellucci, seconded by Morgan and unanimously carried, Agenda Item K-8. Apalachin Fire District FEMA Grant Request was tabled and will be placed on the agenda for December 1.

9. Request to Appoint Part-time Court Clerk

Motion by Morgan, seconded by Castellucci and unanimously carried, Agenda Item K-9. Request to Appoint Part-time Court Clerk was tabled and will be placed on the agenda for December 1.

10. Well Head Protection Permit Application - Hometown Auto Sales and Service

Moved to Privilege of the Floor.

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. Lease of Town Properties**
- 2. CNYOG v Town of Owego**
- 3. Individual Personnel Matter**
- 4. Acquisition of Land**

Motion by Morgan, seconded by Castellucci and unanimously carried, the Board entered Executive Session regarding 1. Lease of Town Properties, 2. CNYOG v Town of Owego, 3. Individual Personnel Matter and 4. Acquisition of Land at 8:28 p.m.

Supervisor Sweeney reconvened the meeting at 9:00 p.m.

N. Adjournment

Motion by Morgan the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Loretta P. Marchewka
Deputy Town Clerk