

December 1, 2009  
5:00 p.m.  
Owego Town Hall  
2354 State Route 434  
Apalachin, NY

## **REGULAR MEETING OF OWEGO TOWN BOARD**

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

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. Bolles Hill Road Agreement**

Supervisor Sweeney opened the public hearing. Town Attorney, Judy Quigley stated that a legal opinion from the Little Meadows Borough is required.

Pat Brown read a statement into the record in support of the replacement of the Bolles Hill Culvert. Her comments are on file with the record.

Ann Hoffman read a statement into the record in support of the replacement of the Bolles Hill Road Culvert. Her comments are on file with the record.

Robert Gemmel stated that he owns property that has been flooded. He presented pictures and information for the record.

Susan Diehl supported the replacement of the Bolles Hill Culvert and agreed with the comments previously stated by her neighbors.

Dave Ferris, Highway Superintendent, stated he received a letter from the Owego Apalachin School District that he suggested be sent to the Attorney General.

**Motion by Morgan, seconded by Schumacher and unanimously carried, after all who wished to speak were heard, the public hearing was closed.**

With permission of the Board, Agenda item K. 1. Bolles Hill Road was moved to this time.

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

**WHEREAS, the Town of Owego, upon approval of the New York State Attorney General, wishes to enter into an agreement with the Borough of Little Meadows, Pennsylvania for the Town of Owego Highway Department to install a culvert pipe on the Bolles Hill Road Culvert and to provide snow removal and maintenance on the portions of Bolles Hill Road and Frank Mead Road which are within the boundary of the Borough of Little Meadows, Pennsylvania; and**

**WHEREAS a public hearing was had on said matter on December 1, 2009 at which time anyone wishing to comment was able to do so;**

**NOW, THEREFORE, BE IT**

**RESOLVED that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute the agreement between the Town of Owego and the Borough of Little Meadows, Pennsylvania, upon approval of the New York State Attorney General.**

## **2. Zoning Change from Residential B to Agriculture (153.05-1-7) Jewett Hill Rd.**

Supervisor Sweeney opened the public hearing. Debra Standinger, Planning & Zoning Administrator, stated that the legal notice for the hearing was published in the Press and Sun Bulletin; however the postcards to the surrounding neighbors were not mailed. Standinger suggested adjourning the hearing until December 15, 2009, at 7:00 p.m.

**Motion by Morgan, seconded by Schumacher and unanimously carried, the public hearing regarding the proposed Zoning change from Residential B to Agricultural was tabled until the meeting of December 15, 2009, at 7:00 p.m.**

## **3. Town Code Chapter 99 - Storm Water Management**

Supervisor Sweeney opened the public hearing. The Planning & Zoning Administrator, stated that the proposed law brings the law in line with current regulations.

**Motion by Schumacher, seconded by Morgan and unanimously carried, after all who wished to speak were heard, the public hearing was closed.**

**Motion by Schumacher, seconded by Morgan and unanimously carried, Local Law #7 was adopted:**

**1. SECTION 1. Owego Town Code Chapter 99 Stormwater Management, §99-7 is amended to change paragraph E and to add paragraph F as follows:**

**E. Construction Permit Paperwork to be available and accessible at the construction site at all times from date of initiation of construction to the date of final stabilization.**

- (1) SWPPP, including construction drawings and plans.**
- (2) Notice of Intent (NOI) signed by the Owner and Preparer.**
- (3) Acknowledgment Letter from DEC.**
- (4) MS4 SWPPP Acceptance Form.**
- (5) Site log book including all inspection reports, certifications and SWPPP updates, modifications or addendums.**
- (6) Current General Permit for Stormwater Discharges from construction activity.**
- (7) For sites that disturb five or more acres a Letter of Permission from DEC or MS4 is required.**

#### **F. Contractor Training**

- (1) Owner will identify contractor(s) responsible for SWPPP implementation.**
- (2) Contractor(s) will identify at least one individual trained in Erosion and Sediment Control (E&SC) by April 30, 2010.**
- (3) Effective May 1, 2010 Contractor(s) trained individual must be on site on a daily basis during soil disturbance activities.**
- (4) Trained individual must complete four hours of training in E&SC every three years.**
  - (a) Only DEC endorsed training will be accepted.**
  - (b) Trained individual will have proof of training on site.**

#### **2. SECTION 2. Owego Town Code Chapter 99 Stormwater Management §99-9, paragraph A (2) and paragraph C are amended as follows:**

**(2) For land development activities as defined in §171-6 of this chapter and meeting Condition A, B or C in §171-7B(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days for sites with five acres or less exposed and twice every seven days, separated by two full days, for sites with more than five acres exposed or in accordance with the current General Permit for Stormwater Discharges from construction activity. Inspection reports shall be maintained in a site logbook.**

**C. Maintenance after construction. The owner or operator of permanent stormwater management practices (SMPs) installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this chapter.**

**Proper operation and maintenance also includes, as a minimum, the following:**

**(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.**

**(2) Written procedures for training personnel in the operation and maintenance of the facilities.**

**(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article II, §99-8B.**

**3. SECTION 3. 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.**

**4. SECTION 4. 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 present:

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

Supervisor Sweeney's report included the following:

Supervisor's Report - December 1, 2009

1. We received \$259,228.20 from SEMO/FEMA as a partial payment toward the costs of building the new Depot Street wellhouse. We also received a payment of \$25,864.50 from SEMO/FEMA for the costs of the Apalachin Creek Sewer Line project.

#### **F. Privilege of the floor**

Town of Owego Justice Ronald Bell stated after conferring with his associate, Agenda Item I. 5. Part -Time Court Clerk Appointment, was being withdrawn at this time.

#### **G. Presentation of Petitions, Communications, Notices and Transfers**

## **1. NYMIR - Loss Control**

**Motion by Castellucci, seconded by Morgan and unanimously carried, the letter from NYMIR containing recommendations for several Town Parks was referred to the Committee for resolution and a response back to NYMIR.**

## **H. Abstracts**

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

<b>General Fund - Town Wide</b>	<b>\$73339.28</b>
<b>General Fund - Town Outside</b>	<b>7409.69</b>
<b>Highway - Town Outside</b>	<b>50561.31</b>
<b>Water Districts</b>	<b>24380.96</b>
<b>Route 38 Water</b>	<b>322.01</b>
<b>Sewer Districts</b>	<b>16272.44</b>
<b>Route 38 Sewer</b>	<b>362.68</b>
<b>TOTAL ALL FUNDS</b>	<b>\$172648.37</b>

## **I. Unfinished Business**

### **1. Marcellus Shale Natural Gas Committee**

**Motion by Castellucci, seconded by Schumacher and unanimously carried, the Marcellus Shale Natural Gas Committee will be placed on the agenda for the meeting on December 15 at 7:00 p.m.**

### **2. Apalachin Fire Department, Pennsylvania Ave. Station**

**Motion by Schumacher, seconded by Davis and unanimously carried, a workshop with the Apalachin Fire Department regarding a grant application is scheduled for Tuesday, December 15, at 6 p.m.**

**3. BMTS - projects - no projects are being submitted at this time.**

### **4. Permission to attend Association of Towns**

**Motion by Schumacher, seconded by Morgan and unanimously carried, two Town Board Members and three members of either the Town Planning Board or Zoning Board of Appeals may attend the Association of Towns Meeting in New York City.**

**5. Owego Town Court - Part Time Appointment - withdrawn earlier in meeting**

## **J. Reports of Standing Committees**

Councilman Castellucci led a discussion on the State possibly re-routing traffic in the Finger Lakes Region.

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

**WHEREAS the New York State Department of Transportation has proposed a regulation that would re-route truck traffic through the Village of Owego to avoid their travel through the Finger Lakes Region area; and**

**WHEREAS the Village of Owego and its Historic District already experience heavy truck traffic; and**

**WHEREAS increased truck traffic is anticipated to occur in the Towns and Villages within Tioga County with the onset of gas drilling in our area and this proposed regulation would only exacerbate the situation; and**

**WHEREAS this restriction would adversely affect the quality of life for residents within our community in the name of improving it for those in other areas;**

**NOW, THEREFORE, BE IT**

**RESOLVED that the Town Board of the Town of Owego hereby express their opposition to the regulation restricting trucks from traveling through the Finger Lakes Region area and re-routing them through the Town of Owego and surrounding communities.**

#### **K. Presentation of Resolutions, Motions and New Business**

##### **2. Resolution re: Acquisition of Land**

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

**WHEREAS Dyer Excavating and Tank Service is the owner of property on Sunnyside South in the Town of Owego; and**

**WHEREAS the Town of Owego has public utilities running through said property; and**

**WHEREAS it is in the Town's best interests to acquire said property;**

**NOW, THEREFORE, BE IT**

**RESOLVED that the Town Board of the Town of Owego authorizes and directs the Supervisor to execute a contract of sale between Dyer and the Town of Owego for the purchase of said property located in the Town of Owego, County of Tioga and State of New York, known as Town of Owego Tax Map No. 118.19-1-1.9 for the purchase price of \$2000.00.**

##### **3. Local Law re: Zoning change ( public hearing #2) previously addressed in meeting**

##### **4. Local Law re: Town Code Chapter 99 (public hearing #3) previously adopted in meeting**

## **5. Schedule Year End Meeting**

**Motion by Morgan, seconded by Davis and unanimously carried, the Special Year End Meeting was scheduled for Wednesday, December 30, at 8:30 a.m.**

## **L. Second Privilege of the floor**

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

## **M. Executive Session**

### **1. Lease of Town Property and CNYOG v Town**

**Motion by Morgan, seconded by Davis and unanimously carried, the Board entered into Executive Session regarding the lease of Town Property and CNYOG v. Town at 6:23 p.m.**

Supervisor Sweeney reconvened the meeting at 6:44 p.m.

## **N. Adjournment**

**Motion by Morgan the meeting was adjourned at 6:44 p.m.**

Respectfully submitted,

Michael E. Zimmer  
Town Clerk