

Tuesday, December 15, 2009
Owego Town Hall
2354 State Route 434
Apalachin, New York

Regular Meeting of the Owego Town Board

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

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

C. Consideration of Bids (none)

D. Public Hearing

1. Zoning Change - Jewett Hill Road (adjourned from previous meeting)

Supervisor Sweeney reconvened the public hearing that was tabled from the previous meeting. Debra Standing, Planning & Zoning Administrator, gave a brief overview of the request. The property that Mr. Harper wished to have re-zoned as AG was adjacent to property similar zoned as AG. Harper had a buyer interested in raising horses on the property and was only interested in going through with the sale upon the re-zoning from RB to AG.

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

The Planning and Zoning Administrator, read the SEQR short form noting that Part I was completed by the owner and Part II was for the Town to complete.

Motion by Schumacher, seconded by Morgan and unanimously carried, having determined that the proposed re-zoning would not have an adverse effect on the environment, the Supervisor was authorized to sign SEQR non negative declaration.

Motion by Morgan seconded by Castellucci and unanimously carried Local Law #8 for 2009 was adopted.

1. SECTION 1. The Zoning Map of the Town of Owego is hereby amended as follows:

All that portion of Tax Map No. 153.05-1-7 in the Town of Owego that was previously zoned Residential B (RB) shall be changed to Agricultural (AG).

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.

E. Reports of Department Heads

The following Department Heads were present:

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

The Planning & Zoning Administrator submitted a request for an intern from Cornell who would work with the zoning maps. If a successful candidate was found, the salary would be a 50/50 split with the Town's portion totaling \$1875.00.

The Planning and Zoning Administrator, reviewed the Well Head Protection Permit submitted by the Tioga County Soil and Water Conservation District in order to build a pole barn on a concrete pad to store equipment at the Route 38 property. Mick Trivisonno, Director of Utilities submitted a comment letter stating no objection to this request contingent upon there being no servicing of vehicles.

Motion by Schumacher, seconded by Castellucci, and unanimously carried, a Well Head Protection Permit was granted to the Tioga County Soil & Water Conservation District for construction of a pole barn for the storage of vehicles at the Route 38 property.

A workshop with Jim Jackson regarding his MX Motocross track is scheduled for Tuesday, December 19, at 6:00 p.m.

The Supervisor's Report included:

1. Request for Cheri Grenier to attend a NYSGFOA in March of 2010.

Motion by Castellucci, seconded by Davis and unanimously carried, Cheri Grenier was authorized to attend the NYSGFOA Annual Conference, March 24 - 26, 2010, in Albany, New York, with all reasonable expenses paid.

2. Attended a BMTS meeting and the committee will be looking areas to amend the TIPS Program since many projects have exceeded original estimates.

3. Reminded the Board of the Special Year End Meeting to authorize payment of bills on Thursday, December 30, 2009, at 8:30 a.m.

F. Privilege of the floor

2. Apalachin Fire Department - Grant Application

Motion by Castellucci, seconded by Davis and unanimously carried, the Supervisor was authorized to send a letter of support to FEMA regarding the Apalachin Fire District's intent to modify and expand Station #1.

Councilman Davis read the following proclamation that was presented to Supervisor Carol B. Sweeney:

WHEREAS Carol B. Sweeney served as Town of Owego Councilwomen from 1992 through 1995; and

WHEREAS Carol B. Sweeney became Town of Owego Supervisor in 1996 and has served in that position through 2009; and

WHEREAS she has served as Budget Officer for the Town of Owego from 1996 through 2009; and

WHEREAS she has been an active member of the Tioga County Council of Governments since 1996, acting as Chairperson from 2000 through 2007; and

WHEREAS Carol has served on the Binghamton Metropolitan Transportation Study Policy Committee since 1996, acting as Chairperson from 2006 through 2009; and

WHEREAS Carol B. Sweeney received the Tioga County Republican Committee Lifetime Achievement Award in 2009; and

WHEREAS Carol was awarded the Business and Professional Women's Association's Woman of the Year Award in 2009; and

WHEREAS Carol has worked tirelessly and diligently for the citizens of the Town of Owego throughout her tenure as Supervisor, dedicating herself to making the Town of Owego a better place to live and work; and

WHEREAS Carol's frugality as Budget Officer is legendary, and as a result, the Town's tax rate increased by an average of less than 1.5% throughout her tenure; and

WHEREAS Carol is retiring from the Town of Owego on December 31, 2009;

NOW THEREFORE BE IT

RESOLVED that the Town Board of the Town of Owego, on behalf of the Town of Owego and all its residents, does hereby express its deepest gratitude and appreciation for the caring, committed service Carol B. Sweeney has provided to the Town of Owego, and does hereby extend to her best wishes and much happiness in her retirement.

6. Doug Barton, Tioga County Director of ED & P (Route 38)

Doug Barton, Tioga County Director of Economic Development and Planning, requested the Board consider their intent for property owned by the Town to be sold for development. Barton was interested in the Board's intent which would determine whether the property was marketed or not. Barton noted that only two acres remain in the area to be sold.

Questions were raised regarding whether the Attorney for the Borough of Little Meadows has signed the agreement with the Town regarding the Bolles Hill Road Culvert Project. Judy Quigley stated that the Borough's Attorney has not returned any of the Town's inquires regarding this project.

G. Presentation of communications, transfers and notices

1. Transfers

On motion of Morgan, seconded by Davis and on a roll call vote unanimously carried the following Transfers were approved:

TOWNWIDE

\$1,236.00	from	A.1110.4143	Justices – School/Dues/Travel
	to	A.1110.4410	Justices – Contracts for Services
\$100.00	from	A.1110.4100	Justices - Material & Supplies
	to	A.1110.4115	Justices – Maintenance Agreement
\$1,907.65	from	A.1460.4101	Records Management – Contractual Expense
	to	A.1460.2000	Records Management – Equipment
\$1,800.00	from	A.1410.4143	Town Clerk – School/Dues/Travel
	to	A.1460.2000	Records Management – Equipment

\$523.41	from	A.1460.4143	Records Management – School/Dues/Travel
	to	A.1460.2000	Records Management – Equipment
\$531.15	from	A.1620.4385	Buildings - Maintenance
	to	A.1620.4100	Buildings – Material & Supplies
\$399.84	from	A.1670.4115	Central Printing – Maintenance Agreement
	to	A.1670.4100	Central Printing – Material & Supplies
\$2.34	from	A.1680.2000	Central Data – Equipment
	to	A.1680.4410	Central Data – Contracts for Services
\$198.15	from	A.1680.4115	Central Data – Maintenance Agreement
	to	A.1680.4410	Central Data – Contracts for Services
\$5,140.61	from	A.1990.4101	Contingent – Contractual Expense
	to	A.1910.4101	Unallocated Insurance – Contractual Expense
\$10.23	from	A.3510.4100	Dog Control – Material & Supplies
	to	A.3510.4210	Dog Control – Telephone
\$181.71	from	A.3510.2000	Dog Control – Equipment
	to	A.3510.4600	Dog Control – Vehicle Expense
\$22.00	from	A.3310.4410	Traffic Control – Contracts for Services
	to	A.5010.4100	Street Admin. – Material & Supplies
\$250.00	from	A.5132.4100	Hwy Garage – Material & Supplies
	to	A.5010.4143	Street Admin. – School/Dues/Travel

TOWNOUTSIDE

\$132.79	from	B.1620.4385	Buildings - Maintenance
	to	B.1620.4100	Buildings – Material & Supplies
\$225.00	from	B.7140.4526	Parks – Heating Fuel
	to	B.7140.4620	Parks – Port a John
\$500.00	from	B.7140.4526	Parks – Heating Fuel
	to	B.7140.4611	Parks – Road Repair
\$105.69	from	B.8020.4410	Planning – Contracts for Services

to **B.8010.4310 Zoning - Legals**

HIGHWAY

\$20,000.00 from **DB.5142.4525 Hwy Snow – Diesel Fuel**
to **DB.9000.9906 Transfer – Hwy Equip. Reserve**

\$4,929.38 from **DB.5110.4525 Hwy Repairs – Diesel Fuel**
to **DB.5110.4101 Hwy Repairs – CHIPS**

\$15,900.86 from **DB.5110.4525 Hwy Repairs – Diesel Fuel**
to **DB.5110.1000 Hwy Repairs – Personal Services**

\$625.00 from **DB.5110.4525 Hwy Repairs – Diesel Fuel**
to **DB.5110.4835 Hwy Repairs – Pipe**

\$261.14 from **DB.5110.4525 Hwy Repairs – Diesel Fuel**
to **DB.5140.4100 Hwy Misc. – Material & Supplies**

\$1,008.94 from **DB.5110.4525 Hwy Repairs – Diesel Fuel**
to **DB.5142.4100 Hwy Snow – Material & Supplies**

\$4,074.66 from **DB.5110.4525 Hwy Repairs – Diesel Fuel**
to **DB.5130.4845 Hwy Machinery – Tires**

WATER

\$168.53 from **F.1990.4101 Contingent – Contractual Expense**
to **F.8310.4100 Water Admin – Material & Supplies**

\$227.00 from **F.1990.4101 Contingent – Contractual Expense**
to **F.8320.4301 Water P&P – Flood Insurance**

\$1,665.01 from **F.1990.4101 Contingent – Contractual Expense**
to **F.8340.4110 Water Trans – Repairs & Upkeep**

\$2,371.11 from **F.1990.4101 Contingent – Contractual Expense**
to **F.8340.4410 Water Trans – Contracts for Services**

\$55,035.08 from **F.9742.4007 Water Tank – Interest**
to **F.9000.9920 Transfers – Capital Project**

ROUTE 38 WATER

\$20.00 from **FA.1990.4101** **Contingent – Contractual Expense**
to **FA.8310.1000** **Water Admin – Personal Services**

\$11.37 from **FA.1990.4101** **Contingent – Contractual Expense**
to **FA.8310.4410** **Water Admin – Contracts for Services**

\$60.00 from **FA.1990.4101** **Contingent – Contractual Expense**
to **FA.8340.4143** **Water Trans District – School/Dues/Travel**

SEWER

\$193.00 from **G.8000.9060** **Employee Benefits - Health**
to **G.8000.9161** **Employee Benefits – Dental**

\$14,200.00 from **G.8120.1000** **Sewer Coll. System – Personal Services**
to **G.8130.1000** **Sewer Treatment – Personal Services**

\$424.19 from **G.8000.9060** **Employee Benefits – Health**
to **G.8110.4100** **Sewer Admin – Material & Supplies**

\$48.53 from **G.8000.9060** **Employee Benefits – Health**
to **G.8110.4111** **Sewer Admin – Postage**

\$26,432.07 from **G.9751.4007** **Digester Cover – Interest**
to **G.9000.9920** **Transfer – Capital Project**

\$9,855.10 from **G.8130.4110** **Sewer Treatment – Repairs & Upkeep**
to **G.9000.9920** **Transfer – Capital Project**

\$4,080.00 from **G.8130.4420** **Sewer Treatment – Gas Engine**
to **G.9000.9920** **Transfer – Capital Project**

RT 38 SEWER

\$375.00 from **GA.1990.4101** **Contingent – Contractual Expense**
to **GA.8110.1000** **Sewer Admin – Personal Services**

\$11.37 from **GA.1990.4101** **Contingent – Contractual Expense**
to **GA.8110.4410** **Sewer Admin – Contracts for Services**

\$200.00 from **GA.1990.4101 Contingent – Contractual Expense**
 to **GA.8120.4100 Sewer Coll. System – Material & Supplies**

\$1,070.00 from **GA.1990.4101 Contingent – Contractual Expense**
 to **GA.8120.4101 Sewer Coll. System – Contractual Expense**

\$61.70 from **GA.1990.4101 Contingent – Contractual Expense**
 to **GA.8120.4300 Sewer Coll. System - Insurance**

2. Monthly Statement of the Supervisor

The Monthly Statement of the Supervisor was placed on file with the Town Clerk.

H. Abstracts

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

General Fund Town Wide	\$6936.27
General Fund Town Outside	12019.81
Highway Town Outside	69936.16
Water Districts	79757.98
Route 38 Water	382.69
Sewer District	86645.73
Route 38 Sewer	<u>142.50</u>
Total All Funds	\$255821.14

I. Unfinished Business

1. Marcellus Shale Natural Gas Committee

Councilman Schumacher stated the committee has reviewed the modifications to TING (Tioga Investigates Natural Gas) and has is prepared to make a response.

Motion by Schumacher, seconded by Morgan and unanimously carried, the Supervisor was authorized to incorporate the modifications in the response to NYSDEC and Governor Patterson regarding the Marcellus Shale Natural Gas Project.

2. Apalachin Fire Department - Grant Application (moved to privilege of the floor)

3. Local Law - Zoning Change on Jewett Hill Road (adopted earlier in the meeting)

4. Exit 65 lights

Dave Ferris, Highway Superintendent and Carol Sweeney, Supervisor updated the Board on the Exit 65 lights.

Motion by Castellucci, seconded by Davis and unanimously carried, the Town will encumber the amount of Patterson Electric's quote regarding the electrical work on the Exit 65 lights in the amount of \$7750.00

J. Reports of Standing Committees

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

WHEREAS David J. Ferris, Town of Owego Highway Superintendent will be retiring on December 30, 2009; and

WHEREAS David Ferris has been employed by the Town of Owego since 1974; and

WHEREAS David Ferris has served as Town of Owego Highway Superintendent since 1984; and

WHEREAS David Ferris has served on many local and state committees and has overseen the operation and maintenance of approximately 200 miles of Town roads;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego on behalf of the residents of the Town of Owego would like to thank Dave for his dedicated service to the Town and would like to wish him well in his retirement.

K. Presentation of Motions, Resolutions and New Business

1. Boy Scout Troop 38 - use of bandshell

Motion by Morgan, seconded by Castellucci and unanimously carried, Boy Scout Troop 38, in honor of its 75th Anniversary was authorized to use the Doris B. Scott Bandshell at a cost of \$250.00 on a Saturday to be determined in the months of May, June, September or October 2010.

2. Parks Maintenance Assistant Job Description

Motion by Morgan, seconded by Castellucci and unanimously carried, the Parks Maintenance Assistant Job description as prepared by Public Sector HR was approved.

3. Town Planning Board and Zoning Board of Appeals - re-appointments

Motion by Castellucci, seconded by Davis and unanimously carried, James Tofte was re-appointed to the Town of Owego Planning Board for a term of seven years which will commence on January 1, 2010, and end on December 31, 2016 and Jack Legg was re-

appointed to the Zoning Board of Appeals for a term of five years which will commence on January 1, 2010 and end on December 31, 2014.

4. Highway Positions re-classification

A discussion was held.

Motion by Castellucci, seconded by Davis and unanimously carried, a decision regarding the re-classification of Highway Positions will be tabled until the new elected Highway Superintendent takes office on January 1, 2010. The Board directed the Highway Superintendent to have these individuals do only the work that is approved by their current job titles.

5. Board of Assessment Review - re-appointments

Motion by Castellucci, seconded by Morgan and unanimously carried, Frank Allen and Jack Guilfoyle were re-appointed to the Board of Assessment Review retroactive to October 1, 2009 and ending on September 30, 2014.

7. Resolution RE: Muth Playground Equipment

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

WHEREAS, the Town of Owego Parks Department wishes to purchase playground equipment at a cost of up to \$24,014.00 from Miracle Recreation Equipment Company; and

WHEREAS, it appears appropriate to pay for said playground equipment from the Town of Owego Trust and Agency Account, TA.0370 Parkland Deposits, paying out of the appropriate subdivisions as follows:

Hazel Estates:	\$ 4,048.00
Oakwood:	\$ 8,860.00
Maplewood:	<u>\$11,106.00</u>
	\$24,014.00

NOW, THEREFORE, BE IT

RESOLVED, that payment be made to Miracle Recreation Equipment Company from the Town of Owego Trust and Agency Account, TA.0370 in an amount up to \$24,014.00 for said playground equipment.

L. Second privilege of the floor

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

M. Executive Session

1. CNYOG v. Town and the lease of town property

Motion by Morgan seconded by Castellucci and unanimously carried, the board entered Executive Session at 8:15 p.m. regarding CNYOG and the lease of Town Property.

Supervisor Sweeney reconvened the meeting at 8:29 p.m.

N. Adjournment

Motion by Morgan, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Michael Zimmer
Town Clerk