

Village of Owego Board of Trustees Meeting
Minutes of January 3, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Monday, January 3, 2011 at 20 Elm Street, Owego, NY, starting at 7:00 p.m. The following people were in attendance:

Mayor:	Ed Arrington
Trustees:	Jane Woody
	Ann Lockwood
	Connie Sternberg
	Jim Legursky
	Tom Clark
Clerk-Treasurer:	Rod Marchewka
Police Chief:	Rick McCulskey
Village Attorney:	Irene Graven
DPW Supt.:	Jeff Soules
WWTP Supt.:	Ron Horton
Fire Chief:	Ed Bidwell

Visitor's List
Insert "A"

At 7:00 p.m. the meeting was called to order by Mayor Arrington followed by the pledge of allegiance and invocation.

Motion by Trustee Legursky, seconded by Trustee Sternberg, to have privilege of the floor before the first order of business.

Unanimously Approved

Privilege of the Floor:

Geri Wiley – 19 Lake Street – Mayor Arrington, is the Village going to be treating sewer flow back water? Mayor Arrington answered “no”.

Judy Riesbeck – Who from the board has not taken the Violence in the Workplace Workshop? Trustees Legursky and Lockwood – class to be held on Wednesday.

Charlie Lohmeyer – 55 Spencer Avenue - What is the status of request to have house at 53 Spencer torn down? Mayor Arrington answered that the issue is being addressed by the OHPC at this time.

Kevin Millar – 78 Front Street – Thanked the board for putting the Privilege of the Floor as first order of business.

Motion by Trustee Clark, seconded by Trustee Legursky, to temporarily amend the original motion made on June 3, 1985 which determines how the fire and emergency protection services contract money will be distributed; specifically, for the fiscal years of 2011 through 2015 the new allocation will be 10% to the Fire Companies, 10% to the General Fund and \$39,770.00 into a temporary Long Term Debt account, for the payment of the Pumper Truck and the total payment of the Rescue Truck; and in fiscal year 2016 the distribution of the fire contract money will revert back to the original motion of June 3, 1985 as referenced hereto:

June 3, 1985 motion;

Whereas, the Village of Owego Fire Department in order to make better use of its' fire fighting equipment and to provide a necessary service to the surrounding areas has entered into contracts to provide fire and emergency protection of these areas. It is the wish of the Fire Department that any monies received by the village for any such contracts be handled by the Village of Owego in the following matter: 10% be reserved for the Fired Department for administration purposes; 10% be reserved for the Village General fund to be used to help defray other costs of the Fire Department; 80% to be reserved for placement in the "Reserve for Fire Purposes" at the highest rate of interest available and to be used only for replacement or refurbishment of Fire Department apparatus or other necessary rolling stock with Village Board approval.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Woody, to make a budget amendment transferring the 2010 fire and emergency protection services contract money of \$90,557.65 from the "Reserve for Fire Purposes" to a temporary Long Term Debt account in the form of a special time deposit account or certificates of deposit issued by a bank or trust company located and authorized to do business in this state; and, Such amounts in such account and so invested shall be payable within such time as the proceeds will be needed to meet the expenditures for which such moneys were obtained in order to pay that balance of the Pumper Truck and that portion of the Rescue Truck which has been properly bond financed for five years.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood for the adoption of the following resolution:

WHEREAS, the Village of Owego Sewer department operates a belt press that is 45 years old and said press is demonstrating degraded reliability due to age; and

WHEREAS, on September 7, 2010 Superintendent Horton requested permission to and this board gave authorization request proposals for a replacement belt filter press in accordance with the Code of the Village of Owego (Owego Code) §57-1.C; and

WHEREAS, two bids were received and opened on December 27, 2010;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Owego Code §57-1.E a good faith effort has been made to obtain the required number of proposals; and

BE IT FURTHER RESOLVED that, Superintendent Horton has documented the procurement actions taken in a letter dated December 28, 2010 in compliance with Owego Code §57-1.E; and

BE IT FURTHER RESOLVED that, the Village of Owego accepts the bid of BPD Industries of Greenwich, NY for \$167,000.00; and

BE IT FURTHER RESOLVED that, funding for this purchase shall be drawn from both the Senator Schumer appropriation of \$110,000.00 and the remaining EFC funding of \$69,000.00; and

BE IT FURTHER RESOLVED that the Village of Owego Sewer Superintendent, Mayor, Attorney, and Clerk-Treasurer be authorized to create and execute all documentation necessary to complete the sale.

Unanimously Approved

- 200 West Avenue – act on negative declaration – SEQR – Trans Load Sand Storage – truck traffic (note Tioga County Planning Board took no action)

Motion by Trustee Woody, seconded by Trustee Sternberg, to table SEQR Request and this stops the 20 day time table.

Questions on: dust issues, noise, and transfer of sand.

Roll call vote: Trustees Clark, Lockwood, and Legursky abstained. Trustees Woody and Sternberg voted yes.

Motion Failed 3-2

Motion by Trustee Legursky to go ahead on declaring a negative declaration on no significant environmental impact.

Motion by Trustee Sternberg, seconded by Trustee Woody, to table above motion until client/attorney privilege with the village attorney.

Roll call vote: Trustees Clark and Legursky abstained, Trustees Lockwood, Sternberg, and Woody voted yes.

Motion Failed 3-2

Roll call vote on motion by Trustee Legursky (above): Trustees Clark, Legursky, and Lockwood abstained. Trustees Woody and Sternberg voted no.

Motion Failed 3-2

Motion by Trustee Legursky, seconded by Trustee Lockwood, to table SEQR motion on 200 West Avenue and stop the 20 day time table until more information can be reviewed.

Roll call vote: Trustee Clark abstained, Trustees Legursky, Lockwood, Sternberg, and Woody voted yes.

Motion Passed 4-1

- Removed CDBG for Alan Tucker - it will reviewed by THOMA and put in a regular CDBG instead of an emergency CDBG

Clerk Treasurer

- Liquor License renewals received for:

- 1) Grand Central Restaurant
- 2) O'Hara's Restaurant

Payment of Bills

Motion by Trustee Woody, seconded by Trustee Clark, to approve the bills for December as submitted.

Questions on:

Low Profile Lite Bar (Fire Department) normally \$1,799.00, paid \$200 to a fireman?
Judge Boland's purchase of benches for the court room? Grant money used.

Unanimously Approved

Motion by Trustee Woody, seconded by Trustee Clark, to approve the minutes of 12-20-2010 with the correction to delete the names in the results of the voting for trustee vacancy.

Trustee Clark presented edits to minutes listed below:

- 1) Page 7, Section entitled "Discussion of Fire Department Contract Money" add – Motion by Trustee Clark, seconded by Trustee Woody, to reverse the original motion made on June 3, 1985 which determines how the fire contract money will be distributed. For the fiscal years of 2011 through 2015 the new allocation will be 10% to the Fire Companies, 10% to the General Fund, \$39,770.00 for the payment of the Pumper Truck and the total payment of the Rescue Truck as shown on the attached schedule. In fiscal year 2016 the distribution of the fire contract money will be reverted back to the original motion of June 3, 1985.
- 2) Page 7, Motion to table the Fire Department Contract Money Resolution. Provide correct vote response of Trustees Clark, Legursky, Lockwood and Sternberg voted yes. Trustee Woody voted no.
- 3) Page 8, Section entitled "Vacancy of 2nd ward trustee", delete the by name listing of results.

Trustee Reports:

Trustee Legursky

Motion by Trustee Legursky, seconded by Trustee Clark, to appoint Earl Hartman as Trustee of the 2nd Ward to fill the position vacated by Trustee Ken Smith.

Unanimously Approved

Tom Clark

Point of Information - The board has been provided with two documents "2010 Survey of States Regarding Hydraulic Fracturing" and "Regulatory Statements on Hydraulic Fracturing Submitted by the Stations June 2009". What is the source of these documents?

I ask that the Clerk-Treasurer add "Parliamentary Authority" to the agenda for the Board Meeting of January 17, 2011. Board members are being supplied an outline of the motions to be brought. I ask that all review the outline and provide me any comments or suggested changes.

I ask that the Clerk-Treasurer add "Volunteerism" to the agenda for the Board Meeting of January 17, 2011. Board members are being supplied an outline of the motions to be brought. I ask that all review the outline and provide me any comments or suggested changes.

I give notice that at our next scheduled meeting, I will be asking to rescind the previous motions establishing a Village Board specific form for Fire Department membership applications. I ask that this notice be included in the minutes.

I ask that the Clerk-Treasurer add "Parking" to the agenda for the Board Meeting of January 17, 2011. Board members are being supplied an outline of the motions to be brought. I ask that all review the outline and provide me any comments or suggested changes.

PARLIAMENTARY AUTHORITY

Formally adopt Roberts Rules of Order Simplified and Applied as the board's parliamentary procedure.

Limit voting responses to YES, NO, ABSTAIN, or ABSENT. All votes to be a roll call vote. Establish roll call sequence as by ward in increasing number, then by trustee in decreasing seniority. Require all 7 votes to be recorded and reported in the minutes.

VOLUNTEERISM

Rescind the motion establishing a board specific form for Fire Department membership and accept a simple copy of the front page of the fire department application.

Limit the "employee" definition for Volunteer Firefighters to those members who appear on a qualification list (e.g. EMS driver, interior firefighter) or have reported to a scene in calendar year 2010. Excuse all fire department members who are not "employees" from Workplace Violence training.

PARKING

Prohibit commercial delivery on Court and Front Street between 8 AM and 4 PM

Relocated bus stop from Front Street to Central Ave

Post additional signage directing visitors to alternate parking

Institute a "hang tag" system for merchants, employees, and tenants

Request an estimate on converting the west end of Draper Park into a parking lot

Trustee Sternberg

- Tioga County is getting bids to tear down 17 Fulton Street
- 4 Fox Street – requesting funds from CDBG – DPW Supt. responded that this building has been condemned and more money should not be put into it

Motion by Trustee Sternberg, seconded by Trustee Clark, to request an Executive Session for attorney/client privilege for discussion on contract.

Unanimously Approve

Trustee Woody

- Ice Rink is open at Marvin Park

Motion by Trustee Woody, seconded by Trustee Sternberg, to request an Executive Session to discuss personnel issues.

Unanimously Approved

Out of Executive Session and back into regular meeting.

Privilege of the Floor

VBM 1-3-2011

Richard Watkins – 27 Ross Street – the village’s main frame computer failed. Why wasn’t back up done off site? Mayor Arrington answered that the computer system which was installed when Mr. Watkins was in office was installed and maintained according to recommendations of the Computer Committee.

Lee Dunham – 330 Main Street – The light at the Grand Stand in Marvin Park is out and the Lights at the tennis courts are on. Superintendent Jeff Soules will look into it.

Kevin Millar – 78 Front Street – feels that the village should have a long form SEQR for 200 West Main Street.

Lou Striley – 72 West Avenue – if the truck traffic reaches more than an additional 30 in the proposal for 200 West Avenue, what can the village do? Also, noise is a problem. Mayor Arrington answered that the Village of Owego Police Department and Village of Owego Department of Public Works will be looking into this. A noise meter has been purchased by the village. Mr. Striley said the noise is not just from the trucks – but from work going on all night long at the site.

John Lisak – 44 West Avenue – How about the people who signed a petition about the noise, dust, and traffic at 200 West Avenue? Also, Mr. Lisak said that, the pole should be changed by the Owego Agway intersection on West Avenue so that trucks can make the corner.

Kevin Millar – the SEQR should be for a Type 1 action for 200 West Avenue.

Recess at 8:20.

Regular session began again at 9:10 p.m.

Motion by Trustee Clark, seconded by Trustee Lockwood, to adjourn.

Unanimously Approved

