

Village of Owego Board of Trustees Meeting
Minutes of November 1, 2010

The regular meeting of the Village of Owego Board of Trustees was held on Monday, November 1, 2010 at 20 Elm Street, Owego, NY, starting at 7:00 p.m. The following people were in attendance:

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

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.

Privilege of the Floor:

Lee Dunham thanked Judy & Jim Legursky for their help in passing out cider and doughnuts on Halloween at the "Flats" Community Center.

Bob McConnell – 82 Southside Drive – complained about loud noise from trucks on Southside Drive. According to his decibel meter, they are over the legal limits. Also, there are noises from jake brakes and loud mufflers, etc. Police Chief McCulskey will monitor the situation – police will patrol and check out these complaints.

Regular Session:

Motion by Trustee Clark, seconded by Trustee Lockwood, to adopt the following resolution:

Whereas the Village of Owego prepared a Request for Proposal (RFP) to provide program delivery and administrative services in conjunction with the Village's CDBG Grant #875HR143-10 for the rehabilitation of substandard rental units; and

Whereas the RFP was properly advertised in three local newspapers; and

Whereas 21 substandard rental units in the central Owego neighborhood will benefit from the \$400,000.00 grant; and

Whereas Thoma Development Consultants was the sole respondent to the RFP; and

Whereas the evaluation factor of Qualifications is considered superior; and

Whereas the evaluation factor of Management is considered acceptable; and

Whereas the evaluation factor of Cost is considered acceptable;

Resolved,

That Thomas Development Consultants be awarded the contract for program delivery and administrative services for CDBG Grant #875HR143-10,

and that the Mayor, Clerk-Treasurer, and Village Attorney are authorized to generate, sign and execute all necessary paperwork for award.

Unanimously Approved

Motion by Trustee Sternberg, seconded by Trustee Legursky, to set public hearing on Local Law #5, Site Plan Review for November 15, 2010. Trustee Clark spoke against the motion since we already have a Planning and Zoning Board. Roll Call Vote: Trustees Sternberg and Woody voted yes. Trustees Clark, Lockwood, and Legursky voted no.

Motion Denied 3-2

Motion by Trustee Woody, seconded by Trustee Sternberg, to set public hearing on Local Law #6, "Prohibition on the Use of Tobacco in Public Parks" for November 15, 2010. Trustees Lockwood, Woody, Sternberg and Mayor Arrington voted yes. Trustees Clark and Legursky voted no.

Motion Passed 4-2

Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the requested parade permit for the Historic Owego Marketplace for Saturday November 13, 2010 - Santa Claus is coming to town.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood, that the Village of Owego subordinate back to second position for the refinancing of the property at 63 Liberty Street, Owego, NY and authorizing the mayor, clerk-treasurer, and village attorney to sign and execute all necessary paperwork.

Unanimously Approved

Motion by Trustee Lockwood, seconded by Trustee Legursky, to authorize the following Legal Notice for the Village Election:

Legal Notice
March 15, 2011 Village Election

Resolve that the next annual election of the Village of Owego, New York will be on Tuesday, March 15, 2011 and that the No. 1 Central Fire Station located on North Avenue in the Village of Owego, Owego, New York be used as the polling place for said election and that the said polls shall be open from 12:00 noon until 9:00 pm on the said day at which time and place the following offices are to be filled:

Trustee for the 1st Ward, for a term of two years to succeed Constance Sternberg

Trustee for the 2nd Ward, for a term of two years to succeed James Legursky

Trustee for the 2nd Ward, for a term of one year to succeed Kenneth Smith (resigned as of 9/26/2010)

Trustee for the 3rd Ward, for a term of two years to succeed Jane Woody

Be it further resolved that in accordance with Section 15-104 of the election law, the Village Clerk of the Board be and is hereby directed to cause a notice of election to be published in the Tioga County Courier and cause to conspicuously post in at least six (6) public places within the Village of Owego.

November 1, 2010

Rod M. Marchewka
Clerk-Treasurer
Village of Owego

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood, to accept the recommendations made by Mr. Jeff Soules in memorandum dated October 28, 2010 for floor repair, heating system install, and roof work to fire station #3; and authorize the clerk-treasurer to draw an estimated \$17,780.00 from account 1620.40.093 to cover the associated costs; and to authorize the mayor, the clerk-treasurer, the village attorney, and Mr. Soules to sign and execute all necessary contracts and paperwork.

Discussion: Trustee Legursky thinks that the cost of a new furnace is too high and the village should be looking for a 90% to 95% efficient furnace. Trustee Woody asked why we would spend additional money on an old building. Do we still need it? Trustee Sternberg asked, shouldn't the Facilities Committee be looking into this? We are spending a lot of money for upgrades and repairs. Trustee Lockwood – the Facilities Committee has looked at use of station #3 and is recommending it stay in use – especially if there is a flood problem.

Motion by Trustee Woody, seconded by Trustee Sternberg, to table original motion. Trustees Sternberg and Woody voted yes. Trustees Clark, Legursky and Lockwood and Mayor Arrington voted no.

Motion Failed 2-4

Vote on original motion. Trustees Sternberg and Woody voted no. Trustees Clark, Legursky, Lockwood, and Mayor Arrington voted yes.

Motion Passed 4-2

Fire Chief – Ed Bidwell – thanked Trustees Sternberg and Clark for attending the rope training session.

Discussion on purchase of 8 additional rope systems at a cost of up to \$1,800.00 (includes shipping and handling). The Mayor authorized purchase as it is in the fire department budget and under purchase approval amount of \$2,999.99.

Motion by Trustee Woody, seconded by Trustee Clark, to approve the payment of bills for September with the following exceptions for the Owego Fire Department:

Voucher # 6091 – Chris Franz – Custodial Fee for Station #3
Voucher #6191 – Federal Safety – Miscellaneous Invoices

Trustees Clark, Woody, Lockwood, and Sternberg voted yes. Trustee Legursky voted no.

Motion Passed 4-1

These bills will be brought up at the next meeting.

Motion by Trustee Woody, seconded by Trustee Lockwood, to approve the October 18, 2010 minutes with the following corrections:

- Page #4 – date from 18 to 15**
- Page #2 – include resolution on Leona Payne**

Unanimously Approved

Motion by Trustee Lockwood, seconded by Trustee Woody to approve the following transfer:

- FROM: A.3090.00.000**
- TO: A.6989.40.403 (Riverwalk)**
- AMOUNT: \$2,489.77**

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood, to nominate Kelly Turner to fill the vacancy of Ken Smith in Second Ward for the Village of Owego, Village Board of Trustees. Roll call vote - Trustees Clark, Lockwood, and Legursky voted yes. Trustees Woody and Sternberg voted no.

**Motion Failed 3-2
(need 4 to pass)**

Motion by Trustee Woody, seconded by Trustee Clark, to set up two additional workplace violence classes using the same instructor. The dates will be 12/4/10 at 8:00 a.m. (Saturday) and 12/18/10 at 8:00 p.m. (Saturday) - location to be determined. Trustees Clark, Lockwood, Sternberg, and Woody voted yes. Trustee Legursky abstained

Motion Carried 4-1

Trustee Reports:

Trustee Woody - Request for a complete list of members. The new form for the fire department adding new members was presented for review.

(Sample: "Fire Department Sign Off for Applicant")

Name of Applicant

- 1) Was approved for membership in the Owego Fire Department by vote of the OFD Fire Board
- 2) Passed the arson check
- 3) Applicant is accepted into the Fire Department on condition he/she passes the physical
- 4) Join as: ____FF ____EMS ____Fire Police ____ESS
Other (specify)_____

- 5) Member agrees to take all required training including Violence in the Workplace: ___yes ___no
- 6) Member will read and sign Owego Fire Department By-laws and live by them: ___yes ___no
- 7) Prior training/experience _____
- 8) What category _____

Signature of Secretary or Fire Chief

I, _____ agree to voluntarily resign from the Owego Fire Department upon conviction of sexual misconduct or arson.

Applicant Signature

Dated

Trustee Sternberg – Neighborhood Improvement Committee will meet this Wednesday (November 3, 2010). Still working on the property at 17 Fulton Street (property is owned by Tioga County). Code officer is on vacation this week. Thanked the fire department for the inspection dinner. The EMS prepared the meal.

Question on hot water at central station? Jeff Soules said the boiler had a “flame out” and has been reset and should be fine now.

Trustee Legursky – Questions on EMS Squad – Where do they go? How many calls inside and outside the village? Concern over sewer department’s 38% rate increase.

Motion by Trustee Clark, seconded by Trustee Sternberg, that after the closing address by the public we enter into executive session to discuss current litigation, matters leading to possible removal of a member of the police department and proposed lease of real property and proposed acquisition of real property.

Unanimously Approved

Motion by Trustee Sternberg, seconded by Trustee Clark, regarding the William Tuttle project (220 E. Temple Street) (CDBG) the contractor recommends tearing down and rebuilding the walls to make the porch structurally sound. Cost is approximately \$1,614.24.

Unanimously Approved

Jeff Soules, DPW Superintendent – the Village of Cooperstown has blue LED Christmas lights that they will give us if we go get them. Consensus of the board is that Jeff is approved to take the village pickup truck and go pick up the lights.

Police Chief McCluskey –

- 1) Working on parking survey (30 or 40 responses so far).
- 2) Body armor is in and is being fitted.

Fire Chief Bidwell – New member application.

Motion by Trustee Legursky, seconded by Trustee Lockwood, to accept new Fire Department members:

#3 – Michael Patton

#3 – David Pia

Motion by Trustee Sternberg, seconded by Trustee Clark, to vote on each member individually.

Motion by Trustee Clark, seconded by Trustee Lockwood, to rescind original motion on fire department membership. Trustees Clark, Lockwood, Legursky, and Mayor Arrington voted yes. Trustees Woody and Sternberg voted no.

**Motion not passed (4-2)
(Needs super majority)**

Fire Chief Bidwell passed out a list of green tag fire fighters and a list of drivers.

Privilege of the Floor:

Lee Dunham – thought that the village board should have accepted the new trustee onto the board.

Judy Riesbeck – still working on Workplace Violence Petition.

Into executive session at 8:45.

Out of executive session 9:42.

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

Unanimously Approved