

Village of Owego Board of Trustees Meeting
Minutes of November 7, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Monday, November 7, 2011 at 2354, State Rte. 434, Apalachin, NY. The following people were in attendance:

Mayor:	Ed Arrington
Trustees:	Tom Clark Earl Hartman Jim Legursky Ann Lockwood Kevin Millar Doug Worden
Clerk-Treasurer:	Rod Marchewka
Police Chief:	Karen Vinti
Acting Village Attorney:	Robert McKertich
DPW Supt.:	Jeff Soules
Absent:	WWTP Supt. Ron Horton

Insert "A"

The meeting was called to order at 7:00 p.m. by Mayor Arrington followed by the pledge of allegiance.

Privilege of the Floor:

Herb McDowell – 358 E. Main Street -on downsizing the police department – it is distasteful the way you (Village Board) are going about it. Form a proper committee and do things right.

Rusty Fuller – 70 North Avenue – this issue comes up every 5 years. Form a committee of the best and brightest to look into this issue – it must be put to the village voters, not to the village board only.

Flood Recovery Update:

- 40 plus houses have signed up to be on a list to be elevated
- Mayor -possible private funding available to help set up a mitigation fund
- Most debris has been picked up
- 900,000 pounds of debris have been taken to just Taylor Garbage alone
- DPW Supt. Soules -Any FEMA buyouts are at least a year down the road
- Board room will be ready by next meeting

- Police Chief Vinti – new police car is here – putting the police package, trunk mount & lettering on car
 - A police car has been donated to OPD by Sleepy Hollow Police Department

Motion by Trustee Millar, seconded by Trustee Clark, to approve the CDBG for 135 North Avenue (Hawley). Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

Motion by Trustee Clark, seconded by Trustee Millar, to approve the Village of Owego Board of Trustees minutes of October 17, 2011. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

Motion by Trustee Millar, seconded by Trustee Hartman, to approve the minutes of October 26, 2011. Trustee Clark abstained. Trustees Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 6-0-1

Motion by Trustee Millar, seconded by Trustee Worden, to approve the transfers as submitted. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

Motion by Trustee Clark, seconded by Trustee Lockwood to approve the payment of bills as listed in the document entitled "Voucher Summary Report, October Payment of Bills" dated November 2, 2011; and FURTHER MOVE to approved the payment of bills as listed in the document entitled "Voucher Summary Report, CDBG October Payment of Bills" dated November 7, 2011. Roll Call Vote: Trustees Clark, Hartman, Lockwood, Millar, and Worden voted aye. Trustee Legursky abstained.

Motion Adopted 6-0-1

Motion by Trustee Millar, seconded by Trustee Worden, to re-appoint Georgeanne Eckley to the County Planning Board. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

- 2% Cap Resolution – (proposed Local Law Given to Trustees for Ageing).

Motion by Trustee Millar, seconded by Trustee Lockwood, to schedule a Public Hearing on Local Law to exceed the 2% Tax Cap. Roll Call Vote:

Trustee Clark – No

Trustee Hartman -Yes

Trustee Legursky –No

Trustee Lockwood –Yes

Trustee Millar –Yes

Trustee Worden –Yes

Mayor Arrington –Yes

Motion Adopted 5-2-0

Motion by Trustee Clark, seconded by Trustee Hartman, to adopt the following resolution WHEREAS, during budget negotiations for the fiscal year 2011-2012 budget this board expressed a desire to change the compensation provided to elected officials to \$1 per week for trustees and \$10 per week for the Mayor; and WHEREAS, the compensation provided to Trustees and the Mayor

is currently fixed by Village of Owego Code §C-4; and WHEREAS, the Board of Trustees may want to change the compensation provided to Trustees and the Mayor from time to time; and WHEREAS, Village of Owego Code §C-28 authorizes the Board of Trustees to set the salary of the Treasurer but does not specify when the salary shall be set; NOW, THEREFORE, BE IT RESOLVED that, Village Council shall draft a local law to amend the Village of Owego Code §C-4 and §C-28; and BE IT FURTHER RESOLVED that, said local law shall have the following key attributes while allowing specific wording to be at the professional discretion of Village Council:

- 1) Compensation for the incumbent Mayor, Trustees, and Clerk-Treasurer shall not change until after the next regular election for that position.
- 2) The Board of Trustees shall set the compensation for the Mayor, Trustees and Clerk-Treasurer to be elected in March 2012 at the first board meeting immediately following adoption of this local law.
- 3) The Board of Trustees shall regularly set the compensation for the elected Mayor, Trustees, and Clerk-Treasurer, as applicable, at the first board meeting of each fiscal year.

8:05 – adjourn for Executive Session on pending litigation back in session at 8:45

Motion by Trustee Millar, seconded by Trustee Worden, that the police chief salary to be set at \$55,000 per year. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

Motion by Trustee Clark, seconded by Trustee Hartman, to transfer the Sewer Fund Capital Improvement Reserve and Plant Equipment Reserve into a new account called "Flood Repairs"; and FURTHER MOVE that monies received in the future from FEMA and EFC as compensation for flood related damages be first used to replenish said reserves to current levels; and FURTHER MOVE that the Clerk-Treasurer prepare the necessary transfers for board approval to replenish existing accounts already used for flood repairs from the newly created "Flood Repair" account; and FURTHER MOVE that future Sewer Plan flood repairs be drawn exclusively from the "Flood Repairs" account; and FURTHER MOVE that execution of said transfers are contingent upon approval by the Office of the State Comptroller. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

Motion by Trustee Clark, seconded by Trustee Millar, that the Village of Owego accepts the bid from RVM Construction of Rochester, NY for Sewer Plant roof and building repairs in the amount of \$65,350. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

Motion by Trustee Clark, seconded by Trustee Millar, to adopt the resolution pursuant to the State Environmental Quality Review act regarding the reconstruction of portions of the Village surface drainage or waste water collection and treatment system. Roll Call Vote: Trustees Clark, Hartman, Lockwood, Millar, Worden, and Mayor Arrington voted aye. Trustee Legursky passed and then voted no.

Motion Adopted 6-1-0

Motion by Trustee Clark, seconded by Trustee Millar, to adopt the Bond Resolution dated November 7, 2011 authorizing \$500,000 of bonds to finance the reconstruction of portions of the Village surface drainage or waste water collection and treatment. Roll Call Vote: Trustees Clark, Hartman, Lockwood, Millar, Worden, and Mayor Arrington voted aye. Trustee Legursky voted no.

Motion Adopted 6-1

Motion by Trustee Hartman, seconded by Trustee Lockwood, to approve Diane Kenzie into the Fire Department Company #3 (discussion on lack of paperwork). Roll Call Vote:

Trustee Clark – No	Trustee Hartman –Yes	Trustee Legursky –No
Trustee Lockwood –Yes	Trustee Millar –No	Trustee Worden –No
Mayor Arrington –Yes		

Motion Failed 4-3

- Trustee Lockwood will be attending Historic Commission Meeting on Thursday at 56 Main Street
- Need to look at getting volunteers to pain the underpass on Paige-Erie Streets

Commissioner Report Summaries

Village of Owego, New York
Earl Hartman Trustee Ward 2/ Commissioner OFD, Planning

Date: November 7, 2011
to File

Note

(Note: Electronic copies of full reports have been filed with the Mayor, Clerk-Treasurer, all Trustees, DPW and OFD.)

Report No./Dept.

Report Brief:

1.

OFD: Central station electric: Electric service for most of the station is somewhat functional. Once the OFD insurance issues are resolved implementation of a permanent solution will be begin.
Heating is still an issue but it also is bound into the insurance issues.
OFD facilities are in need of a thorough cleaning but cannot happen until insurance is settled.
Construction of the new Classroom Training Facility structure will begin shortly and should be up and closed in by the first of the year.

Hydrants: NYS PSC CASE 11-W-0082 –Rates, Charges, Rules and Regulations of United Water Owego-Nichols Inc. for Water Service.
Based on notification of an agreement having been reached between the NYSPSC and the O-NUWW the schedule for proceeding has been revised as follows :
October 25: Statements on Joint Proposal, both in support and opposition.
November 9: Company filing of One-Page Fact Sheet
November 17: Hearing to consider the Joint Proposal and any opposition to the Proposal.
A separate notice of the hearing will be provided at a later date.

801 is being re-evaluated for potential issues after the Tyler repairs.

Fire Board: No report. Did not make Fire Board meeting due to anniversary and funeral.

2. DPW:

NSRR - Main Street crossing has been repaired and proving satisfactory
Gates timings have been checked and declared properly working.
In keeping with law signed by Governor Como, No Trespassing signage is being posted and NSRR will be pressing for the municipal courts to enforce the fines and possible jail time.
NSRR has advised me that they take the Village concerns regarding train speeds seriously and have already started monitoring train speed. NSRR will update us on their findings.
I have found some of the data on the pedestrian underpass near the Fox St./Page St. juncture. I will be sending had copy of the data to NSRR. NYS has jurisdiction over underpass as established in May of 1949 between the Erie RR and NYS in the

agreement to closing of select at grade crossing. I have not located the terms of maintenance for the pedestrian underpass yet.

434 Street lighting: Ball in my court for follow up next week..

- 3. **Planning & Zoning:** Planning & Zoning are invited to an OHPC sponsored program at 56 Main on Thursday, Nov. 10th at 7:00pm. Topic: Flood, FEMA & OHPC

Attended a presentation on 2010 US Census data Monday, Nov. 7th at 3:00-5:00 pm

Submitted by: Earl Hartman

Cc: File: Mayor Arrington, Trustees: Clark, Legursky, Lockwood, Millar, Worden, Clerk Marchewka

Motion by Trustee Millar, seconded by Trustee Legursky, that the Village hire H2O Consulting to work on FEMA Recovery & Reimbursement for the Village.

Amended motion by Trustee Millar, seconded by Trustee Worden, to authorize Mayor and Attorney to negotiate contract and scope of work. Roll Call Vote:

Trustee Clark – No	Trustee Hartman –No	Trustee Legursky –No
Trustee Lockwood –No	Trustee Millar –Yes	Trustee Worden –Abstain
Mayor Arrington –Yes		

Motion Failed 4-2-1

- Received Letter of Resignation from Teresa Sedlacek last day will be November 18, 2011

Motion by Trustee Millar, seconded by Trustee Hartman, to advertise for a full or part-time bookkeeper. Roll Call Vote:

Trustee Clark – No	Trustee Hartman –Yes	Trustee Legursky –No
Trustee Lockwood –Yes	Trustee Millar –Yes	Trustee Worden –Yes
Mayor Arrington –Yes		

Motion Adopted 5-2

Motion by Trustee Millar, seconded by Trustee Hartman, to go into Executive Session regarding personnel. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden.

Motion Adopted 6-0

- No action to be taken on Police Department downsizing at this time

Privilege of the Floor:

Lee Dunham – 330 Main Street – embarrassed by how the board handled new fire department member. Village should look at Alert New York vs. Code Red and new tornado type horn (Ferdinand Horn).

Don Castellucci – Village should take a second look at the H2O proposal

Herb McDowell – turning new members away – shame on you.

Meeting adjourned at 9:45 p.m.