

Village of Owego Board of Trustees Meeting
Minutes of December 5, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Monday, December 5, 2011 at 20 Elm Street, Owego, NY. The following people were in attendance:

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

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:

John Loftus – 161 Talcott Street – stated that if the Board was not willing to take dissolution action the public could and he would gladly collect the required signatures.

7:05 Public Hearing on proposed Local Law for override of State 2% Property Tax Cap:

**VILLAGE OF OWEGO
LOCAL LAW NUMBER 5 OF THE YEAR 2011**

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the Village Board of the Village of Owego as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Owego to adopt a budget for the fiscal year commencing August 1, 2012 and ending July 31, 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of at least sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Owego, County of Tioga, is hereby authorized to adopt a budget for the fiscal year commencing August 1, 2012 and ending July 31, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

If the Village goes over the 2% Limit the Village could face severe penalties.

Comments:

- John Loftus asked that proposed be read so public could fully hear it. Trustee Millar read the proposed law.
- Trustee Hartman – the Governor built in the local municipality override function as a relief valve for municipalities
- John Loftus feels that the tax levy should not go over the 2% tax cap. By adopting this proposed law it gives the Village administration permission to continue doing business as usual in a time when the Village is struggling to survive

Kevin Millar read from NYCOM's Letter of Information in support of limiting the cap. "It is important to note that the cap is on the tax levy and not the tax rate. The bottom line is, even with this theoretical 2% tax cap in place and a municipality electing not to exceed the cap, residents may still experience an increase of more than 2% - in some cases, potentially much more than 2% - in their tax bills....Precautionary Measure – A municipality may be concerned that, particularly in the first year of the tax law with many uncertainties surrounding its interpretation and implementation, there is the very real potential for a local government to exceed the cap unintentionally. Without the local law in place, this could result in the municipality, at some later date, having to set aside money in a reserve fund, the amount of which would depend on how long it takes for the inadvertent mistake to be discovered. Passing the local law should "protect" the municipality if such a mistake occurs..."

Motion by Trustee Millar, seconded by Trustee Lockwood, to table the vote on 2% cap override. Roll Call Vote: Trustee's Hartman, Legursky, Lockwood, Millar, and Mayor Arrington voted aye.

Motion Carried 5-0

Motion by Trustee Hartman, seconded by Trustee Millar, to approve entering into a contractual agreement between the Village of Owego and H2O Partners of Austin Texas; Wherein H2O Partners shall, under the terms of the agreement arrived at between the Village of Owego and H2O Partners on this date of December 5, 2011, provide professional consulting services to the Village of Owego in the Village's pursuit of all avenue of funding sources for recovery and remediation's damages due to flooding; Therefore be it resolved that the Village of Owego Board of Trustees hereby approves Mayor Arrington, under the counsel of Village Attorney Robert H. McKertich, Esq., entering into said agreement with H2O and herein authorizes Mayor Arrington to duly sign said agreement.

Fire Chief Ed Franz spoke in favor of H2O Partners and need for their help and expertise in recovering flood money due the fire department and village. The fire department has a lot of man hours that can be used to offset a 12 ½ match from the village.

Trustee Millar – they will greatly help with paperwork & experience in these matters.

Trustee Hartman – they will help the Village prepare documents and filings quicker and find potential additional money for the Village. No matter which way we go there is risk and it is the belief that H2O offers the best risk option..

Trustee Legursky – stressed his concerns over language in the agreement that hold the Village responsible for any and all consultant fees that FEMA or other State or Federal agencies do not cover.

Roll Call Vote: Trustees Hartman, Lockwood, Millar, Mayor Arrington voted aye. Trustee Legursky voted no.

Motion Carried 4-1

Motion by Trustee Hartman, seconded by Trustee Millar, to approve the minutes of November 21, 2011. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, and Mayor Arrington voted aye.

Motion Carried 5-0

Motion by Trustee Millar, seconded by Trustee Lockwood , to amend the Tax Warrant from \$2,241.847.88 to \$2,241.830.10. This is a deduction of \$17.78 for tax bill #1475, Owego Creek E/s owned by the Village of Owego. A tax bill was printed for this property when it should not have been. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, and Mayor Arrington voted aye.

Motion Carried 5-0

Motion by Trustee Millar, seconded by Trustee Lockwood, to pay the bills for November as submitted. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, and Mayor Arrington voted aye.

Motion Carried 5-0

Information Item:

- Liquor license has been requested for the Calaboose Grill (formerly the Jail House Restaurant)

Structural Elevations Grant – FEMA advising that there is money available now for House Elevation Grants:

Motion by Trustee Lockwood, seconded by Trustee Millar, authorizing H2O Partners to apply for a mitigation grant from FEMA from a fund of unused money. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, and Mayor Arrington voted aye.

Motion Carried 5-0

Comments:

- Mayor Arrington outlined that H2O has pointed him towards a source of Grant money (\$3mil +/-) left from previous years that could be used for elevating of houses. The Mayor wants to tell H2O to go after it. Per the Mayor – H2O will do this gratis /pro-bono.

VBM 12-5-2011

Motion by Trustee Hartman, seconded by Kevin Millar, that the Village of Owego Board of Trustees by majority vote authorizes the Village Attorney to engage with Bond Council for the purpose of preparing a bond resolution for the Waste Water Treatment Plant/sewer upgrade, with said resolution to be presented for approval at the Village of Owego Board Meeting on December 19, 2011. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, and Mayor Arrington voted aye.

Motion Carried 5-0

Motion by Trustee Millar, seconded by Trustee Lockwood, to add if possible after the December 19th date on the above motion. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, and Mayor Arrington voted aye.

Motion Carried 5-0

Motion by Trustee Hartman, seconded by Trustee Millar, to determine the environmental non-significance under the State Environmental Quality Review Act of the proposed Wastewater Treatment Plant Upgrades. The Village Board of the Village of Owego duly convened in a regular meeting, does hereby resolve as follows:

Pursuant to, and in accordance with, the provisions of the New York State Environmental Quality Review Act and Regulations, the Village Board hereby makes the following determinations and classifications with respect to the proposed Wastewater Treatment Plant Upgrades (hereinafter referred to as the "Action").

- 1) At a meeting of the Village Board on October 17, 2011, the Village Board of the Village of Owego determined that the Action is subject to SEQR and declared itself the Lead Agency.
- 2) More than 30 days have passed since the declaration of Lead Agency
- 3) The Village Board classifies the Action as a Type I Action
- 4) The Village Board hereby finds and determines that: (a) it has considered the Action, reviewed the Full Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR section 617.7 (c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; (b) the project will not result in any large and important environmental impacts and, therefore, is one which will not have a significant impact on the environment; and (c) the reasons supporting this determination are set forth on the Notice of Determination of Non-Significance with respect to this project (a copy of which said form is on file in the Office of the Village Clerk).
- 5) The Village Board, as Lead Agency with reference to the above-described project, hereby: (a) adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the project, and (b) authorizes the Mayor of the Village of Owego to sign a negative declaration determination of non-significance with respect to the project.
- 6) This Resolution shall take effect immediately.

Roll Call Vote: Trustees Hartman, Legursky, Lockwood, and Mayor Arrington voted aye.

Motion Carried 5-0

Motion by Trustee Lockwood, seconded by Trustee Millar, to approve the full Environmental Assessment Form with Changes as follows:

- a) Pumpelly Creek
- b) Susquehanna River
- c) DOT (involved agencies)

Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, and Mayor Arrington voted aye.

Motion Carried 5-0

- Upcoming Public Hearing on Flood Rate Maps

VBM 12-5-2011

- December 14th Work Session on National Flood Insurance

Trustee Millar:

- Letter of Accommodation for Brett Kobylarz
- Town Meeting December 15, 2011 at 56 Main Street regarding Insurance & FEMA

Chief Vinti:

Working with NYSEG to institute a program to report street lights out in the village. Officers during the night shift are marking the poles with surveying ribbon, logging the pole numbers and the list is sent to NYSEG. During the first night officers marked 52 poles with lights out.

Have had a sharp increase of landlord/tenant/border complaints. Meeting with the civil division of the Sheriff's Office for written clarification. Law Enforcement is called when unwanted visitors have worn out their welcome. Next day the landlord contacts police.

Donated Sleepy Hollow vehicle is nearly finished with the bodywork. Southern Tier Canine Association is donating lettering. Lettering is \$409.00

New car is marked and lights are installed. After the computer is installed it will be ready for patrol.

- Attached is the weekly police activity report
- Letter from US Department of Justice, US Attorney's Office

Lights on the River

Supt Soules:

Memo

To: Village of Owego Mayor Edward Arrington and Village Board of Trustees
From: Superintendent of Public Works Jeff Soules
Date: December 5, 2011
RE: DPW Activity Report

- Village-wide flood clean-up ended November 30th
- Leaf bag pick up
- Repair of Village DPW office and Board Room – ongoing
- Heating replacement at various village buildings – mid December according to Martin's
- Met with FEMA
- Met with Town of Owego
- Met with OHPC and State Historic Preservation Representatives
- Marvin Park Cleanup
- Pot hole repair
- Christmas lighting/decorations
- Repairing various equipment damaged in the flood
- Various building repairs as time allows
- Met with H20 and Village Officials
- Met with Tioga County Public Works
- Met with NYSDOT about drainage on East Avenue
- Cleaning/repairing catch basins - ongoing

VBM 12-5-2011

- Met with Sewer Dept. about Montrose Turnpike sewer line

Any questions or concerns, please call me.

Mayor Arrington:

Working on:

- Mitigation
- Elevation
- Flood Proofing
- Flood Wall
- Riff raff – Owego Creek
- Island removal – Owego Creek
- Gravel out Owego Creek
- Work on County Plan with Elaine Jardine
- Appointed a team from the Board to partner with the Tioga County Flood Mitigation Group to look at ways to mitigate and protect the Village from future floods. Village Representatives are: DPW Supt. Soules, Mayor Arrington, and Trustees Lockwood and Millar

Privilege of the Floor:

Rick Stilson (Reporter for Owego Pennysaver) asked about the \$712,000.00 Grant that was part of resolution authorizing the attorney to engage Bond Council. The Mayor gave a brief overview reply to Stilson.

Motion by Trustee Lockwood, seconded by Trustee Millar, to adjourn the meeting at 8:50 p.m.

Unanimously Approved