

Village of Owego Board of Trustees Meeting
Minutes of March 21, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Monday, March 21, 2011 at 20 Elm Street, Owego, NY, starting at 7:00 p.m. The following people were in attendance:

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

Privilege of the Floor:

No one addressed the board at this time.

Motion Trustee Clark, seconded by Trustee Lockwood, to decline Worker's Compensation buy out of a former Village of Owego Employee as previously discussed in Executive Session.

Discussion – Mayor Arrington and Village Attorney Graven pointed out that the village would not need to pay the settlement. According to a letter from Amy Poff (Benefits Manager). Tioga County Personnel and Civil Service P.O.M.C.O. feel settlement of this claim with WAMO money is in the best interest of the village. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, and Woody voted aye. Mayor Arrington voted no. Trustee Sternberg abstained.

Motion Adopted 5-1-1

Main Street Grant 2011 – Teresa Saraceno from the Tioga County Economic Development and Planning Department addressed the village board. (Insert "B") Map is on file in the clerk's office. Resolution showing the vote. (Insert "C").

Sale of Effluent

Motion by Trustee Legursky, seconded by Trustee Sternberg, to move to break off negotiations with Inflection Energy at this time because, according to Trustee Legursky, they have no intention of buying village effluent water. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Woody voted aye. Mayor Arrington voted no.

Motion Adopted 6-1

- Update on 4 Fox Street, 85 Chestnut Street, and 17 Fulton Street – no action to report since last meeting

Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the Standard Work Week Resolution pending correction to show current trustees. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, Woody, and Mayor Arrington voted aye.

Motion Adopted 7-0

List of interior & exterior fire fighter training updates – The village clerk has a series of individual data sheets that have not been compiled into a master list. (on file at the clerk's office).

Motion by Trustee Clark, seconded by Trustee Hartman, to accept the February Treasurer's Report as documented in the Revenue Control Report dated March 17, 2011, 4:46 p.m. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Woody, and Mayor Arrington voted aye. Trustee Sternberg abstained.

Motion Adopted 6-1

Volunteerism

Village Attorney Irene Graven - on the question of fire department members doing anything to assist the fire department, they would be considered employees.

Trustee Clark

Motion to approve the Village of Owego Board of Trustees Meeting Minutes of February 22, 2011 pending incorporation of the following changes:

(1) On page 2, Resolution by Trustee Clark delineating which members of the fire department are employees, delete voting and vote results and replace with "Motion tabled pending comment from Village Attorney."

(2) On page 4, after Waste Water Treatment Plan, change from "Trustee Legursky" to "Trustee Hartman"

(3) On page 5, under Privilege of the Floor, change from "Anyone Else?" to "Kevin Millar asked who paid for last years Lights on the River".

(4) Last item, please replace with "Motion by Trustee Legursky, seconded by Trustee Lockwood to adjourn. Unanimously Approved. Meeting adjourned at 9:14 PM."

Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, and Mayor Arrington voted aye. Trustees Sternberg and Woody abstained.

Motion Adopted 5-2

Motion by Trustee Clark, seconded by Trustee Lockwood, to amend the motion by adding (5) in the discussion insert Planning Board is Responsible for the Site Plan Review and SEQR processes. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Mayor Arrington voted aye. Trustee Woody abstained.

Motion Adopted 6-1

Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the Special Meeting Minutes of February 23, 2011. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, and Mayor Arrington voted aye. Trustees Sternberg and Woody abstained.

Motion Adopted 5-0-2

Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the Village of Owego Board of Trustees Meeting Minutes of March 8, 2011 pending incorporation of the following change: On page 8, motion beginning "I move to authorize..." change to "Motion by Trustee Clark, seconded by

Trustee Lockwood to authorize..." Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Mayor Arrington voted aye. Trustee Sternberg abstained.

Motion Adopted 6-0-1

Motion by Trustee Clark, seconded by Trustee Lockwood, that the village attorney shall draft a local law to modify the code of the Village of Owego, specifically §C-3 such that the sentence reading "The Board of Trustees shall also have power to designate an attorney and counselor, residing in the village, as village attorney, and to fix his compensation" is modified such that the Board of Trustees shall have the power to designate either an attorney residing in the village or a properly licensed law firm having offices in the village. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, and Sternberg voted aye. Mayor Arrington and Trustee Woody voted no.

Motion Adopted 5-2

Motion by Trustee Clark, seconded by Trustee Woody, that following the public closing address to the Board of Trustees, we enter into executive session to discuss:

- (1) The possible employment of two particular personnel for the Sewer Department.
- (2) The possible discipline of one specific person with the clerk's office; and further move:
 - (1) That Superintendent Horton be invited into the session for the discussions related to the sewer department; and
 - (2) That Clerk-Treasurer Marchewka be invited into the session for the discussions related to the clerk's office.

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

Motion Adopted 7-0

Trustee Sternberg, seconded by Trustee Woody, moved to amend the motion by adding:

- (3) Possible discipline of a specific member of the fire department.

Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Woody voted aye. Mayor Arrington abstained.

Motion Adopted 6-0-1

Trustee Legursky

- Food Challenge – Email from Laura Rod (Insert “F”) – Village office will host a drop off box and “talk it up with constituents”. Mayor Arrington will spearhead this effort on a village level.
- Strawberry Festival – vendors should get a permit from the village – cost \$100

Motion by Trustee Woody, seconded by Trustee Hartman, to waive fee for 2011 Strawberry Festival vendors.

Discussion: Trustee Hartman – can we get a financial report from the Strawberry Festival committee?

Trustee Legursky – can’t afford the Strawberry Festival

Trustee Lockwood – need to consider police protection

Roll Call Vote: Trustees Clark, Hartman, Lockwood, Sternberg, and Woody voted aye. Trustees Legursky and Mayor Arrington abstained.

Motion Adopted 5-0-2

Motion by Trustee Lockwood, seconded by Trustee Woody, requesting a copy of work in progress on the village budget. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Woody voted aye. Mayor Arrington no.

Motion Adopted 6-1

Motion by Trustee Clark, seconded by Trustee Legursky, to include Jane Woody on the OFD/EMS Structure Committee. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, and Sternberg voted aye. Trustee Woody abstained. Mayor Arrington voted no.

Motion Adopted 5-1-1

Trustee Sternberg

Thanked Neighborhood Improvement Committee for their assistance with Rental Inspection Local Law and Site Plan Review

Motion by Trustee Sternberg, seconded by Trustee Legursky, moves the following resolution to censure.

Whereas, the Mayor has failed to recognize the talents of individual trustees and work to achieve the assignment of commissionerships in an agreeable manner; and

Whereas, he has neglected to meet the demands of his commissionerships and has ignored the request for written reports from the Board of Trustees; and

Whereas, he has withheld information from the Board of Trustees including a signed tentative agreement and contract revisions with Inflection Energy, letters of resignation from elected and appointed officials and letters of appointment for vacancies; and

Whereas, he has overstepped the bounds of his authority by removing Trustee requested items and reports from the agenda; and

Whereas, he has failed to remain impartial as the presiding officer, has manipulated Robert's Rules of Order to block motions from coming to the floor; and

Whereas, he has limited public comment on critical issues and failed to provide meaningful answers to questions; and

Whereas, this has created an unfavorable climate for conducting the work of the Village; be it

Deputy Mayor Clark took over the gavel and the mayor was given a chance for rebuttal.

Mayor Arrington – Village Trustees have refused to accept commissionerships. Trustee Sternberg you have personally yelled, screamed, and demanded. This is a personal attack, politically motivated. There is no room for such action in the village board meetings. It is an illegal motion and therefore, not enforceable. This board does not have the power to reprimand an elected official.

A ballot was then passed out so that the trustees could vote by secret ballot. The secret vote was 4-2 in favor of censuring the mayor.

Resolved, that Mayor Edward Arrington be censured.

Deputy Mayor Clark returned the gavel to the mayor.

Trustee Woody

- Question on no parking on East Avenue – DPW will install signs soon

Motion by Trustee Woody, seconded by Trustee Sternberg, that a letter be drafted and mailed by the mayor's office stating that New York State Law prohibits alcohol on village property therefore alcohol is prohibited in any of the fire stations including company rooms and that this letter be read at the next fire board meeting with instructions to post a copy of said letter in each company room.

Mayor Arrington – if the board wants to send this letter they will be signing it, not the mayor.

Trustee Clark – current wording of the motion – mayor cannot be forced to sign something he does not want to. The motion needs to be amended.

Motion to amend motion by Trustee Woody, seconded by Trustee Sternberg, on letter being drafted by the village office and signed by the village board.

Motion Trustee Lockwood, seconded by Trustee Woody, to amend this motion to include all village offices and property and to post at all locations. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Woody voted aye. Mayor Arrington voted no.

Motion Adopted 6-1

Vote on motion amendment to have letter be drafted by the village office and signed by the village board. Roll Call Vote: Trustees Clark, Hartman, Lockwood, Sternberg, and Woody voted aye. Trustee Legursky and Mayor Arrington abstained.

Motion Adopted 5-0-2

Motion to approve original motion with amendments. Roll Call Vote: Trustees Clark, Hartman, Legursky voted no. Trustees Lockwood, Sternberg, and Woody voted aye. Mayor Arrington voted no.

Motion Defeated 3-3-1

Motion by Trustee Woody, seconded by Trustee Sternberg, that the mayor’s office send a letter to Inflection Energy advising them that the village is closing negotiations and send the trustees copies of the letter.

Mayor Arrington – not this mayor’s office.

Motion by Trustee Woody, seconded by Trustee Sternberg, that the clerk-treasurer send the letter to the Inflection Energy advising them that the board has closed negotiations with copies to the village board. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Woody voted aye. Mayor Arrington voted no.

Motion Adopted 6-1

Results of Village Election – Attachment “E”.

Motion by Trustee Legursky, seconded by Trustee Clark, to approve the transfer as presented below:

BOARD APPROVED TRANSFERS MARCH 21, 2010			
FROM/TO	ACCOUNT#	ACCOUNT NAME	AMOUNT
TRANSFERS			
FROM:	A.3120.40.410	OFD OFFICE SUPPLIES	\$299.90
TO:	A.3120.20.130	OFD EQUIPMENT	\$299.90
To cover over-expensed line item			

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

Motion Adopted 7-0

8:53 Enter into Executive Session.

9:21 Back in Regular Session.

Motion by Trustee Clark, seconded by Trustee Woody, to authorize the Village to present offers of employment to two of the four individuals approved by the Personnel Committee; and

FURTHERMORE MOVE that, the offers of employment be issued in the sequence identified by the Personnel Committee until two personnel have accepted; and

FURTHER MOVE that, the Village report back to this Board with the names of the two people who accepted.

Trustee Legursky – why are we hiring people?

Motion by Trustee Lockwood, seconded by Trustee Legursky, to table previous motion until the next board meeting with the new board. Roll Call Vote: Trustees Clark, Hartman, Legursky, and Lockwood voted aye. Trustees Sternberg, Woody, and Mayor Arrington voted no.

Motion Tabled 4-3

Motion by Trustee Clark, seconded by Trustee Legursky, to adjourn. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, Woody, and Mayor Arrington voted aye.

Motion Adopted 7-0

Meeting adjourned at 9:35 p.m.

**Village of Owego Support Resolution for application to be made by TCED for funding from the
NYS Housing Trust Fund Corp. – 2011 New York Main St. Program**

The goal of this funding source is to be an incentive for communities to rehab downtown mixed-use building stock, stimulate reinvestment, encourage reuse and increase housing, create and retain businesses and revitalize historic business districts while addressing code enforcement, ADA and energy efficiency issues.

In 2005, the Village of Owego was awarded a Main Street Grant for \$200,000.

The Tioga County Local Development Corporation as a not-for-profit organization submitted the application and was the administrator of the funds. TCED partnered and assisted with the application process and promotion to the building owners. No administrative funding was available with that award.

15 properties within the allowed three block targeted area made interior and exterior renovations and received funds. All grant funding was expended and had to have a 50/50 match made by the property owners. An additional \$230,476.00 in private funds was expended. It was very successful and the grant was closed last year.

In 2010, \$471,173.00 in NY Main Street Program funding was awarded for the targeted area in the Village of Owego historic downtown. With this round, some good program changes were made and a 7.5% administration fee has been included. It allowed a 75/25 match up to \$40,000 for commercial renovations on 1st and 2nd floors plus an additional \$20,000 for each residential unit, not to exceed \$100,000 per building. We have 12 projects that are ready to go to bid and go forward this construction season. Funds will only be disbursed once projects are completed. Initial building inspections and scope of work, building permits, construction inspections, CO issuance when completed and annual inspections for asset maintenance is being done by village code inspector. This will be to insure the properties and residential units assisted with grant funding are kept up to par for five years.

In addition to building renovation funds, \$41,143.00 for Streetscape Enhancement was awarded. Street light rehabilitation on Lake Street, village clock, planters, trash receptacles and a signage program has been ordered and will be installed once received. No match is needed for Streetscape Enhancements.

The 2011 program criteria is the same as the 2010 program. When the 2010 program was promoted there were over 17 interested property owners plus another 9 since have shown an interest since the application process ended 1/31/11. There is definitely a need for more funding that can be presented to New York State. Geographic distribution of the funds will be a consideration and experience in administration affords maximum points in the capacity section. The highest scoring feasible applications will be funded. Only applications that meet program criteria can be funded and completed in a timely manner and ready to go will be considered.

Village also has local and state historic designation, existing OHPC and design guidelines in place with Preserve America, Empire Zone and REAP designation which will help with scoring too. This funding source is very competitive in 2011.

The deadline to submit the 2011 application is April 29, 2011. A Resolution of Support from the municipality is a requirement. Once in place, Tioga County will consider a Resolution of Support to administer.

11C"

RESOLUTION OF THE VILLAGE OF OWEGO BOARD OF TRUSTEES

RESOLUTION NO. _____

**SUPPORT OF THE APPLICATION MADE BY THE
TIOGA COUNTY ECONOMIC DEVELOPMENT AND
PLANNING OFFICE FOR THE TARGETED AREA
WITHIN THE VILLAGE OF OWEGO TO THE
NEW YORK STATE HOUSING TRUST FUND
CORPORATION FOR THE 2011 NEW YORK STATE
MAIN STREET PROGRAM**

Adoption moved by: **Trustee Clark**
Seconded by: **Trustee Lockwood**

WHEREAS, the Tioga County Legislature has demonstrated support for revitalization of commercial and residential uses that make up the downtown or "Main Street" areas of the county as per Resolution 159-03; and

WHEREAS, Tioga County Economic Development and Planning, is applying for up to \$500,000 in grant funding from the 2011 New York Main Street Program for the targeted contiguous "Main Street" area from Front Street, to corner of Fox Street, per attached map (Attachment #1), in the central business area of the Village of Owego's designated historic district, and

WHEREAS, the goals of this funding source are to assist NYS communities with their main street/downtown revitalization efforts and specifically in Owego in the program category of Interior and Exterior Building Renovations and Streetscape Improvements. It will assist in stimulating reinvestment, preserving mixed-use (commercial/civic and residential) "main street buildings, addressing code compliances, and building the Village of Owego's capacity to further implement their Main Street revitalization efforts and target this area to prospective businesses and residents, and

WHEREAS, the Village of Owego has initiated a coordinated effort to revitalize the Downtown Central Business District including approval of the Village of Owego Consolidated Master Plan, Village of Owego Downtown Strategic Plan and the Strategic Plan for Integrated Community Development, completion of Streetscape Improvements in 2007, administration of the Restore NY Program, the completion of the River Walk Project, and the 2010 NYMS Program, and

WHEREAS, the intent of the Tioga County Economic Development and Planning application is to further such Main Street revitalization efforts in the Village of Owego with focus on the properties in this targeted area.

NOW THEREFORE, the Village of Owego Board of Trustees, duly convened at a meeting hereby does:

RESOLVE, that the Village of Owego Board of Trustees fully support said grant application

Roll Call Vote: Trustee's Clark, Hartman, Legursky, Lockwood, Sternberg, Woody, and Mayor Arrington voted aye.

Motion Passed 7-0



Rod Marchewka, Clerk
Village of Owego

"D"

AMENDED

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Village of Owego Board of Trustees hereby established the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (hrs./day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Mayor	Edward L. Arrington	6 hrs. day	4/5/10-4/4/11	N	
Trustee	Thomas Clark	6 hrs. day	4/5/10-4/4/11	N	
Trustee	James Legursky	6 hrs. day	4/5/10-4/4/11	N	
Trustee	Ann Lockwood	6 hrs. day	4/5/10-4/4/11	N	
Trustee	Earl Hartman	6 hrs. day	4/5/10-4/4/11	N	
Trustee	Constance Sternberg	6 hrs. day	4/5/10-4/4/11	N	
Trustee	Jane Woody	6 hrs. day	4/5/10-4/4/11	N	
Clerk-Treasurer	Rodney Marchewka	6 hrs. day	4/5/10-4/4/11	N	
Attorney	Irene Graven	6 hrs. day	4/5/10-4/4/11	N	8.5
Acting Justice	Lynn Craig	6 hrs. day	4/5/10-4/4/11	N	3.1
Police Justice	David Boland	6 hrs. day	4/5/10-4/4/11	N	

On this 21 day of MARCH, 2011



 (Signature of Clerk)

Dated enacted: 3-21-2011

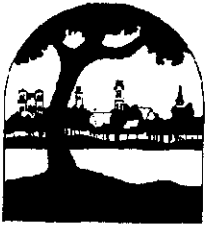
I, Rodney M. Marchewka, clerk of the governing board of the Village of Owego, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 21 day of MARCH, 2011 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole o such original.

I certify that full board, consists of 7 members, and that 7 of such members were present at such meeting and that 7 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Village of Owego,

"E"

Village of Owego



www.villageofowego.com

Clerk-Treasurer
Mayor
178 Main Street
Owego, NY 13827

Code Enforcement
Dept. of Public Works
20 Elm Street
Owego, NY 13827

WWTP
Southside Drive
Owego, NY 13827

Owego Police Dept.
90 Temple Street
Owego, NY 13827

Office of the Mayor 607-687-1710
Clerk-Treasurer 607-687-3555
Code Enforcement 607-687-1101
Village Fax 607-687-1787

WWTP 607-687-2282
Police Dept. 607-687-2233
Public Works 607-687-1101
Village Garage 607-687-1221

March 17, 2011

Bernadette M. Toombs, Commissioner
Board of Elections
56 Main Street
Owego, NY 13827

Dear Bernadette:

This is a certified listing of the Village of Owego Election Results of March 15, 2011.

Trustee Ward 1	Kevin Millar	319
	John Boland	292
Trustee Ward 2 (1 year term)	Earl Hartman	375
	Nathan Kennedy	212
Trustee Ward 2 (2 year term)	Jim Legursky	327
	Melody Patterson	277
Trustee Ward 3	Douglas Worden	336
	Jason Fritz	205

Respectfully submitted,

Rod M. Marchewka
Clerk-Treasurer
Village of Owego

"F"

Rod Marchewka

From: "Laura Willoughbie Rodd" <lwrodd@stny.rr.com>
To: <tiogacourier@stny.rr.com>
Cc: <mayor-vofowego@stny.rr.com>; "Rod Marchewka" <CLERK-VOFOWEGO@STNY.RR.COM>
Sent: Friday, March 18, 2011 3:05 PM
Subject: Food Challenge

Hello everyone,

In this week's Tioga County Courier there ran an article concerning the Feinstein Foundation's \$1 Million Dollar Food Challenge which can greatly benefit our community.

This Rhode Island NPO is matching dollar-for-dollar or \$1/lb on food donations to the Southern Tier Food Pantry which operates out of Elmira from March 1st to April 30th, 2011.

Two years ago the Chestnut Neighborhood Watch gathered over 169 lbs. of pasta, rice and canned goods and delivered them to the Sisters at the Rural Ministries on North Avenue (a convenient drop off point for us).

However this year due to documentation changes I feared that the food would need to be transported by volunteers to Elmira and the Food Pantry's main warehouse (not convenient) but Ms. Natasha Thompson the Food Bank of the Southern Tier President & CEO (607-796-6061) has suggested an alternative to this long drive by having the Open Door Mission (contact person Darrin 687-1473) hold on to "Challenge Donations" which her staff will come to Owego to document.

I have asked Rodger Fritz of the 1st Baptist Church of Owego on Main Street to host a box and inform parishioners of the food drive challenge and I will pop a box up at the Tioga County Courier's office (687-0108) on Church Street as well.

Trustee Legursky (687-0465) has offered to inform the Village Board on this charitable opportunity at the next board meeting and the wonderful staff at the village office (687-1710) will host a drop off box and "talk it up with constituents". Mayor Arrington (972-7440) will spearhead this effort on a village level and I will report my donation updates to him directly. I have offered to transport donations from drop off sites to the Open Door Mission so please call me at 687-0866 when your boxes get "full to bursting" and I'll come and empty them for you.

If anyone else has a site location (church, public place, business,etc.) that might like to participate in this drive let me know and I'll set something up. This opportunity will pass quickly so I will respond with a "hustle in my step" to your suggestions.

This will really help our economically challenged neighbors stave off hunger and achieve temporary food security for their households. I will write article encouraging donations in local papers.

Thanks for helping me.

Laura