

Village of Owego Board of Trustees Meeting
Minutes of March 8, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Tuesday, March 8, 2011 (due to a snow storm) 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
Clerk-Treasurer:	Rod Marchewka
Police Sgt:	Chuck Hogancamp
DPW Supt.:	Jeff Soules
WWTP Supt.:	Ron Horton
Absent:	Irene Graven
	Jane Woody
	Rick McCulskey
	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:

James Striley – 3 Charlotte Street – Complimented the Village on the plowing after the recent snow storm.

Kevin Millar – 78 Front Street – A meeting will be held March 17, 2011 at 7:30 p.m. at Tioga Center Middle School concerning gas drilling. A work Group will be doing free repairs in the village soon. He has more details.

Has a SEQR been done on proposed sale of effluent?

Bob McDonald – would be interested in serving on the Village Planning Board.

Motion by Trustee Hartman seconded by Trustee Sternberg, that April is Fair Housing Month.

APRIL IS FAIR HOUSING MONTH

The Village of Owego is committed to providing Fair Housing within constitutional limitations to all Village residents. The Federal Fair Housing Law prohibits discrimination in the sale, rental, or financing of housing based on race, color, religion, sex, national origin, handicap or family status.

If any individual or family feels that they have been discriminated against in obtaining suitable housing of their choice or if anyone requires additional information regarding Fair Housing, they can contact the Village Code Enforcement Fair Housing Officer, at 607-687-1101, Monday thru Friday, from 8:00 a.m. to 3:30 p.m. daily.

Rod Marchewka

Clerk Treasurer, Village of Owego

The above advertisement will run in the Owego Pennysaver and the Courier in the beginning of April.

Unanimously Approved

Motion by Trustee Lockwood, seconded by Trustee Clark, to adopt the Standard Work Day Revision.

Motion by Trustee Hartman, seconded by Trustee Clark, to amend motion to remove former Trustee Ken Smith's name from the report. Trustee Legursky abstained. Trustees Clark, Hartman, Lockwood, Sternberg and Mayor Arrington voted yes.

Motion Passed 5-1

First part of the motion tabled until changes are made on the reports.

Trustee Clark

Presented the following report from the Fire Department Retention Committee:

OFD Record Retention Committee
Monthly Report 2011-03

This committee is currently defunct. The committee was comprised of 2 members: Mr. Dan Gavin and I. Mr. Gavin has resigned as Assistant Chief and has chosen to take a "inactive position within the fire department."

Given that maintaining the official records for those firefighters deemed "employees" is the responsibility of the Village Clerk (i.e. N.Y. Village Law §4-402) and that maintaining the other fire department records is the responsibility of the Owego Fire Department and its governing board, I recommend that unless the fire department is specifically requesting board assistance regarding records, this committee should be dissolved.

Should the Owego Fire Department request board assistance on this topic, then I ask that Chief Bidwell propose a replacement for Mr. Gavin.

Thomas A. Clark
Chair, OFD Records Retention Committee

Houses on 4 Fox, 81 Chestnut, 17 Fulton Streets ongoing with code and county and they are working on having them demolished.

- Formal resignation letter received from Village Attorney Irene Graven
- List of interior and exterior firefighter training updates
- Clerk-Treasurer Marchewka is working with the Fire Department to obtain these lists

Motion by Trustee Clark, seconded by Trustee Legursky, to rescind the motion of 2008 by Trustee Arrington which established Roberts Rules of Order Simplified and Applied as the parliamentary authority for the Village of Owego Board of Trustees.

Unanimously Approved

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

WHEREAS, the Code of the Village of Owego does not establish procedural rules for conduct of meetings of the Board of Trustees of the Village of Owego; and

WHEREAS, N.Y. Village Law §4-412 gives the Board of Trustees of the Village of Owego the statutory authority to "determine the rules of its procedure"; and

NOW, THEREFORE, BE IT RESOLVED that, the Board of Trustees of the Village of Owego shall establish a Rules of Order Policy to establish the rules of its procedure; and

BE IT FURTHER RESOLVED that the content of such policy shall be established by motions made and approved this date; and

BE IT FURTHER RESOLVED that a compilation of said motions shall be presented to the Board of Trustees as a written policy document for their review and approval at the last meeting of the Board of Trustees prior to the end of this official year, currently scheduled for March 21, 2011; and

BE IT FURTHER RESOLVED that said Rules of Order Policy shall be placed on the agenda of each annual meeting for the Board of Trustees review and re-approval.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood, that the Village of Owego Rules of Order Policy include the following rule: The rules contained in *Roberts Rules of Order: Simplified and Applied, 2nd Edition* shall govern meetings of the Board of Trustees of the Village of Owego where they are not in conflict with applicable law and are not in conflict with the Village of Owego Rules of Order Policy.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood, that the Village of Owego Rules of Order Policy include the following rule: Trustees are to obtain the floor by: (1) Raising their hand and addressing the Mayor as "Mr. Mayor" or "Madam Mayor" as appropriate to gender; and (2) Then waiting for the Mayor to recognize them by stating the trustee's name.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood, to reaffirm the previously approved motion on roll call votes by moving that the Village of Owego Rules of Order Policy include the following rule: All votes shall be roll call votes.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Lockwood, that the Village of Owego Rules of Order Policy includes the following rule: Roll call votes shall be taken in accordance with the following procedure:

- (1) The clerk-treasurer shall make the roll call in alphabetical order except for the Mayor's name, who is always read last;
- (2) When a member's name is called, he or she shall vote "AYE", "NO", "ABSTAIN" or "PASS";
- (3) The clerk-treasurer repeats each members vote as it is made;
- (4) Once the clerk-treasurer calls the complete roll, the clerk-treasurer calls again those names who answered pass, at which point they must answer "AYE", "NO", or "ABSTAIN";
- (5) The Mayor then asks, "Has everyone who wants to vote voted?", at which point any member may change their vote;
- (6) Once everyone has voted, the clerk-treasurer gives the final count of ayes, noes, and abstains to the Mayor;
- (7) The Mayor then announces the counts and declares the motion as "ADOPTED" or "DEFEATED" based on the respective vote count.

Unanimously Approved

Motion by Trustee Lockwood, seconded by Trustee Clark, than an executive session be held for personnel issues. Trustees Clark, Hartman, Legursky, Lockwood, Sternberg voted yes, Mayor Arrington voted yes.

Motion Passed 6-0

Motion by Trustee Clark, seconded by Trustee Legursky, that the Village of Owego Rules of Order Policy include the following rule: The results of any vote shall be recorded and reported in the minutes for the meeting at which the vote was taken and shall include the following:

- (1) The complete text of the motion or resolution voted on;
- (2) The name of each member in attendance and their respective vote (i.e. Aye, No, or Abstain);
- (3) A summary count of the Aye's, Noes, and Abstentions; and
- (4) As statement of result (i.e. "ADOPTED" or "DEFEATED").

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

Motion Passed 6-0

Motion by Trustee Clark, seconded by Trustee Legursky, that the Village of Owego Rules of Order Policy include the following rule: Any member may second a motion by calling out "Second" or "I second the motion" without first being given the floor or being asked for a second.

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

Motion Passed 5-1

Motion by Trustee Clark, seconded by Trustee Legursky, that the Village of Owego Rules of Order Policy includes the following rule: The Board of Trustees of the Village of Owego shall have a "Parliamentarian." The Parliamentarian shall be responsible for:

- (1) Maintaining the Village of Owego Rules of Order Policy;
- (2) Preparing updates to the Village of Owego Rules of Order Policy as directed by a majority vote of the board; and
- (3) Issuing binding rulings as to the interpretation and implementation of the Rules of Order Policy, recognizing that said rulings may be appealed as specified elsewhere.

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

Motion Passed 6-0

Motion by Trustee Clark, seconded by Trustee Lockwood, that the Village of Owego Rules of Order Policy includes the following rule: The position of Parliamentarian shall be chosen at the Annual meeting by plurality vote of the members in attendance. Should no member gain a plurality of votes, the Mayor shall appoint a Parliamentarian. Should a vacancy of the Parliamentary occur, a new Parliamentarian shall be selected at the next board meeting in the same manner as proscribed for the Annual Meeting. The term of Parliamentarian shall end at the last day of the official year in which he or she was chosen as Parliamentarian.

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

Motion Passed 5-1

Motion by Trustee Lockwood, seconded by Trustee Hartman, that Tom Clark is appointed Village Parliamentary until the annual meeting in April. Roll Call Vote: Trustee Clark abstained; Trustees Hartman; Legursky; Lockwood; and Sternberg voted yes. Mayor Arrington voted yes.

Motion Passed 5-1

Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the payment of bills as submitted.

Question on: Outside legal expenses? Money came from contingency.

Trustees Clark, Hartman, Lockwood, and Mayor Arrington voted aye. Trustees Legursky and Sternberg abstained.

Motion Passed 4-2

Trustee Sternberg

- Regarding the OFD physicals – according to the bylaws, new members should not be approved until after they pass a physical

Motion by Trustee Sternberg, seconded by Trustee Legursky, per OFD by-laws, new applicants shall complete a physical prior to approval by the Village Board. In order to correct the error made in approving new members on February 22, I move that membership certificates are withheld pending notification that applicants have passed a physical exam.

Motion Failed 3-1-2

What is the progress on contract with Inflection? We made a motion to vote on this issue.

Mayor – no contract has been negotiated yet, we are still working out details. Any information will be given to trustees as soon as I receive it.

Motion by Trustee Sternberg, seconded by Trustee Legursky, that the intent of the resolution of December 20 was to initiate the SEQR process prior to voting on a contract for the sale of effluent water. “The Board must cause to be prepared an Environmental Assessment Form to affect such sale.” As stated by Attorney Graven at the last meeting, it has not been started. On February 7, the board passed a motion to vote on the proposal to sell effluent water to Inflection Energy. In the absence of either document or evidence of a good faith negotiating process, I move to close negotiations with Inflection Energy.

Trustee Clark – village is not at an impasse on this contract.

Trustees Clark, Lockwood, Hartman, and Mayor Arrington voted no. Trustee Legursky abstained, Trustee Sternberg voted aye.

Motion Failed 4-1-1

WWTP Supt. Ron Horton

Date: 3/2/11

To: Mayor Arrington, Sewer Commissioner and Village Board of Trustees

From: Ron Horton, Supt. WWTP

Re: Emergency spot repairs

In the last two weeks we have experienced two main line failures. In both cases these are located just as the main line enters a manhole. The first is located on Liberty St and the second is located at the intersection of Fulton St. and E. Main St.

We have taken steps to temporarily repair these lines; however a more permanent repair is required. I contacted Jones Specialty Service from Binghamton to look at these lines and provide us with a quote on doing a spot repair using a cured in place pipe.

Our reason for considering this type of repair as opposed to digging and replacing is different for each street. The line on Liberty St. is extremely deep. The depth is over 12 feet and when the manhole was installed the excavated area extended from sidewalk to sidewalk in width due to the type of soil involved. The void created by this failure has caused the road to collapse and is currently road plated for safety. The line at Fulton and E. Main, access is not possible due to the location other utilities. There are two water mains, two gas mains and a telephone subway all located within 2-3 feet of the manhole which makes digging there almost impossible.

The cured in place spot repair for these locations is an excellent alternative for a permanent repair. We have used cured in place technology in other locations in the village with outstanding success.

I have included their quote for your review. Jones Specialty Services is the only contractor in our area that provides such a service and given the circumstances I would recommend that we accept this quote and move forward with these repairs. The cost for these repairs would be paid for from both the contracted services line item and contingency line item.

If you have any questions please feel free to contact me.

Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Mayor Arrington voted aye.

Motion Passed 6-0

Mayor Arrington

Mayor's Report
March 4, 2011

- Irene Graven's resignation – April 1, 2011
- Side walk Law
 - Tickets need to be served to the property owners in person
 - Tickets not served in person will be dismissed
 - Only exception are zoning and building violations and vehicle and traffic law tickets
 - A workable solution is to have DPW shovel the side walk and bill the owner
- Truck traffic in the Village
 - Met with members from BMTS, Department of Transportation Region 9 and Department of Transportation Regional Planning & Program Management. We reviewed with them the truck traffic concerns that Village residents have and asked that the group work with us to find a solution to the problem
 - The group will assess the cost of developing a plan for addressing the traffic problem and get back with us
 - We reviewed all the passed truck routes solutions that D.O.T. Region 9 had to address the truck traffic concerns in the Village. We were told that these plans were not implemented due to cost. We all agreed that we expect truck traffic to increase in the near future
- Norfolk and Southern Rail Road
 - Working with members of the Rail Road
 - Requested a change in work schedule to minimize noise late night and early morning
- West Avenue
 - Superior Wells has offered to meet with me about concerns with their operations in the Village.
 - Declined to meet with the residents
 - A date for that meeting has not been scheduled
- Inflection Water Agreement
 - Met with Inflection and reviewed our concerns with their proposals for the sale of effluence from the waste water treatment. We re-enforce our position that we see sale of the water as one agreement and access to the river as another. We rejected their proposal and agreed to put key elements of our proposal back into the contract. Their lawyer is working on the revisions to address our concerns
- 207C
 - Attended a meeting in Syracuse. Will review with the board in Executive Session
- Met with Chief Bidwell and Superintendent Soules

VBM 3-8-2011

- The fly car 852 has a blown head gasket. We expect it to cost \$800.00 to \$1,600.00 to repair. We are looking at all options including getting a vehicle from another fire department or from Army Surplus as well as repairing the present motor
- Owego Fire Department and Emergency Medical Squad Organizational Structure
 - Chair Person Michael Washington Resigned
 - John Scott has agreed to be the new chair person
- PESH Violations
 - Review with Safety and Health Inspector, all violations have been satisfied
 - Fire Department Meeting Wednesday Night with Robert Parker for PESH at 56 Main Street at 7:00 p.m.
 - All trustees and fire fighters are encouraged to attend
- Zoning Board of Appeals
 - Marcia Blowney-Toda resigned from the board and as chair person
 - I am looking to fill that spot
- Cemetery Committee
 - Emma Sedor resigned
 - Looking for chair person and another committee person
- Sewer
 - Personnel committee completed interviewing for two openings in the sewer department
- Need an executive session for personnel
- Council 82 request to be recognized as representative of part-time officers

Clerk-Treasurer's Report

- The Time Warner Cable TV Franchise Agreement has been approved. This is an 8 year contract
- Village Elections are Tuesday, March 15, 2011 from noon to 9:00 p.m.

Privilege of the Floor

Lee Dunham – 330 Main Street – Question on who should clean snow from the cross walks? Lee will be on a committee with Jeff Soules to look into this problem.

Mayor Arrington – there is a sub-committee on contract negotiation with Inflection and the parties in the committee are Trustees Hartman and Clark and Mayor Arrington.

Into executive session at 8:45 p.m.

Back in regular session at 9:30 p.m.

Motion by Trustee Clark, seconded by Trustee Legursky, that the clerk/treasurer place advertisements in the previously approved media outlets notifying the public that the Village of Owego is seeking new legal counsel to fill a vacancy and that all interested attorneys and firms should contact the Village Office prior to April 1, 2011 if they wish to be considered for the position.

Trustees Clark, Legursky, Lockwood, and Sternberg voted aye. Mayor Arrington abstained.

Motion Passed 5-0-1

Motion by Trustee Clark, seconded by Trustee Lockwood, that the Personnel Committee be charged with developing a selection criteria for the new Village of Owego Attorney and to present that criteria for consideration to the Board of Trustees at the next scheduled meeting, currently scheduled for March 21, 2011.

Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Mayor Arrington voted aye.

Motion Passed 6-0

Motion by Trustee Clark, seconded by Trustee Lockwood to authorize the Mayor to sign the letter entitled “Request for Voluntary Recognition” that respectfully declines to offer voluntary recognition of Council 82.

Trustees Clark, Hartman, Legursky, Lockwood, Sternberg, and Mayor Arrington voted aye. Trustee Woody abstained.

Motion Passed 6-0

Motion by Trustee Legursky, seconded by Trustee Lockwood, to adjourn. Trustees Clark, Hartman, Legursky, Lockwood, and Sternberg voted aye. Mayor Arrington voted no.

Motion Passed 5-1

