

Village of Owego Board of Trustees Meeting  
Minutes of April 18, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Monday, April 18, 2011 at 20 Elm Street, Owego, NY. The following people were in attendance:

Mayor:	Edward L. Arrington
Trustees:	Jim Legursky
	Ann Lockwood
	Earl Hartman
	Kevin Millar
	Douglas Worden
Clerk-Treasurer:	Rod Marchewka
DPW Superintendent:	Jeff Soules
WWTP Superintendent:	Ron Horton
Police Chief:	Rick McCulskey
Fire Chief:	Ed Bidwell
Absent:	Trustee Tom Clark

Visitor's List  
Insert "A"

The meeting was called to order by Mayor Arrington followed by the pledge of allegiance and invocation.

Privilege of the Floor:

Bob McConnell – 82 Southside Drive – concerned about tractor trailer noise (caused the windows to shake).

The Mayor asked the police chief and police commissioner to keep working on traffic issues on the Southside.

Lee Dunham – 330 Main Street – have the railroad tracks on Main Street been repaired?

Mayor Arrington – Norfolk & Southern has requested the village set up another meeting on the railroad related issues.

- ELAN Design & Planning – BOA Pre-nomination Study – presentation by Lisa Nagel and Jackie Hakes of ELAN Design and Julie Sweet from the Department of State – Insert "B"

Sewer Plant New Hires:

**Motion** by Trustee Hartman, seconded by Trustee Legursky, to table action on new hires until the next meeting. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, and Worden voted aye. Mayor Arrington abstained.

**Motion Adopted 5-0-1**

- Update on filing attorney position – board would like to hire an attorney by next meeting if possible
- CDBG – new applicant approval request

**Motion by Trustee Lockwood, seconded by Trustee Hartman, to approve 22 Williams Street (Paul Titus, Sr.) total cost \$25,757.00 - painting, interior carpentry, roofing, exterior carpentry, electric, plumbing, masonry, windows and doors. Roll Call Vote: Trustees, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 6-0**

- Discussion on request by Mello Dears for a Block Party 7-30-11 - more information is needed such as; length of time for this event, questions on barricades, and access to local businesses

Update Lake Street Project – County Grant:

- Jeff Soules – Tioga County Administers this Grant for the Village. Part of Main Street Revitalization Grant. This project is a 100% grant there will be new lights, a clock, planters, and trash receptacles for Lake Street

Treasurers Report, Transfers, and minutes for the 4-4-2011 regular board meeting and annual meeting to be approved at the next regular meeting.

Commissioner’s Reports:

Earl Hartman:

**Trustee Report**

Village of Owego, New York

Earl Hartman Trustee Ward 2/ Commissioner to: DPW, OFD, Planning

Date: April 18, 2011

Presented to: Village Board

Project: **April 6, 2011 OFD Fire Board Meeting**

Note: This report shall not be construed as being part of the legal OFD Fire Board Meeting Minutes. The comments contained in the “Commissioner’s Report” are set out as headlines of interest to the Village Board of Trustees for their possible importance or action if so requested by the OFD Chief or representative.

Report: I brought three (3) bills for payments to the OFD Board for identification for payment. Chief Bidwell was not in attendance and no one there knew what the bills were for so I held them to get with Chief Bidwell. The three bills are: Jerome Fire Equipment Co., Inc. Invoice 0088675-IN \$163.26

Jerome Fire Equipment Co., Inc.	Invoice 0088237-IN	\$ 90.00
Jerome Fire Equipment Co., Inc.	Invoice 0086328-IN	\$112..50

Action: Have chief Bidwell review and submit for payment.

Company 1 advises that Joyce is no longer their secretary. Ray Rushing is so all correspondence for company 1 should go to Ray.

As requested by Mayor Arrington, Cindy Motter gave Fire Commissioner Hartman a list of Fire Members that have incorrect addresses so their mail is returned. Fire Commissioner will use the attendance list form the annual OSHA update training program to correct as many of these as possible.

Action: In progress

Gwen Ward wants the OFD to get re-involved with taking fire education programs to the various schools. As a part of Gwen’s re-involvement program she wants to solicit materials (hot dogs, rolls, etc.) from local vendors.

Gwen asked if she needed Village Board permission to accept such donations since it equates to a donation of money. I said I did not believe the Village Board needed to approve it but would verify. In the meanwhile Gwen will solicit the materials but not accept them yet.

Fran Dunbar (Co. 4) advised that 2012 will be the 100 year for the Fire Hall and 150 year for the OFD incorporation and that the Historical Society is putting together a program to celebrate it. Part of the program calls for shutting down Front Street from Court Street West to Academy. Date and duration of the Front Street shutdown to be finalized and announced as they are worked out. The Historical Society is also looking for nay memorabilia that they can borrow for the celebration. Contact Fran Dunbar if you have any you wish to share.

May 16, 2011 will be mock drills and trials

Annual OSHA training is mandatory. If not taken then you go to the inactive list.

> **VOB:** There is a question of whether the Village should pay for Steve Solomon's meals while at Haz-mat training? Tabled with the request that the Fire Commissioner take it to the Board for review.

**Note form E.H/F.C.** What is the funding source to pay for such things. Same as for Jeff, Ron and Ed??

Fire Advisor & Chiefs Meeting: 10 minute rule is being enforced. If no unit is rolling within 10 minutes then no re-tone and next available and next closest available unit is toned.

Using priority dispatch system as established by John Scott and Tioga Sherriff's office. There were concerns raised and Loftus said get them resolved by going through the chain of command. Chief M. Bidwell was going to make the appropriate contacts to address them.

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>VOB: Fire Training Facility status:

It seems that Chief Bidwell assigned Bob Williams to look into this at that same time Mayor Arrington was assigning it to me to research and advise him and the Village Board on it.

Bob announced some preliminary data he already had and that he would bring the final information to the next Fire Board meeting. I will also continue my research and report in concert with Bob and we will make our joint respective reports to the appropriate Boards.

A quick roll vote showed that a vote of 3-5 to keep it going forward.

Request was made that the Fire Commissioner carry that vote to the Village Board and then verify what has to be done to be in compliance with the Grant, the Fire Department and the Village Boards responsibilities.

Rusty Fuller: The OFD and Village needs to clarify the projects goals.

>VOB: The mellodears are celebrating their 50<sup>th</sup> anniversary this summer and wants to close Central Avenue between Temple and Fox for a block party.

OPD /OFD Involvement? Cost??

Ice machine is waiting for professional cleaning.

Changing Officers Meeting schedule so the officers are not missing Fire Board meetings.

"BO" Boland will coordinate the Swift Water Training scheduled for May 2th-22<sup>nd</sup>.

State Classes – Starter Course- are schedule for April 30<sup>th</sup> at Campville \$35

Possible 10 to go pending on Chiefs selection and physical status.

May 54<sup>th</sup> is the Firemen's Convention

May 25<sup>th</sup> is OFD elections

New by-laws (red) are being written (R. Fuller and R. Thompson) for review by OFD and then forwarding to Village for review and approval. An OFD committee will make an in-house review before it leaves the OFD.

Hydrant rental is a sore subject. OFD feels they are taking on the chin for DPW

The Fire Board, on recommendation from the company, voted to drop two members for failure to pay dues and attend training. Fire Commissioner commented that they should probably go to inactive until they are dismissed by the Village Board as I believe they must be given due process before the Village Board.

VBM 4-18-2011

New member training. There is a question of who is qualified to teach it? It was suggested that Bob Williams could teach it.

Renee wanted to know how does a new member get the training? Rusty – up to the Village Board since they are the ones paying for. (EH note to self) Research this for better clarity.

Submitted by: Earl Hartman  
Fire Commissioner

Cc: Mayor Arrington, Trustees: Clark. Legursky, Lockwood, Worden, Clerk Marchewka, OFD Chief Bidwell

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## Trustee Report

Village of Owego, New York

Earl Hartman Trustee Ward 2/ Commissioner to: DPW, OFD, Planning

Date: April 18, 2011

Presented to: Village Board

Project:	<b>Grant Title:</b>	<b>Owego Emergency Services Training Facility</b> HUD Grant No. B-04-SP-NY-0524 HR2861 Public Law 108-199 Conference Report 108-401
	Employer	I.D. 15-1361
	Address:	87 North Avenue Village of Owego, N.Y. 13827

**Grant owner and Responsible agent: Village of Owego**

Charge as given: Mayor Arrington charged me with review of the original grant, its status and the appropriate action needed to either: a) complete the project as required under the grant, or b) end the project and return the balance of the grant to HUD.

Note: It appears that OFD Chief Bidwell had also asked “Bob” Williams to do a research of the HUD Grant status before the Mayor assigned the task to me so there is a plurality in the research and reports. However, both researches came to the same conclusions.

Progress report:

The Grant was originally pursued and garnered in 2002 with final HUD approval and funding established in 2004 under the HR2861 Public Law 108-199 Conference Report.

The Grant was \$150, 000 minus the mandated 0.59% rescission which set the Grant’s accessible balance at \$149,115.00

**Of the \$149, 115 Grant, \$104,081.70\* has been expended, leaving a balance of \$45,033.30 of the Grant available for the project.**

Note: It is my understanding that the **OFD has a separate dedicated fund of \$28,000 to add to the Grant balance. This would set the total available funds for the next piece of the project at \$73,033.3\* or rounded down to \$73,000.**

Conditions of Grant Status:

a) Complete the project as required under the terms of the Grant – The HUD Grant was funded under the label of being a “community training center.” Based on phone conversations with HUD representatives both Mr. Williams and I understand that the project must include a unit that could be used by other Village or community entities for training, education or other community service functions. Summary: Provide a structure that would meet the requirements of a “community center” and we can drawdown the remaining HUD Grant funds of \$45,000 with no penalties.

b) ) End the project and return the balance of the grant to HUD – The Village has the option to notify HUD that it intends to end the project at its current state of completion. However, upon making the declaration to end the project, HUD will require that the Village return all Grant funding expensed on the project to date, i.e. **\$104, 081.70\***

Next actions

Required: Mr. Williams will make his parallel report to OFD Chief Bidwell and the Fire Board on May 4, 2011 with the clarity of what will a) meet the Grant requirements for completion with no penalty to the Village or b) end the project and position the Village penalties.

Submitted by: Earl Hartman  
Fire Commissioner

Cc: Mayor Arrington, Trustees: Clark, Legursky, Lockwood, Worden, Clerk Marchewka, OFD Chief Bidwell, OFD R. Williams

## Trustee Report

Village of Owego, New York

Earl Hartman Trustee Ward 2/ Commissioner to: DPW, OFD, Planning

Date: April 18, 2011

Presented to: Village Board

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Project: **Repair of Street Lighting along South side drive (434) approach to Court Street Bridge**

Charge as given: Work with NYSDOT and NYSE&G representatives to determine the repair status of the damaged street light system along the Southside Drive (434) approach to the Court Street Bridge south entrance.

History brief: The street lighting system was Contractor damaged during the NYSDOT contracted renovations of Southside Drive. The damages to the street light systems caused a "fault" condition that energized at least one metal street light pole and resulted in NYSE&G shutting off electric power to that section of Village street lighting.

On Feb. 14, 2010 Mayor Arrington and DPW Superintendent "Jeff" Soules met with a Mr. Thomas Phillips of NYSDOT and Mr. David Perry of NYSE&G at which time both MR. Phillips and Mr. Perry stated they would be pursuing repairs to the street light system with the start of the 2011 construction season.

Progress report: I spoke with Mr. "Thomas Phillips, NYSDOT, the morning of April 18, 2001 and subsequently e-mailed the content of our conversation to him.  
"Tom" stated that he has already started the process to get the repairs done but first needed NYSE&G to do their field survey and conditions analysis to identify where the damaged sections of conduit/cabling section are in the street lighting system.

a) NYSDOT is waiting for NYSE&G's actions and response.

I called Mr. David Perry at NYSE&G the morning of April 18, 2011. Mr. Perry was not in his office so I left him a message to call me and also sent him the same e-mail I sent to Mr. Phillips.

b) NYSE&G is lead agency in moving repairs of the street lighting system forward.

David (Perry) called back. We discussed the situation briefly and will meet on site tomorrow morning, April 19, 2011, to formulate a game plan.

Next actions

Required: I will make follow contacts with Mr. Perry and Mr. Phillips on their progress status no later than April 22, 2011

Submitted by: Earl Hartman  
DPW Commissioner

Cc: Mayor Arrington, Trustees: Clark, Legursky, Lockwood, Worden, Clerk Marchewka, DPW Soules

**Trustee Report**  
Village of Owego, New York  
Earl Hartman Trustee Ward 2/ Commissioner to: DPW, OFD, Planning

Date: April 18, 2011

Presented to: Village Board

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Project: **Spencer Avenue Animal Farm**

Charge: I have received numerous calls from neighboring and nearby residences regarding the deplorable conditions associated with the Spencer Avenue Animal Farm. The following are neither all inclusive or exclusive of the complaints received regarding the overpowering animal fecal and urine odors emanating from the property; street sanitary conditions due the fouled runoff waters from the site and health risks to the neighboring and nearby residents due to zoonotic diseases, parasites or other pathogens that may be transferred by insects, rodents or other carriers agents.

Progress report: I will speak with the Mayor and the Codes Enforcement Officer about possible remedial actions. I have also spoken with the Tioga County Health Department to ask their thoughts on the conditions from a health concern perspective.

Next actions

Required: Waiting for call back from Mr. David Rolls<sup>sp</sup> of the Tioga County Health Department

Submitted by: Earl Hartman  
DPW Commissioner

Cc: Mayor Arrington, Trustees: Clark, Legursky, Lockwood, Worden, Clerk Marchewka, DPW Soules, CEO Meade

**Motion by Trustee Lockwood, seconded by Trustee Millar, that the following be approved as members of the Owego Fire Department:**

**Kyle Schreiner – 52 West Beecher Road - Company #4 – Junior Fire Fighter - physical & work papers on file**

**Earl R. Hartman – 440 North Avenue – Company #3 – physical on file**

**Nicholas Wilding – 80 North Avenue – Company #3 – physical on file**

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

**Motion Adopted 5-0-1**

Trustee Lockwood:

- The village has to decide on the \$326,000 matching grant for the cemetery. This will be addressed during the budget process.
- Need times to go over the proposed Village Budget – The time will be 6:00 p.m. in the Village of Owego Board Room at 20 Elm Street on the following dates:
  - Tuesday, May 3, 2011 – Department of Public Works
  - Wednesday, May 4, 2011- Police Department
  - Monday, May 9, 2011 – Judge/Clerk
  - Tuesday, May 10, 2011 – Sewer Department
  - Wednesday, May 11, 2011 – Fire Department

Clerk to advertise, post on board in lobby at clerk's office, and put on the website.

Trustee Legursky:

- With the use of the police department laser equipment he has checked speed on the trains going through the village. Speeds range from 23 to 52 mph with the majority between 47 to 49 mph

Doug Worden:

93-95 Chestnut Street - on Monday 4-11-11 this office (DPW) met with Jerry Lehey from the NYS Labor Department (asbestos control) at the site (93-95 Chestnut Street). Jerry has retrieved some samples from the exterior of the house that are probably "hot". I would assume after they are tested and test positive that tickets and penalties will be assessed to the property owner and person doing the demolition.

There was a demolition permit issued for the removal of the west side addition of this structure and I have an asbestos survey documenting no asbestos on this part of the structure.

Mr. Breitwieser has taken the removal of the parts of this building farther than allowed by law and a Stop Work Order has been issued.

James S. Mead, Code Enforcement Officer

**Motion by Trustee Legursky, seconded by Trustee Lockwood, to have an executive session to discuss contract negotiations. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, and Worden voted aye. Mayor Arrington abstained.**

**Motion Adopted 5-0-1**

Police Chief McCulskey:

- Discussed loads on rail road that needed to be covered or not

Note: Little League Parade is scheduled for May 7, 2011

Clerk-Treasurer Rod Marchewka:

Thanked the men at Department of Public Works for all of their hard work in helping with the paper shredding project. Approximately 8 tons were shredded between the police department, justice, and clerk's office.

Privilege of the Floor

Bob McConnell – 82 Southside Drive - discussion on animals that are in different parts of the village – horses, chickens, llamas, etc.; is there an agricultural zone?

Judy Legursky – 100 Southside Drive – says there is an old goat living at 96 Depot Street.

Executive Session from 9:00 p.m. until 9:50 p.m.

**Motion by Trustee Lockwood, seconded by Trustee Millar, to adjourn meeting. Roll Call Vote: Trustees Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 6-0**



## Section 1: Description of Project and Boundary

### Project Overview and Description

The Brownfield Opportunity Area (BOA) program was initiated in 2003 through the New York State Superfund/Brownfield Law. Administered by the New York State Department of State (DOS), this program provides financial assistance to complete area-wide brownfield redevelopment planning. The BOA program is a multi-disciplinary approach intended to assist communities, foster redevelopment, return blighted land into productive areas, and restore environmental quality. This approach involves a comprehensive examination of the physical, environmental, economic, and community planning factors associated with any redevelopment effort.

Reinvestment in brownfields and underutilized properties benefits property owners, existing businesses and the community at large by protecting the environment, reducing blight, enhancing employment opportunities and easing the pressure of developing open space and working landscapes. The general goals of the BOA program are as follows:

- ✓ Access the full range of community issues posed by multiple brownfield sites.
- ✓ Build a shared vision and consensus on the future uses of strategic brownfield sites.
- ✓ Coordinate and collaborate with local, state, and federal agencies, community groups, and private-sector partners.
- ✓ Develop public-private sector partnerships necessary to leverage investment in development projects that can revitalize diverse local communities and neighborhoods.

"A brownfield is any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant."

(NYSDEC)

The BOA program involves three distinct steps: Step 1: Pre-Nomination Study; Step 2: Nomination Study; and Step 3: Implementation Strategy and Site Assessments. Step 1 provides a preliminary description and analysis of an area to be considered as a Brownfield Opportunity Area. This step is important for communities that may have little or no documentation of existing conditions. The results of Step 1 are to clearly identify a BOA boundary, conduct public outreach to begin building partnerships, and prepare a preliminary analysis of opportunities for redevelopment. The Village is currently engaged in this step.

Step 2 is a more thorough evaluation of existing conditions as well as an analysis of environmental, economic, market and community issues and opportunities. This step

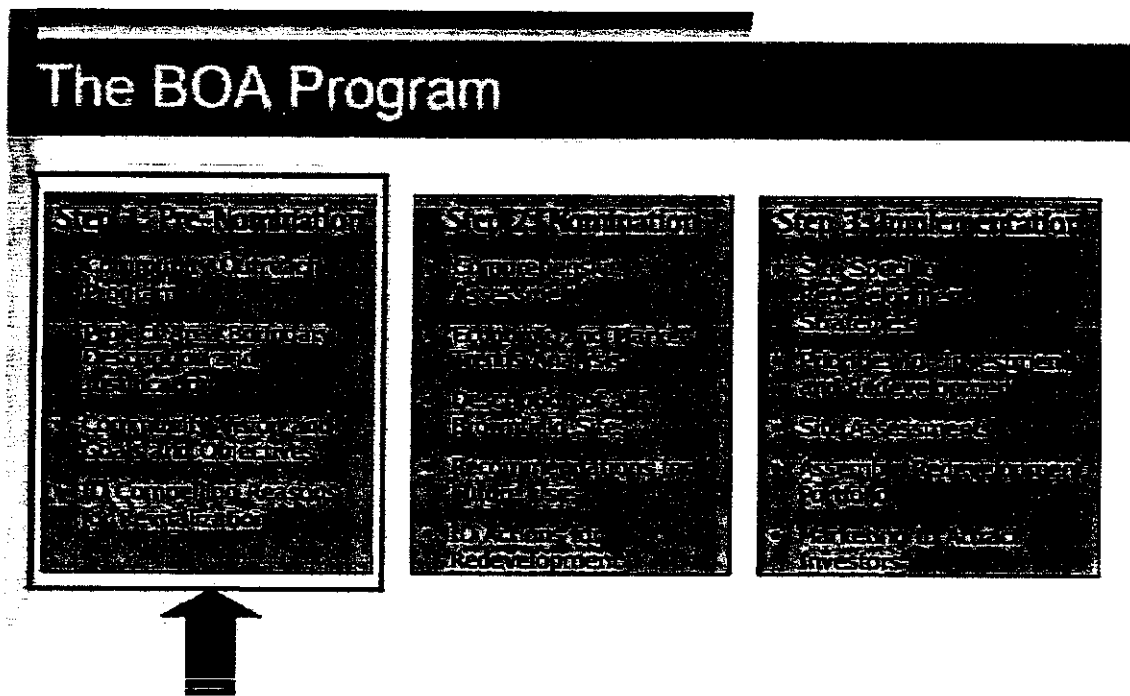
"B"

Village of Owego Business Opportunities and Advancement (BOAA)  
A Brownfield Opportunity Area Pre-Nomination Study

leads to a more clear emphasis and identification of strategic sites that could serve as catalysts for redevelopment. The outcomes of Step 2 include a more comprehensive and in-depth evaluation of existing conditions for brownfields as well as underutilized sites, and economic and market trends analysis, identification of strategic catalytic sites and recommendations for future use.

Step 3 includes an implementation strategy and site assessments for strategic sites. The implementation strategy involves actions to implement the plan and addresses requirements of the State Environmental Quality Review Act (SEQRA). At the conclusion of Step 3, several outcomes will be achieved including an identification of priorities for redevelopment, completed site assessments to foster clean-up activities, preparation of 'shovel ready' sites, and marketing efforts to attract interest and investment.

Each step of the BOA program includes a strong public participation component. The public and key stakeholders are involved from the start of the effort to build partnerships and the capacity to carry the effort through to implementation. Public input is critical to establishing a vision and goals for the project.



In 2008, the Village received a grant from DOS to prepare a Step 1: Pre-Nomination Study. The Village retained a consultant team to prepare the Pre-Nomination Study and facilitate the process for evaluating strategic brownfield sites, establishing a community-supported and generated vision for the study area and recommending action items to be considered during a Step 2: Nomination Study process.

"B"

Village of Owego Business Opportunities and Advancement (BOAA)  
A Brownfield Opportunity Area Pre-Nomination Study

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This study involved a 151-acre site characterized by several vacant or underutilized properties, successful existing businesses and recreational facilities (as illustrated in *Figure 2 - Study Area Context Map*). Major properties include a former school property, the Village-owned Marvin Park, the former Tioga Castings (commonly referred to as the "Foundry Site"), the Tioga County Fairground, Stakmore, Industrial Paint Services, and Weitsman & Son. The Village and Tioga County both recognize the opportunity for enhanced economic development in this area. As a result, the community and its partners are fully engaged in the Business Opportunities and Advancement Study.

The study area is distinguished by the large portion of the site that is dedicated to public recreation. These areas, including the Tioga County Fairground, Marvin Park, and the Owego Creek Trail, are regional attractions, most notably during the annual Tioga County Fair. Alongside the portion of the site dedicated to recreation, several parcels have an educational use associated with them, including the 4-H structure and the former middle school property. The study area is also home to several established, successful businesses.

The study area presents a unique opportunity for the Village. The proximity of the study area to the downtown, residential neighborhoods, shopping areas, highways, railways, and the Tioga County Fairgrounds (which are within the study area boundaries) provide the opportunity for new businesses and employment and enhanced tax base. Additionally, improvements to the site will encourage the continued growth and success of existing businesses.

KYLE SCHREINER HOME (607) 687-2583  
52 WEST BEECHER HILL  
OWEGO - NY. 13827

JUNIOR FIREFIGHTER Co# 4  
WORK PAPERS ON FILE  
PHYSICAL ON FILE (4-18-11)

CARL JONES CELL (607) 223-4319  
126 TALCOTT STREET  
OWEGO - NY. 13827

Co# 2  
PHYSICAL ON FILE (4-4-11)

EARL R. HARTMAN HOME (607) 687-9526  
440 NORTH AVENUE CELL (607) 206-4720  
OWEGO, NY. 13827

Co# 3  
PHYSICAL ON FILE (3-25-11)

NICHOLAS WILDING CELL (607) 223-4400  
180 NORTH AVENUE  
OWEGO NY. 13827

Co# 3  
PHYSICAL ON FILE (2-23-11)