

Village of Owego Board of Trustees Meeting
Minutes of April 19, 2010

The regular meeting of the Village of Owego Board of Trustees was held on Monday, April 19, 2010 at 20 Elm Street, Owego, NY, starting at 7:00 p.m. The following people were in attendance:

Mayor:	Edward L. Arrington
Trustees:	Connie Sternberg
	Jane Woody
	Tom Clark
	Ken Smith
	Ann Lockwood
	Jim Legursky
Clerk-Treasurer:	Rod Marchewka
DPW Supt:	Jeff Soules
WWTP Supt.:	Ron Horton
Police Chief:	Rick McCulskey
Fire Chief:	Ed Bidwell
Village Attorney:	Irene Graven

Insert "A" Visitor's List

Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the Village of Owego Board Meeting Minutes for March 15, 2010. Trustees Smith, Lockwood, Clark, Woody, and Sternberg voted aye. Trustee Legursky voted nay.

Motion carried

Motion by Trustee Legursky, seconded by Trustee Clark, that the April 5th Village Board Meeting Minutes not be approved as written. Trustees Smith, Lockwood, Clark, and Legursky voted aye. Trustees Woody and Sternberg voted nay.

Motion carried

Motion by Trustee Smith, seconded by Trustee Sternberg, to approve the minutes of April 5th Village Board Meeting with the following corrections:

Page #4 - (Discussion on table – motion – K9 Unit) pending contract update.

Page #6 – (Motion on Local Law – switch to end of meeting)

Page #1 –Attachment A to be in minutes – A&C –where is B attachment? (Attachments are put in the final draft of the minutes that are filed in the clerk's office).

**Unanimously Approved
(with corrections)**

- Discussion on Roll Call Votes

VBM 4-19-2010

Privilege of the Floor:

Bob Bassett, Treasurer and Board Member of the Charles H. Bassett Youth Foundation, handed out surveys to Trustees on picking their favorite book. Walk for Books starts at 10:00 a.m. at the Coburn Library. There will be ten different stops with high school students reading books at these stops (favorite children's books).

The purpose of this walk is to promote children reading and literacy. It is sponsored by State Farm Insurance asking people to donate gently used books.

The Village Clerk's office will be open from 10:00 to 12:30 on April 24 2010 to collect books.

Tommy Donovan – 81 George Street – asked if the village would supply dirt for men's softball league so that they may get three (3) fields ready for the season. Men's softball days are Mondays, Wednesdays, and Fridays, starting May 3, 2010. Mr. Donovan also asked if the village could roll dirt after it was installed. (Note – DPW Superintendent Jeff Soules to take care of this as per the Village Board)

Discussion on three (3) garbage cans (one for each field). A motion is needed to make this happen.

Mr. Gavin asked about the following:

- 1) Will Annual Meeting Minutes be approved at the next meeting?
- 2) Agenda should be available on Tuesday not on Friday. Why?
- 3) Grace Thomas is listed as Deputy Mayor on the Agenda. (This was a typo and has been fixed)

Mayor Arrington answered that the agenda is prepared as needed.

Moe McDowell – according to Mr. McDowell until minutes are approved, Trustees may change their vote.

Rusty Fuller – on Fire Department membership – certified list as of May 2009. Repeals bylaw passed by Village Board this summer – replace with blue bylaws.

Treasurer's Report

Motion by Trustee Woody, seconded by Trustee Sternberg, to approve a parade permit for the Owego Little League for May 1, 2010, forming at 8:00 a.m. on 90 Temple Street.

Unanimously Approved

Motion by Trustee Sternberg, seconded by Trustee Woody, that the Treasurer's Report be approved for March as submitted by Clerk.

Unanimously Approved

Motion by Trustee Sternberg, Seconded by Trustee Clark, that the transfers be approved as submitted by Clerk.

APRIL 19, 2010 BOARD APPROVED TRANSFERS				
	FROM/TO	ACCOUNT #	ACCOUNT NAME	AMOUNT
CORRECTED	FROM:	A.9040.80.074	WORKERS COMP	\$5,205.80
ACCOUNT #	TO:	A.1620.40.093	MUNICIPAL BLDG REPAIR	\$5,205.80
CORRECTED	FROM:	A.9040.80.074	WORKERS COMP	\$6,000.00
ACCOUNT #	TO:	A.1490.40.660	TELEPHONES	\$6,000.00
CORRECTED	FROM:	A.9015.80.084	RETIREMENT	\$5,727.46
ACCOUNT #	TO:	A.1620.40.093	MUNICIPAL BLDG REPAIR	\$5,727.46
NEW	FROM:	A.3090	STATE GRANTS	\$720.12
	TO:	A.1110.40.410	OFFICE SUPPLIES JUSTICE	\$720.12
NEW	FROM:	A.3090	STATE GRANTS	\$25,000.00
	TO:	A.1620.40.096	MUNI BLDG REPAIR JUSTICE	\$25,000.00

Unanimously Approved

- Bid on boiler replacement for sewer plant. One bid was received from Jim Legursky for \$25,236.00. Discussion on conflict of interest.
- Trustee Legursky stepped out of the room and a vote was taken

Motion by Trustee Woody, seconded by Trustee Sternberg, to reject the bid and rebid boiler for sewer plant. Trustees Woody, Sternberg, Lockwood, Smith, and Clark voted aye.

Motion carried

- Discussion on upgrades to the village website. Trustee's to look into different options to try to make this happen. Proposal from Cyber City for approximately \$3,700.

Motion by Trustee Woody, seconded by Trustee Clark, to approve the parade permit for the Owego Police Department for May 3, 2010.

Unanimously Approved

Motion by Trustee Sternberg, seconded by Trustee Clark, to approve appointments and re-appointments to the Zoning Board of Appeals and the Planning Board.

Unanimously Approved

Re-appointments:

Richard Price	Zoning Board of Appeals	5 year term
Gertrud Koral	Planning Board	2 year term
Stuart Howard	Planning Board	4 year term

Appointments:

Grace Thomas	Zoning Board of Appeals	4 year term
W. Ray Rushing	Planning Board	3 year term

Unanimously Approved

Motion by Trustee Woody, seconded by Trustee Clark, on Mayor Arrington’s recommendation to the board, that Lynne Mieczkowski is approved to work for 4 to 6 weeks at \$14 per hour on outstanding grants. As well as the Preserve America Grant Fund.

Unanimously Approved

Trustee Clark

Motion by Trustee Clark, seconded by Trustee Lockwood, that three (3) garbage cans be installed for the softball league. Trustees Smith, Lockwood, Clark, Legursky, and Woody voted aye. Trustee Sternberg voted nay.

Motion carried

Trustee Sternberg

- No update to flood mitigation
- Neighborhood Improvement Committee to make a presentation at next board meeting.
- Trustee Lockwood will help Trustee Sternberg on reviewing fines for property maintenance violations
- Trustee Sternberg feels that the compliance to mandated reduction of Nitrogen and Phosphorus levels at the sewer plant is the most important issue concerning the Village of Owego residents
- Trustee Sternberg thanked Ron Horton for his efforts on this matter
- Discussion of K9 Unit and Fire Board issues
- Also Trustee Sternberg has met with three (3) of the new Trustees

Motion by Trustee Sternberg, seconded by Trustee Clark, to improve our decision making process as a Village Board by developing a common knowledge base regarding the safety and well being of our Village with regard to economic development, neighborhoods and housing, compliance to mandates to reduce nitrogen and phosphorus levels at our sewer plant, and concerns from the Department of Labor with our fire department.

Unanimously Approved

Trustee Lockwood

Trustee Lockwood brought up possible conflict of interest with Trustee Clark regarding West Avenue truck traffic, noise, dust, etc.

Motion by Trustee Smith, seconded by Trustee Legursky, to approve the following OFD Restoration Act:

Whereas, on June 1st, 2009 the Village of Owego Board adopted bylaws for the Village of Owego Fire Department that were not supported or approved by the majority of the Owego Fire Board;

Whereas, on May 18th, 2009 the Village of Owego Board terminated or purported to terminate more than 100 members of the Owego Fire Department;

Whereas, these termination or purported terminations were not in accordance with Chapter C-56 "Removal of firemen" of the Village of Owego Charter as no opportunity for the terminated or purported terminated to be heard was entertained;

Whereas, the majority of the Owego Fire Board has requested the reinstatement of these terminated or purported terminated members of the Owego Fire Department;

Whereas, the Village of Owego Board has pending membership requests from the Owego Fire Department;

Whereas, the Village of Owego Board seeks a well equipped, well trained, and high quality Owego fire and emergency squad force that ensures a place for everyone in the Owego Fire Department who wishes to be a part of it;

Whereas, members of the Owego Fire Department are the fabric of our community and deserve our support: now, therefore, be it

Resolved by the Village of Owego Board, That the Board ---

- 1. Rescinds the Owego Fire Department bylaws adopted by the previous Village of Owego Board on June 1st, 2009 and adopts the so-called "Blue Bylaws" the Owego Fire Department previously operated under and the majority of the Owego Fire Board requested be adopted by the Village of Owego Board (Attached);**
- 2. Recognizes the membership of the Owego Fire Department to be the certified list of members in good standing submitted by the Secretary of each fire company to the Secretary of the Owego Fire Board on or before the first Wednesday in May 2009 as well as any member approved by this board thereafter and directs the Owego Fire Chief to notify each member in writing;**
- 3. Authorizes the Owego Fire Chief to conduct an accurate and comprehensive review of Owego Fire Department needs by establishing a blue ribbon panel of past Owego Fire Chiefs to assess OFD issues and needs if he chooses;**
- 4. Requests the immediate vote on pending members of the Owego Fire Department.**

- 1) Discussion on Blue vs. White Bylaws

VBM 4-19-2010

- 2) Copies were given to the trustees and the mayor for review (after the meeting).
- 3) Increase/decrease membership
- 4) Five (5) day hearings
- 5) Change in Charter
- 6) Mandatory referendum
- 7) Attorney recommendation, not taking any action at this time

Trustees Smith, Lockwood, Clark, and Legursky voted aye. Trustee Woody and Trustee Sternberg voted nay.

Motion carried

Trustee Legursky

- Does not want to be responsible for any money spent on Lynne Mieczkowski working without board approval
- Mayor Arrington – current policy is that a department head/commissioner may authorize contracted services/operational expenses up to \$2,000 without board approval. No violations have taken place
- Village needs a deputy mayor
- Wants information on a \$420 attorney bill concerning the police department
- Appointments need to be made to Planning and Zoning Boards

Trustee Woody

- Park nature trail south has been mapped out

Motion by Trustee Woody, seconded by Trustee Sternberg, that DPW go out for bid for radios. Proposal from Tri-City Communications for \$5,993.00 – from account A.1490.40.660. Trustees Smith, Lockwood, Clark, Woody, and Sternberg voted aye. Trustees Legursky voted nay.

Motion carried

- The Master Gardeners are going to work on plantings at Riverwalk and other places around the village

Trustee Smith

Motion by Trustee Smith, seconded by Trustee Lockwood, to accept police K9 contract as modified per Village Attorney and authorize Mayor Arrington to sign the contract. Trustee Sternberg submitted questions to Police Chief McCulskey that were not answered! Questions included

- 1) Complete cost to implement
- 2) Lack of signed letters of recommendation from previous owners of dog verifying that the dog was not vicious
- 3) Additional information was given only to Trustee Smith, Trustee Legursky, Trustee Lockwood, Trustee Clark

VBM 4-19-2010

Trustees Smith, Lockwood, Clark, and Legursky voted aye. Trustee Sternberg abstained. Trustee Woody voted nay.

Motion carried

Motion by Trustee Clark, seconded by Trustee Woody, to go into executive session to discuss police department issues.

Unanimously Approved

Village Attorney

- Working on Local Law regarding inspection of rental properties
- Completed draft of Local Law to amend Charter regarding duties of the Trustees as they relate to the number of members allowed in the fire department
- Seeking opinion of Attorney General's Office requirements of mandatory referendum to amend this part of the Charter
- K9 Unit agreement completed

Mayor

- Working on budget for 2010-2011
- Met with department heads
- West Avenue meeting set for April 22, 2010 at 7:00 p.m. 56 Main Street
- COPS grant program not funded yet – need update
- Sewer Department to rebid boiler replacement project
- Justice Department issue – court security is a hot button item on every ones docket. Need a separate security officer to monitor metal detector machine and court security
- Spring clean-up

Motion by Trustee Clark, seconded by Trustee Lockwood, that the May 17, 2010 Village Board Meeting be moved to May 24, 2010 in order to allow the mayor and the board members to attend the NYCOM conference.

Unanimously Approved

Fire Chief

Motion by Trustee Clark, seconded by Trustee Lockwood, to authorize the Fire Department to pay three (3) year contract on defibrillators at a cost of \$8,000.00.

Unanimously Approved

Motion by Trustee Woody, seconded by Trustee Legursky, to authorize the fire department to sell # 851 to Tioga Center Fire Department for \$1.

Unanimously Approved

Motion by Trustee Lockwood, seconded by Trustee Woody, to authorize the fire department to sell #803 to Ashland New York Fire Department for \$1 (Department lost all fire equipment in a fire).

Unanimously Approved

Motion by Trustee Legursky, seconded by Trustee Lockwood, to authorize approval for the Owego Fire Department to have a liquor license for June 15 thru June 18, 2010 for the Central New York State Fire Association Convention which would include parts of the streets on Talcott and Temple by the fire station. Fire Department to get liability insurance before this event takes place. Trustees Smith, Lockwood, Clark, and Legursky voted aye. Trustee Woody and Trustee Sternberg voted nay.

Motion carried

Privilege of the Floor

- Sharon Ash – we should not be discouraging the Fire Convention because it is good for village businesses
- Pat Gavin – encourage board to move forward with proposal from last meeting on the Charter
- Attorney Graven – Local Law is now in draft form only.
- David Ketchum – an apology should be given to the fire department for what has been going on for the last year or so
- John Loftus – why is there a state trooper at a village board meeting when we have the Owego police chief present?

Executive session from 10:25 until 11:25. Back in session – no action taken on executive session.

Motion by Trustee Legursky, seconded by Trustee Smith, to adjourn at 11:30 p.m.

Unanimously Approved