

**ANNUAL MEETING OF APRIL 4, 2011**

The Annual Meeting of the Village of Owego Mayor and Board of Trustees was held on Monday, April 4, 2011 at 7:00pm in the board room of the DPW Annex, 20 Elm Street, Owego, New York, 13827. The following people were in attendance:

- |                      |                       |
|----------------------|-----------------------|
| Mayor:               | Edward L. Arrington   |
| Trustees:            | Tom Clark             |
|                      | 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        |
| Absent:              | Fire Chief Ed Bidwell |

Mayor Arrington opened the annual meeting at 7:00 p.m.

The first item of business of the annual meeting is the Village Clerk-Treasurer to read aloud the results of the village election of March 15, 2010:

Trustee	1 <sup>st</sup> Ward (2 yr)	Kevin Millar	319 votes
Trustee	2 <sup>nd</sup> Ward (1 yr.)	Earl Hartman	375 votes
Trustee	2 <sup>nd</sup> Ward (2 yr.)	James Legursky	327 votes
Trustee	3 <sup>rd</sup> Ward (2 yr.)	Douglas Worden	388 votes

Mayor Arrington made the following mayoral appointments for the period 4/4/11 through 4/4/12.

- |                             |               |
|-----------------------------|---------------|
| Acting Village Justice..... | Lynn Craig    |
| Village Court Clerk.....    | Diane Gregory |
| Village Historian.....      | Jack Evans    |

**Motion by Trustee Hartman, seconded by Trustee Clark, that the following be adopted: BE IT RESOLVED, that Chemung Canal Trust Bank be and is hereby designated as a receiver of monies deposited to the Sewer and General Funds, Community Block Grant and the Trust, Capitol, and Reserve accounts of the Village of Owego, as of April 5,**

**2011. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

**Motion by Trustee Lockwood, seconded by Trustee Clark, that the estimated budget not to exceed \$2,880,000.00. This is a 10% decrease from last year – not including the sewer budget. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye. Mayor Arrington voted no.**

**Motion Adopted 6-1**

**Motion by Trustee Clark, seconded by Trustee Lockwood, the following be adopted: BE IT RESOLVED, the first and third Monday of each month at 7:00pm shall be designated as Village of Owego Board Meeting nights and time with the meeting being held in the board room of the DPW Annex, 20 Elm Street, Owego, NY for the coming year; and providing that if any regular meeting were to fall on a holiday, the meeting shall be held on the following evening, a Tuesday, at the same time and place. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

**Motion by Trustee Legursky, seconded by Trustee Millar, the following be adopted BE IT RESOLVED, that the Tioga County Courier and the Owego Pennysaver, be designated as official newspapers for required legal notices and publications of the Village of Owego. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

**Motion by Trustee Worden, seconded by Trustee Clark, Michael Zimmer, Town of Owego Clerk and Loretta Marchewka, Deputy Town Clerk are appointed as Registrars of Vital Statistics for the Village of Owego. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

**Motion by Trustee Millar, seconded by Trustee Worden, the following be adopted:**

**WHEREAS, Section 33 of the Chapter of the Village of Owego directs that the Board of Trustees at its annual meeting shall set a date to prepare an estimate of the monies necessary and proper to be raised during the fiscal year, then next ensuing to pay the general debts and expenses of the Village, including for particular purposes as herein set forth and to carry into effect the several powers and privileges granted by or pursuant to this act or otherwise by or pursuant to law, not otherwise specifically provided for which estimate shall be filed with the Village Clerk and be open to the inspection of any elector at all reasonable hours for a period of ten (10) days after which time the Board shall hold a public hearing on such estimate and the Board may alter and amend same, and**

**WHEREAS, the estimate provided for by Section 33 will be provided and filed with the Village Clerk-Treasurer of the Village of Owego.**

**NOW, THEREFORE BE IT RESOLVED, that a public hearing on the annual estimate of the Village of Owego will be held on Monday, June 19, 2011 at the DPW Annex, 20 Elm Street, Owego, New York, 13827. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye. Mayor Arrington abstained.**

**Motion Adopted 6-1**

**Motion Trustee Hartman, seconded by Trustee Clark, that the Village personal mileage reimbursement rate to be \$.44 ½ per mile. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye. Mayor Arrington abstained.**

**Motion Adopted 6-1**

**Motion by Trustee Lockwood, seconded by Trustee Millar, that the following resolution be adopted:**

**WHEREAS, the Village of Owego Board of Trustee holds regular meetings throughout the year on the first and third Mondays of each and every month at 7:00pm unless the same is on a holiday, and**

**WHEREAS, Section 99 of the Public Officer Law requires that the time and place of all board meetings be conspicuously posted in one or more designated public locations at least seventy-two (72) hours before such meetings. Village will post meeting notices on Village website.**

**NOW THEREFORE BE IT RESOLVED, that a list of the dates and times of all Village of Owego Board of Trustees meetings for the fiscal year 2011-2012 be held at the board room of the DPW Annex, 20 Elm Street, Owego, New York. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

#### LEGAL NOTICE

The Village of Owego Board of Trustees meeting dates beginning with the Annual Meeting on April 4, 2011 through March 19, 2012 will be scheduled on the first and third Monday of each month at 7:00pm as listed below unless otherwise noted by an asterisk for the Tuesday meetings. Meetings are held in the board room of the DPW Annex, 20 Elm Street, Owego, New York.

April	04	2011
April	18	2011
May	02	2011

May	16	2011
June	06	2011
June	20	2011
*July	05	2011 (Independence Day)
July	18	2011
August	01	2011
August	15	2011
*September	06	2011(Labor Day)
September	19	2011
October	03	2011
October	17	2011
November	07	2011
November	21	2011
December	05	2011
December	19	2011
January	03	2012(New Years)
*January	17	2012(Martin Luther King)
February	06	2012
*February	21	2012(Presidents Day)
March	05	2012
March	19	2012

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Rodney M. Marchewka  
Village of Owego  
Clerk-Treasurer

Dated: April 4, 2011

As Mayor of the Village of Owego I, Edward L. Arrington, am making the following appointments for terms effective April 4, 2011 through April 2, 2012.

TRUSTEE COMMISSIONERSHIPS

Mayor Arrington offered appointments to the trustees:

Trustee Clark – Sewer, Personnel, OFD/EMS Structure Committee

Trustee Hartman – Fire, Department of Public Works, Planning Board

Trustee Legursky – Owego Police Department

Trustee Lockwood – OHPC, Cemetery, Facilities Committee

Trustee Millar– Deputy Mayor, Finance, Personnel, OFD/EMS Structure Committee

Trustee Worden – Code, Zoning

## PERSONNEL POLICY

Personnel matters, **including new hire interviews**, will be handled by a personnel committee consisting of: (1) the Personnel Commissioners, (2) the affected Department Commissioner, and (3) the Department Head. Personnel actions recommended by the Committee will be reviewed by the Mayor and brought to the Village Board of Trustees. This policy includes full, part time and seasonal hires. Mayor appoints Trustee Clark and Trustee Millar to the Personnel Committee.

**Motion** by Trustee Legursky, seconded by Trustee Lockwood, to choose a parliamentarian 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 Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye. Trustee Clark abstained.

Motion Adopted 6-1

**Motion** by Trustee Legursky, seconded by Trustee Clark, to adopt 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 adopts the document entitled “Village of Owego Rules of Order Policy” as the rules of our procedure for the official year beginning this date. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye. Mayor Arrington voted no.

Motion Adopted 6-1

**Motion** by Trustee Clark, seconded by Trustee Hartman, to adopt the following Rules of Order Policy

### **1. INTRODUCTION**

**1.1 Purpose.** The purpose of the Village of Owego Rules of Order Policy is to enable the Village Board of Trustees to take care of Village business in an efficient manner and to maintain order while business is conducted.

**1.2 Statutory Authority.** The Code of the Village of Owego does not establish procedural rules for conduct of meetings of the Board of Trustees. N.Y. Village Law §4-412 gives the Village Board of Trustees the authority to determine the rules of its procedures. Per adopted resolution of March 8, 2011, the Village Board of Trustees resolved to establish this Rules of Order Policy.<sup>1</sup>

**1.3 Organization of this Document.** This document is organized into five sections: Introduction, General Rules, Specific Rules, Parliamentary and Adoption/Modification. The introduction establishes the purpose of the document and statutory authority. Broad rules of order are listed in the General section, including use of *Robert's Rules of Order, Simplified and Applied*. Exceptions or modification of the general rules are enumerated in the Specific Rules section. Section 5 establishes the role of Parliamentarian who is responsible for maintaining and updating this document and for interpretation if its meaning. Finally, the section entitled Adoption/Modification includes a statement of adoption and procedures for modification of this policy. Citation of the applicable legal justification is provided as footnotes.

## **2 GENERAL RULES**

**2.1 Parliamentary Authority.** *Roberts Rules of Order: Simplified and Applied, 2nd Edition* shall govern Village of Owego Board of Trustee meetings not in conflict with applicable law and where not in conflict with the Village of Owego Rules of Order Policy.<sup>2</sup>

### **2.2 Terminology.**

**2.2.1 President.** The use of the words "President" or "Chair" within the Parliamentary Authority shall be interpreted to mean the Mayor of the Village of Owego; or the Deputy Mayor of the Village of Owego when the Deputy Mayor is vested with all the powers of the Mayor in accordance with N.Y. Village Law §4-400.1.h; or the trustee appointed to act as Deputy Mayor in accordance with N.Y. Village Law §4-400.2.

**2.2.2 Secretary.** The use of the word "Secretary" within the Parliamentary Authority shall be interpreted to mean the Clerk-Treasurer of the Village of Owego.

**2.2.3 Member.** The use of the word "member" within the Parliamentary Authority and this document shall be interpreted to mean an individual who is either the Mayor or a Trustee, both of which as defined by the Code of the Village of Owego §C-3.

<sup>1</sup> Village of Owego. *Village of Owego Board of Trustee Meeting*. 8 March 2011.

<sup>2</sup> Village of Owego. *Village of Owego Board of Trustee Meeting*. 8 March 2011.

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**2.2.4 General.** All other words shall be interpreted in accordance with the Code of the Village of Owego §1-14, the Code of the Village of Owego §1-15, or the Merriam-Webster on line dictionary. Precedence of interpretation being given to the order a fore presented.

## **3 SPECIFIC RULES**

**3.1 Attaining the Floor.** Trustees are to attain 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 names.

**3.2 Voting.** All votes are to be roll call votes.<sup>4</sup> Roll call votes shall be taken in accordance with the following procedures:

**3.2.1 Roll Call.** The Clerk-Treasurer shall make the roll call in alphabetical order except the Mayor's name, who is always read last.

**3.2.2 Vote.** When a member's name is called, he or she shall vote "AYE", "NO", "ABSTAIN", or "PASS".

**3.2.3 Repeat of Vote.** The Clerk-Treasurer shall repeat each member's vote as it is made.

**3.2.4 Re-Call of Pass Votes.** 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".

**3.2.5 Last Call.** The Mayor then asks, "Has everyone who wants to vote voted?" at which point any member may change their vote.

**3.2.6 Report.** Once everyone has voted, the Clerk-Treasurer gives the final count of ayes, noes, and abstains to the Mayor.

**3.2.7 Announcement.** The Mayor then announces the counts and declares the motions "ADOPTED" or "DEFEATED" according to the respective vote count.

**3.3 Record of Votes.** 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<sup>6</sup>:

**3.3.1 Text of Motion.** The complete text of the motion or resolution voted on.

**3.3.2 Member Votes.** The name of each member in attendance and their respective vote (i.e. Aye, No, or Abstain).

**3.3.3 Summary of Vote.** A summary count of the Aye's, noes, and Abstentions.

**3.3.4 Statement of Result.** A statement of result (i.e. Adopted or Defeated).

**3.4 Second to the Motion.** Any member may second a motion by calling out "Second" or "I second the

**3** Village of Owego. *Village of Owego Board of Trustee Meeting.* 8 March 2011.

**4** Village of Owego. *Village of Owego Board of Trustees Meeting.* 8 March 2011.

**5** Village of Owego. *Village of Owego Board of Trustees Meeting.* 8 March 2011.

**6** Village of Owego. *Village of Owego Board of Trustees Meeting.* 8 March 2011.

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motion" with out first being given the floor or being asked for a second.<sup>7</sup>

### **4. PARLIAMENTARIAN.**

**4.1 Role.** The Village Board of Trustees shall have a Parliamentarian. The Parliamentarian shall be responsible for<sup>8</sup>:

**4.1.1 Maintenance.** Maintaining the Village of Owego Rules of Order Policy.

**4.1.2 Updates.** Preparing updates to the Village of Owego Rules of Order Policy as directed by a majority vote of the board.

**4.1.3 Interpretation.** 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.

**4.2 Choosing a Parliamentarian.** The position of Parliamentarian shall be chosen at the Annual meeting by a 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 Parliamentarian 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 Parliamentarian9.**

**5. ADOPTION/MODIFICATION**

**5.1 Adoption. This policy is hereby adopted by proper vote of the Village Board of Trustees, taken this date, April 4, 2011.**

**5.2 Modification.**

**5.2.1 Annual Meeting. This policy may be modified at the Annual Meeting via motions to amend that are adopted at the Annual Meeting by the Village Board of Trustees.**

**5.2.2 Other Meetings. This policy may be modified at any legal meeting of the Village Board of Trustees via motions to amend except that said motions to amend shall be adopted by unanimous vote of the Village.**

**Motion by Trustee Millar, seconded by Trustee Clark, to change the word “unanimous” to “super majority” (Section 5.2.2). Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden vote aye. Mayor Arrington abstained.**

**Motion Adopted 6-0-1**

**Motion by Trustee Millar, seconded by Trustee Clark, on Page 8, Section 32.2, Clerk to re-read motions. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden aye. Mayor Arrington abstained.**

**Motion Adopted 6-0-1**

**Vote on original Motion with changes. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

