

Village of Owego Board of Trustees Meeting
Minutes of May 24, 2010

The regular meeting of the Village of Owego Board of Trustees was held on Monday, May 24, 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
Clerk-Treasurer:	Rod Marchewka
DPW Supt:	Jeff Soules
WWTP Supt.:	Ron Horton
Police Chief:	Rick McCulskey
Village Attorney:	Irene Graven
Absent:	Trustee Jim Legursky
	Fire Chief Ed Bidwell

Insert "A" Visitor's List

PRIVILEGE OF THE FLOOR:

Donna Kuhns – 150 Dean Street, spoke of concerns over the side street off of McMaster Street where Ahwaga Paints and Patterson Electric have warehouses and further home to the Owego Fire Department Tower. The street is privately owned by Home Central and is currently in disrepair. She asked if board would look into taking over the road.

Wade Stewart – 21 Cove Street, spoke of concerns with dust on Cove Street. Nothing has been done to fix this problem. There is still traffic, road damage, and dust.

Jeff Soules - has been in contact with the D.E.C. – no action taken by them as of yet.

Mayor Arrington – Superior Wells promised to wash affected areas with calcium chloride.

Trustee Sternberg – put it writing/Mayor Arrington stated this has been put in writing already. The Village needs the DEC's help looking into these problems.

Giovanni Santacroce – addressed the board concerning the skateboard park at Marvin Park. He would like to be able to install new equipment for skaters to use. He would also like to look into the possibility of naming the Park after Ryan Roufner, a young skater who spent a lot of time there but who lost his life in a car accident.

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Trustee Woody and DPW Superintendent Jeff Soules to work with Mr. Santacroce on improving the skateboard park.

PUBLIC HEARING ON REZONING 100 ELM STREET
FROM R-3 TO B
7:15 p.m.

NEW YORK STATE
DEPT. OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing
Village of Owego
Local Law No. 2 of the year 2010

A Local Law re-zoning the North and South side of Elm Street consisting of all of the property identified by Tax Map No. 128.07-2-15.00 from R-3 (Residential) to B (Business).

Section 1
Purpose and Findings

This Local Law is enacted to change the zoning of the property commonly known as 100 Elm Street and identified by Tax Map No. 128.07-2-15.00 as located on the North and South side of Elm Street from R-3 District (Residential) to B District (Business).

Section II
Statutory Authority

This Local Law is enacted pursuant to the provisions of the Village Law of the State of New York, and the provisions of the Municipal Home Rule Law of the State of New York.

Section III

The Village of Owego Amended Zoning Map is hereby amended so as to change the zoning of the property located on the North and South side of Elm Street commonly known as 100 Elm Street and identified by Tax Map No. 128.07-2-15.00 from R-3 District (Residential) to B District (Business).

Section IV
Effective Date

This Local Law shall take effect immediately upon its passage by the Village of Owego Board and its filing with the Secretary of State.

Dr. Bill Russell, representing the Owego School Board, requested the Village Board approve this rezoning.

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John Baust, 44 Front Street, asked the Village Board not to consider the rezoning tonight because he felt the school should re-bid the property because of the zoning changes.

Public Hearing closed at 7:30 p.m.

Motion by Trustee Woody, seconded by Trustee Lockwood, to accept Local Law #2 on rezoning. Trustee's Woody, Lockwood, Clark, and Mayor Arrington voted yes. Trustee Smith recused himself. Trustee Sternberg abstained.

Motion Carried

Motion by Trustee Clark, seconded by Trustee Smith, to approve parade permits for VFW for May 31, Memorial Day.

Unanimously Approved

Motion by Trustee Sternberg, seconded by Trustee Woody, to approve the Village of Owego Board Meeting Minutes of April 19, 2010.

Unanimously Approved

Motion by Trustee Sternberg, seconded by Trustee Clark, to approve the Special Meeting Minutes of April 28, 2010.

Unanimously Approved

Motion by Trustee Sternberg, seconded by Trustee Clark, to approve the Village of Owego Board Meeting Minutes of May 3, 2010.

Unanimously Approved

Motion by Trustee Lockwood, seconded by Trustee Clark, to approve the Village of Owego Board Meeting Minutes of May 10, 2010.

Motion by Trustee Woody, seconded by Trustee Clark, to hold off on approving meeting minutes of May 10, 2010 until further review.

Unanimously Approved

Motion by Trustee Smith, seconded by Trustee Woody, to approve the revisions to the Violence in the Workplace as submitted by Village Attorney Graven.

Unanimously Approved

SECOND PRIVILEGE OF THE FLOOR:

No one spoke.

7:50 adjourn for a Client Privilege Session.

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Back in session at 8:10 p.m.

Motion by Trustee Woody, seconded by Trustee Clark, to obtain the services of Bond Council for bonding of the heavy duty rescue truck.

Unanimously Approved

Motion by Trustee Clark, seconded by Trustee Woody, for Bond Resolution Dated May 24, 2010.

BOND RESOLUTION DATED MAY 24, 2010

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$504,470 BONDS OF THE VILLAGE OF OWEGO, TIOGA COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF A HEAVY DUTY TRUCK FOR USE BY THE VILLAGE FIRE DEPARTMENT, IN AND FOR SAID VILLAGE.

RESOLVED, by the Village Board of Trustees of the Village of Owego, Tioga County, New York, as follows:

Section 1. For paying the cost of the purchase of a heavy duty truck for use by the Village's Fire Department, in and for the Village of Owego, Tioga County, New York, including original equipment and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$504,470 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$504,470 and the plan for the financing thereof is by the issuance of the \$504,470 bonds of the Village of Owego, Tioga County, New York, authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision twenty-nine of paragraph A of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed five years, and that the foregoing is not an assessable improvement.

Section 4. The faith and credit of said Village of Owego, Tioga County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Owego, Tioga County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manor of facsimile signature of the Village Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full quittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of its Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and accordingly, pursuant to paragraph C of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes place immediately, shall be published in summary in the Tioga County Courier, the official newspaper of the Village, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

MAYOR EDWARD L. ARRINGTON	VOTING	YES
TRUSTEE THOMAS CLARK	VOTING	YES
TRUSTEE ANN LOCKWOOD	VOTING	YES
TRUSTEE CONNIE STERNBERG	VOTING	YES
TRUSTEE KENNETH SMITH	VOTING	YES
TRUSTEE JANE WOODY	VOTING	YES

Unanimously Approved

Motion by Trustee Woody, seconded by Trustee Clark, authorizing Mayor and the Clerk Treasurer to sign paper pertaining to any bonding on this issue.

Unanimously Approved

Motion of Trustee Smith, seconded by Trustee Woody, to approve Mark Vandemark & Sons for the new boiler at the Waste Water Treatment Plant at a cost of \$20,975.00.

Attachment “B”

Unanimously Approved

Motion by Trustee Woody, seconded by Trustee Clark, to authorize the Mayor to sign any paperwork concerning the purchase of the boiler for the Waste Water Treatment Plant.

Unanimously Approved

Motion of Trustee Sternberg, seconded by Trustee Clark, to approve the Treasurer’s Report for April as submitted.

Unanimously Approved

Trustee Sternberg:

- The Village of Owego is not eligible for a grant from NYSEMO under the Hazard Mitigation Grant Program

Motion by Trustee Sternberg, seconded by Trustee Clark, authorizing Attorney Graven to change wording on proposed Local Law #4, entitled “Rental Inspection Program” in Sections 10 & 11 concerning any fee charged. There will be no fee charged for rental inspections.

Unanimously Approved

Trustee Woody:

- Displayed copies on new Riverwalk Signage

Motion by Trustee Clark, seconded by Trustee Lockwood, to adjourn at 8:30 p.m.

Unanimously Approved