

Village of Owego Board of Trustees Meeting
June 20, 2011

The regular scheduled meeting of the village of Owego Board of Trustee was held on Monday, June 20, 2011 at 20 Elm Street, Owego, NY. The following people were in attendance:

Mayor	Edward L. Arrington
Trustees	Jim Legursky
	Ann Lockwood
	Earl Hartman
	Douglas Worden
	Kevin Millar
	Tom Clark
Clerk-Treasurer	Rod Marchewka
DPW Superintendent	Jeff Soules
WWTP Superintendent	Ron Horton
Fire Chief	Ed Franz – arrived at 8:45pm
Attorney	Robert McKertich
Police Sergeant	Charles Hogancamp

Insert "A" – Visitors List

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

Taser Presentation

A power point presentation by Officer Lou DeMarco was given on tasers and their use in police work.

A taser is a device that utilizes electricity that affects the nervous system to completely incapacitate an individual.

A local business as agreed to fund the purchase of equipment and training for tasers for the police department.

Rules of Order updates

Motion by Trustee Clark, seconded by Trustee Legursky to amend the Village of Owego Rules of Order Policy by adding the following new text:

"2.3 Exceptions

2.3.1 Discipline. *Roberts Rules of Order Simplified and Applied, 2nd Edition*, Chapter 15, Discipline shall not apply to the governance of Village of Owego Board of Trustee meetings." Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

Motion by Trustee Clark, seconded by Trustee Legursky to amend the Village of Owego Rules of Order Policy by making the following edits:

- (1) In paragraph 3.2.1, delete the text " except the Mayor's name, who is always read last"; and
 - (2) To paragraph 3.2.5, add to the end of the text "At this point, the Mayor may announce his vote if he chooses to vote." and
 - (3) In paragraph 3.2.6, add to the end of the text "The total number of ayes, noes, and abstains must equal the number of voting members present (e.g., 7 for a full board, 4 for a minimum quorum)."
- Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

Motion by Trustee Clark, seconded by Trustee Legursky to adopt the following resolution:

WHEREAS, On November 15, 2010 the Owego Village Board authorized Superintendent Horton and the Mayor to apply for a grant under the New York State Environmental Facility Corporation Green Innovation Grant Program (i.e, GIGP); and

WHEREAS, GIGP Application 353 was submitted to the NYS Environmental Facility Corporation on December 21, 2010; and

WHEREAS, the Village of Owego was awarded said grant (i.e., Clean Water State Revolving Funds (CWSRF) Project Number 6361-05-00), on April 25, 2011;

NOW, THEREFORE, BE IT RESOLVED that, the Mayor of the Village of Owego is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation for CWSRF Project Number 6361-05-00.

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

- Fire Department grant request from FEMA – no report at this time.

Motion by Trustee Clark, seconded by Trustee Lockwood that the Village of Owego hold a public hearing on "A Local Law To Amend the Village Charter Regarding the Position of Village Attorney"; and

FURTHER MOVE that, said hearing be scheduled for the beginning of the next regularly scheduled Owego Village Board meeting, currently scheduled for 7:00 pm on July 5, 2011; and

FURTHER MOVE that, the Clerk-Treasurer place notices of said hearing in the previously approved media outlets.

Motion by Trustee Millar, seconded by Trustee Clark amend previous motion to move public hearing to June 27, 2011.

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

Vote on original motion with approved amendment. Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

Motion by Trustee Millar, seconded by Trustee Clark to hold a public hearing on the 2011-2012 village budget on June 27, 2011 at 7:00pm. Trustee Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

Motion by Trustee Millar, seconded by Trustee Clark approving the following transfers:

BOARD REQUESTED BUDGET AMENDMENTS AND TRANSFERS JUNE 20, 2011

FROM/TO	ACCOUNT #	ACCOUNT NAME	AMOUNT
TRANSFERS			
FROM:	G.8110.10.110	FULL TIME SALARY	\$527.99
TO:	G.8110.10.316	VACATION BUYBACK	\$527.99
FROM:	G.8110.10.110	FULL TIME SALARY	\$4,188.79
TO:	G.8110.10.317	SICK LEAVE BUYBACK	\$4,188.79
FROM:	G.8130.40.640	SUPPLIES	\$8,483.15
TO:	G.8130.40.220	AUTO FUEL	\$8,483.15
FROM:	G.8130.40.640	SUPPLIES	\$1,393.64
TO:	G.8130.40.561	EQUIPMENT REPAIR	\$1,393.64
FROM:	G.8130.40.640	SUPPLIES	\$702.20
TO:	G.8130.40.793	LAB RESULTS	\$702.20
FROM:	G.8130.40.640	SUPPLIES	\$152.74
TO:	G.8132.40.540	REFUNDS	\$152.74
FROM:	G.8130.40.140	CONTRACTED SERVICES	\$159.44
TO:	G.9065.80.026	DENTAL INSURANCE	\$159.44
FROM:	A.1420.10.120	ATTORNEY PT SALARY	\$7,000.00
TO:	A.1325.40.140	CONTACTED SERVICES	\$7,000.00
FROM:	G.1420.10.020	ATTORNEY PT SALARY	\$5,000.00
TO:	G.8130.40.140	CONTRACTED SERVICES	\$5,000.00

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye. Mayor Arrington voting aye.

Motion adopted 7-0

Motion by Trustee Millar, seconded by Trustee Clark approving the May Treasurers Report as submitted.

Trustees Clark, Hartman, Lockwood, Millar, Worden voting aye. Mayor Arrington voting aye. Trustee Legursky abstained.

Motion adopted 6-0-1

Motion by Trustee Clark, seconded by Trustee Legursky approving meeting minutes of June 6, 2011

Motion by Trustee Millar, seconded by Trustee Clark to table the previous motion until the next meeting on July 5, 2011.

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

Motion by Trustee Clark, seconded by Trustee Legursky to approve the Village of Owego Board of Trustees Meeting Minutes of June 6, 2011 pending incorporation of the following edits:

(1) Page 3, table of new fire department members, delete the row for Eric Pastorok.;

(2) Page 3, Below the table of new fire department members, add the following new text: "Motion by Trustee Hartman, seconded by Trustee Clark to edit the list of new fire department members by adding Eric Pastorok of 57 North Ave. Motion Adopted 7-0.";

(3) Page 3, re motion on May payment of bills, change to read "document entitled Voucher Summary Report, May Payment of Bills prepared June 2, 2011 at 12:18PM.";

(4) Page 3, re motion to take from the table the April Treasurer's Report, delete "and Mayor Arrington voted aye" and change vote count to "6-0".

(5) Page 3, re motion to approve April Treasurer's report, change to read "document entitled Revenue Control Report, prepared May 16, 2011 at 2:48pm.";

(6) Page 4, re motion to approve April Treasurer's report, change to read that Trustee Legursky abstained.

(7) Page 4, re motion to approve May 16th minutes, delete in its entirety.

(8) Page 4, re motion on bargaining, delete in its entirety.

(9) Page 6, re motion on Village Council, delete "Mayor Arrington voted aye" and update results to read "Motion Adopted 6-0."

(10) Page 6, re motion on transfers, change to read "seconded by Trustee Lockwood".

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

Motion by Trustee Clark, seconded by Trustee Legursky that Clerk-Treasurer review the current process for generating meeting minutes and report back to this board with any recommended Village of Owego Rules of Order Policy changes to help us publish quick, accurate minutes.

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

New Business

Motion by Trustee Legursky, seconded by Trustee Hartman part-time Police Officer Dan Gavin and his police dog be approved as certified K-9 unit for the Village of Owego.

Trustees Hartman, Legursky, Lockwood and Worden voting aye. Trustee Clark abstained. Trustee Millar voting nay.

Motion adopted 4-1-1

Motion by Trustee Legursky, seconded by Trustee Lockwood to promote Sergeant Charles Hogancamp to Lieutenant with a \$1,000.00 raise.

Mayor Arrington stated it is his understanding that the person who is in the Lieutenant spot would automatically become the next Police Chief when that spot becomes available.

Trustee Millar stated he would like more documentation before an issue like this is voted on.

Motion by Trustee Millar, seconded by Trustee Worden to table the previous motion. Trustee Clark, Millar, Worden and Mayor Arrington voting aye. Trustees Legursky and Lockwood voting nay. Trustee Hartman abstained.

Motion adopted 4-2-1

Motion by Trustee Hartman, seconded by Trustee Legursky, to approve the following motion:

Be it so moved that the Village of Owego Board of Trustees has approved as of this day, June 20, 2011, that the Mayor, nor any Village Trustee or Officer, shall not commission, engage or cause action to be taken by the Village Attorney, Legal firm or Law counsel, where such commissioning, engagement or actions causes, incurs or results in additional legal fees beyond the terms of any contractual agreement, as approved by the Village Board, without an express approval by quorum of the Village Board of Trustees;

Whereas there exist the ability to assemble a quorum of the Village of Owego Board of Trustees within the lawful (72) hours, or sooner under an Emergency condition if the need arises; therefore

Whereas there is concerns by members of the Village Board that the use of the Village's retained Attorney, Law firm or Legal counsel be diligently and judicially managed in a manner that is not irresponsible with the taxpayers resources,

It is therefore resolved that the Village of Owego Board of Trustees as of June 20, 2011 mandates that all commissioning, engagement or actions of the Village Attorney, Legal firm or Law counsel that causes, incurs or results in additional legal fees beyond the terms of any contractual agreement, as approved by the Village Board, shall not be made without express approval by quorum of the Village Board of Trustees.

Trustee Legursky withdraws second, Trustee Hartman withdraws motion. No action taken.

DPW

- Flags have been installed on Court Street Bridge
- Air conditioning in the Judges office needs repair

Fire Chief

- No report – will be handing a written report to the Mayor personally

Police

- Block party request

Motion by Trustee Legursky, seconded by Trustee Lockwood approving the Block party request for Ross Street on August 7, 2011 from 12:00pm-7:00pm.

Trustee Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

- Request to send an officer to Taser School on July 22, 2011 in Cazenovia

Motion by Trustee Legursky, seconded by Trustee Hartman approving the Police Department obtain tasers. Cost of tasers to be paid by private funding, not village money.. Cost of tasers to be paid by private funding, not village money.

Motion by Trustee Clark, seconded by Trustee Millar table previous motion until July 5, 2011 regular meeting.

Trustees Clark, Millar and Mayor voting aye. Trustees Hartman, Legursky, Lockwood and Worden voting nay. Trustee Lockwood voted nay, then changed vote to aye.

Motion adopted 4-3

Motion by Trustee Legursky, seconded by Trustee Clark to register part-time Police Officer Lou DeMarco for Taser Training School in Cazenovia. Approval to be withdrawn if the proposed tazar legislation is not adopted at the next meeting.

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden

Motion adopted 6-0

- Due to lack of man power there will be no court security for the next month according to Sergeant Hogancamp.

Village attorney stated that if the Judge has a threat or concerns, the Police Department should take it seriously.

- There were 12 cars towed during Strawberry Festival as well as some traffic control issues.

Sewer Fund

- Belt press delivered – currently working on wiring, plumbing, belt's. Training will be given soon.
- A special meeting will be held on July 18, 2011 at 56 Main Street with Bernier and Carr concerning Sewer Upgrades.

Trustee Hartman

1. **434 / Southside Drive street lighting issue:**
NYSE&G has field tested the affected circuits and portions are back on. Mr. Perry has forwarded the data to me and DPW Superintendent Soules. I have not reviewed the data yet. Ball is in my court.

2. OFD Fire Board action items:

Fire Board Secretary Patterson will be submitting names of three members to be removed from the Village's fire department's rolls in compliance with Village Code section 56.

Village Board Approval for continuing of HUD Grant for training facility:

A motion is made to the Board to approve the continuing of the HUD Grant project to its full completion under terms of the HUD Grant. See motion submitted.

Does Village Board pay OFD Companies Custodial costs:

The OFD's custodial line item was cut out of the 2012 budgets but was left in for all other departments and Mayor's office. Why was OFD's custodial cut out?

Fire Hydrants:

I am working on how the Fire Hydrant rents are determined and set. I am also pursuing an alternative approach to the hydrant rents that would get it out of the Village/Fire Department budgets.
Ball in my court.

The new OFD Officers are:

Chief (871)	Ed Franz - 126
Assistant chief (872)	Scott Gurney - 157
Assistant chief (873)	Mike Bidwell - 148
Assistant chief (874)	Jim Morris - 122
Treasurer	Dennis Reynolds - 102
Secretary	Ken Patterson - 170

Officer resignation:

Company 5 - Mike Hopkins has resigned as Lt.

New Members: (Pending Chiefs' investigations)

S. Benjamin Goodrich, Jr.	Company 2
Nicholas Riegal	Company 5
Megan Stables	Company 2

Missing signed certificates for Megan Staples & Ben Goodrich Jr.

Locate them and forward them to the Chief

Loaning the OFD "Steamer" and "hose Cart" to the Tioga Historic Society

Fire commissioner will prepare a formal letter, for the Fire Board's review, for possible further review by Village Counsel, to permanently loan the Steamer and Hose Cart to the Tioga Historic Society with caveats that a) The Steamer and Hose Cart may be retrieved by the OFD for special occasions or functions and b) that the Tioga Historic Society clearly understands and tags the Steamer as being non-operational and under no circumstance is it to be pressurized.

OFD mailing addresses:

Secretary Patterson is working on the updates. The Chief and Secretary prefer that all mailings from the Village be reviewed with them first to be sure they are appropriate for broad based mailings.

3. DPW/Codes:

Rodd/Young call for assistance:

See letter to Ms. Laura Rodd and Mr. Eric Young in response to their call for assistance with resolving their concerns of: a) conditions of 115 Chestnut Street offer safety hazards for the Rodd / Young property and the general public., b) The stench and potential health issues associated the Spencer Avenue "farm" site, c) poultry being allowed to run free. The fowls are pecking cars and soiling porches, d) Concerns over animal possibly being in distress at the Spencer Avenue farm site and e) basketball hoop/stanchion in the road/walkway that impede pedestrian and vehicles.

Mrs. Linda Buck's call for assistance:

See letter to Mrs. Buck in response to her call regarding a) Exterior Furnaces causing air quality problems for her residence, b) Race car exhaust and noise preventing her and her tenant from enjoying their homes, c) Odors and rodents concerns from stockpiled garbage at adjoining residences on Paige Street and d) neighbors cats running at large and fouling her yard and flower beds.

Tiemann's ice skating rink:

I met with Mr. Tiemann and discussed his pending last and final submission for the proposed rink. Once Mr. Tiemann has made that submission I will do a final budgetary spread sheet for our joint analysis and possible funding sources.

5. Winter walk maintenance codes and enforcement:

Ball is in my court.

6. Gateway Park:

I met on site with Dennis and Lisa Curatolo, Elaine Jardine, Jeff Soules and Darin Rathburn from Hunt Engineering to review the site, buildings and the OHMP's final proposal for the proposed park. The Curatolo's gave Rathburn a set of the plans to use in conjunction with his field investigations notes, from which Rathburn will prepare an engineering proposal for the OHMP to contemplate for further action, if any.

Trustee Legursky

- Parking fines need to be raised
- Village should look into hiring a part-time Parking Enforcement Officer.

Trustee Millar

- Planning & Zoning meeting class June 21, 2011 at 56 Main Street.

- Letter received from DEC – inactive hazardous waste disposal site classification notice – Tioga County Casting Facility – Foundry Street in the Village. If they don't receive any new or additional information during public comment period (until July 15, 2011) that changes our delist proposal, they will partially delist the site on or after August 15, 2011. Copy on file in the Clerk's Office, 178 Main Street.
- Concerns on proposed rate hike by United Water Owego – should we be sending a notice to the Public Service Commission and express the Villages concerns

Motion by Trustee Millar, seconded by Trustee Worden to send a letter to the Public Service Commission to become an active party in the proceeding on the United Water Owego/Nichols proposed 43% rate increase.

Trustees Clark, Hartman, Legursky, Lockwood, Millar and Worden voting aye.

Motion adopted 6-0

- Association of Towns meeting scheduled for Friday, June 24, 2011 at 9:00am on "Home Rule – Preparing for Natural Gas Drilling in the Marcellus Shale Region" – 225 Water Street, Binghamton
- Assessment at 200 West Avenue to stay the same – no permanent new structures.

Trustee Worden

Submitted Code Enforcement report

- 67-69 Paige Street – rear yard has a tree that was cut down on June 4, 2011, Code Enforcement spoke with tenant and the rain following the cutting/removal of tree has been re-scheduled for this weekend 6/11. The law is close to 10" but no in violation.
Mrs. Buck claims there is junk and garbage on the rear porch of this structure. Saw nothing that could be cited or that was in violation of Village or State law.
- 75 Paige Street – Owner mowed, but neglected to cut weeds, saw nothing at the rear of property that was or is in violation.
- 163 Temple – Claim that garbage is being thrown into back of truck. Didn't see any garbage from public right of way in the truck. To step onto private property is "trespass" and is illegal to obtain information this way.
- 164 Temple Street – Complaint that drag car engine is running – did not hear or observe it being done. As far as the Code Enforcement Officer knows noise, dust are not in is realm.

Privilege of the Floor

- Resident Connie Sternberg inquired about Facility Committee updates?

Motion by Trustee Millar, seconded by Trustee Lockwood to adjourn meeting at 9:55pm.

Unanimously Approved