

Village of Owego Board of Trustees Meeting  
Minutes of June 6, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Monday, June 6, 2011 at 20 Elm Street, Owego, NY. The following people were in attendance:

Mayor:	Edward L. Arrington
Trustees:	Jim Legursky Ann Lockwood Earl Hartman (arrived at 7:30 p.m.) Kevin Millar Douglas Worden Tom Clark
Clerk-Treasurer:	Rod Marchewka
DPW Superintendent:	Jeff Soules
WWTP Superintendent:	Ron Horton
Police Chief:	Rick McCulskey
Acting Village Attorney:	Robert McKertich
Absent:	Fire Chief Ed Franz

Visitor's List  
Insert "A"

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

Kevin McCabe, Regional Representative of Governor Cuomo was there. He was attending Village/Town meetings for Governor Cuomo to get input and help with problems. His email address is [kevinmccabe@exec.n.y.gov](mailto:kevinmccabe@exec.n.y.gov).

Privilege of the Floor:

Linda Buck – 166 Temple – had complaints about exterior furnaces causing air quality problems for her residence. As well as race car exhaust and noise preventing her and her tenant from enjoying their home. She also has complaints of odors and rodent concerns from stockpiled garbage at adjoining residences on Paige, as well as, neighborhood cats running at large fouling her yard and flower beds.

Walt Buck – 166 Temple – had a concern about the bridge on Gaylord Road (this is in the Town of Owego). Kevin McCabe asked him to call his office and they would see if the Army Corp of Engineers could help.

TING:

Elaine Jardine – County Planning Director and Doug Barton Director of the Office of Economic Development & Planning gave a presentation on TING (Tioga Investigates Gas Exploration).

The Power Point highlights included the impact to the public sector such as:

- Road usage
- Public safety
- Water quality
- Land use
- Communications

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- Workforce opportunities
- Business opportunities

A resource binder entitled Natural Gas Exploration and Development will be on file in the Village Clerk's office for public review.

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

**WHEREAS, Mr. Gary Rogers has decided to retire from his position as an operator trainee for the Village of Owego Sewer Department effective May 12, 2011; and**

**WHEREAS, the Tioga County Department of Personnel and Civil Service has provided the Village of Owego lists of six (6) eligible candidates; and**

**WHEREAS Mr. Mark B. VanDeMark is the highest scoring candidate on the lists; and**

**WHEREAS Superintendent Horton, Trustee Clark, and Mayor Arlington have interviewed Mr. VanDeMark and endorse his qualification for the position**

**NOW, THEREFORE, BE IT RESOLVED that, the Village of Owego provide Mr. Mark B.**

**VanDeMark an offer of employment as a Wastewater Treatment Plant Operator/Trainee with salary and benefits as negotiated in the Collective Bargaining Agreement Between the Village of Owego and the Civil Service Employees Association Local 1000; and**

**BE IT FURTHER RESOLVED that, Superintendent Horton and Clerk-Treasurer Marchewka complete the "Certification of Eligible's" form as requested by the Tioga County Department of Personnel and Civil Service; and**

**BE IT FURTHER RESOLVED that, Superintendent Horton, Clerk-Treasurer Marchewka, and Mayor Arrington be authorized to execute all necessary documents to complete this action. Roll Call Vote: Trustees Clark, Hartman, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Trustee Legursky voted no.**

**Motion Adopted 6-1**

**Motion** by Trustee Hartman, seconded by Trustee Clark, for the following:

**Be it so moved that the Village of Owego Board of Trustees approve the continuance to completion of the Village project entitled "Construction of a Community Center Grant" , under the terms of a grant appropriated on January 23, 2004 under HR2861 Public Law 108-199, Conference Report 108-409, Grant no. B-04-SP-NY-0524, hereafter referred to herein as the "HUD Grant";**

**Be it also approved that the pursuit and completion of said project to the levels of completion as required under the terms of the HUD Grant shall be the responsibility following committee: Clerk/Treasurer Marchewka, Trustee Hartman, OFD Capt. Williams, OFD James Boland and OFD Mike McNaughton, to coordinate, communicate and accomplish all remaining works required to fulfill the terms of the HUD Grant.**

**Whereas the HUD Grant was issued to the Village of Owego for the operating sum of \$149,115.00, of which \$104,966.70 has been expended to date, leaving a balance of \$45,033.30 left on the Grant to be fully expended by September 30, 2011, and**

**Whereas, if the remaining HUD Grant funds are not fully expended, under the terms of the HUD Grant, the Village then becomes liable and compelled to repay to HUD the full value of the original \$150,000 HUD Grant.**

**Therefore be it resolved that the Village of Owego Board of Trustees hereby approves the continuance of the HUD Grant work to its completion under the terms of the HUD Grant. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, and Mayor Arrington voted aye. Trustee Worden abstained.**

**Motion Adopted 6-0-1**

**Motion** by Trustee Hartman, seconded by Trustee Clark, to approve the following people as members of the Village of Owego Fire Department in compliance with Village Charter Section § C-53. Duties of Trustees - ..... "shall appoint members of said companies" ..... Whereas, these person have

been investigated and vetted by their respective Village of Owego Fire Department Companies and the Fire Chief, and having found no reasons to withhold said memberships, Be it therefore resolved that the Village of Owego Board of Trustees hereby approve as members of the Village of Owego Fire Department:

Stuart Ben Goodrich, Jr.	481 Glenmary Drive, Owego, NY	Company 2
Megan Stables	437 Front St., Apt. #1, Owego, NY	Company 2
Eric Pastorok	57 North Avenue, Apt. 2C, Owego, NY	Company 2
Thomas N. Murray	1225 Lisle Road, Owego, NY	Company 5
Nicholas Riegel	466 Glenmary Drive, Owego, NY	Company 5

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

**Motion Adopted 7-0**

**Motion by Trustee Hartman, seconded by Trustee Clark, to approve the following officers who were elected to the Owego Fire Department by the membership on May 25, 2011:**

- Chief 871 – Edward Franz – 126 votes received
- Chief 872 – Scott Gurney – 157 votes received
- Chief 873 – Mike Bidwell – 148 votes received
- Chief 874 – James Morris – 122 votes received
- Treasurer – Dennis Reynolds – 102 votes received
- Secretary – Kenneth Patterson – 170 votes received

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

**Motion Adopted 7-0**

**Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the May Payment of Bills as defined by the document entitled Voucher Summary Report, May payment of Bills. Roll Call Vote: Trustees Clark, Hartman, Lockwood, Millar, Worden and Mayor Arrington voted aye. Trustee Legursky abstained.**

**Motion Adopted 6-0-1**

**Motion by Trustee Clark, seconded by Trustee Lockwood, to take from the table the April Treasurer’s Report that was tabled at the Village of Owego Board of Trustees Meeting on May 16, 2011. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

**Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the April Treasurer’s report as defined by the document entitled Revenue Control Report, prepared May 16, 2011. Roll Call**

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

**Motion Adopted 7-0**

**Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the Village Board of Trustee Meeting minutes of May 16, 2011. Roll Call Vote: Trustees Clark, Hartman, Lockwood, Millar, Worden, and Mayor Arrington voted aye. Trustee Legursky abstained.**

**Motion Adopted 6-0-1**

**Motion by Trustee Millar, seconded by Trustee Clark, to approve the CDBG-Thoma Development payments as outlined in the Voucher Summary Report – Totals \$6,120.00 & 14,642.48. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

**New Business:**

**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 6, 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 6, 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. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye.**

**Motion by Trustee Millar, seconded by Trustee Clark, to table the above motion until the June 20, 2011 Board of Trustees meeting. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden voted aye.**

**Motion Adopted 6-0**

**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 6, 2011, that all negotiation procedures, hearing, bargaining's or actions that have or make functional, operational, political or fiduciary responsibilities or commitments on behalf of the Village of Owego shall be under the oversight of a team consisting of the Mayor and two (2) Village Board Trustees and the legal counsel(s) retained or hired by the Village of Owego either for the specific functional, operational, political or fiduciary action being pursued or defended against by the Village;**

**Whereas when such negotiations are made under a singular Village official there is no redundant knowledge core for continuity of further negotiations, without unnecessary delay, if said Village official should leave office or become incapacitated;**

**Be it therefore resolved that the Village of Owego Board of Trustees as of June 6, 2011 mandates that all negotiation procedures, hearing, bargaining's or actions that have or make functional, operational, political or fiduciary responsibilities or commitments on behalf of the Village of Owego shall be under the oversight of**

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a team consisting the Mayor and two (2) Village Board Trustees and the legal counsel(s) retained or hired by the Village of Owego either for the specific functional, operational, political or fiduciary action being pursued or defended against by the Village. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye.

Motion Adopted 6-0

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 6, 2011, that all negotiation procedures, hearings, bargaining's or actions that have or make functional, operational, political or fiduciary responsibilities or commitments on behalf of the Village of Owego shall be under the oversight of a team consisting the Mayor and two (2) Village Board Trustees and the legal counsel(s) retained or hired by the Village of Owego either for the specific functional, operational, political or fiduciary action being pursued or defended against by the Village; Whereas when such negotiations are made under a singular Village official there is no redundant knowledge core for continuity of further negotiations, without unnecessary delay, if said Village official should leave office or become incapacitated;

Be it therefore resolved that the Village of Owego Board of Trustees as of June 6, 2011 mandates that all negotiation procedures, hearing, bargaining's or actions that have or make functional, operational, political or fiduciary responsibilities or commitments on behalf of the Village of Owego shall be under the oversight of a team consisting the Mayor and two (2) Village Board Trustees and the legal counsel(s) retained or hired by the Village of Owego either for the specific functional, operational, political or fiduciary action being pursued or defended against by the Village.

Motion by Trustee Millar to table the above motion, motion dies for lack of a second.

Roll Call Vote: Trustees Hartman, Legursky, Lockwood, and Worden voted aye. Trustee Clark and Mayor Arrington voted no. Trustee Millar abstained.

Motion Adopted 4-2-1

Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the May 16, 2011 minutes. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 7-0

Old Business:

- Board of Trustees Meeting minutes from the Annual Meeting on April 4, 2011

Sewer Commissioner Report:

Superintendent Horton apologizes for his absence but there is an emergency that he has to attend to. The new belt press is scheduled to arrive Tuesday, June 7, 2011. On Friday, June 3, 2011, one of the sewer pumps had a catastrophic failure. We have not completed the process of bidding a replacement yet but rather than wait 2 weeks to authorize a purchase:

Motion by Trustee Clark, seconded by Trustee Lockwood, that the Village of Owego Sewer Department be authorized to purchase a replacement pump at cost not exceed \$6,500.00 contingent upon completion of proper documentation as required by the Code of the Village of Owego §57. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye.

Motion Adopted 6-0

Jeff Soules – DPW Supt:

DPW & Code Activity Report – see attachment “B”

Trustee Clark’s Report:

As Parliamentarian, I ask that the agenda for the next regularly scheduled meeting of the Village of Owego Board of Trustees include an item entitled “Rules of Order Policy Update” at which time I will introduce motions to amend the Village of Owego Rules of Order policy based on the opinion letter provided by Village Council, dated May 24, 2011. Specific changes to be introduced are (1) Explicitly exclude Roberts Rules of Order, Simplified and Applied, Second Edition Chapter 15, Discipline from the Rules of Order policy and (2) Modify the vote taking process such that the Mayor is not forced to vote. I ask that the members of this board and the general public provide me any feedback or additional changes for consideration.

**Motion by Trustee Clark, seconded by Trustee Lockwood, that the Village Council be tasked to draft a local law to make the following amendments to the Code of the Village of Owego: (1) The Village Attorney may be either a licensed attorney residing within the Village or a licensed attorney from a law firm having offices within the Village; and (2) The Village Attorney’s term shall be for one year beginning on the first day of the fiscal year and ending on the last day of the fiscal year; and (3) The Village Attorney shall remain an officer of the Village; and (4) The Village Attorney shall continue to receive a fixed salary as set by the Board of Trustees. Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, Worden, and Mayor Arrington voted aye.**

**Motion Adopted 7-0**

Police Chief Ed McCulskey:

- He will be funding the canine unit with \$3,600 total coming out of his next two village paychecks (\$1800.00 each)
- He is looking at Tasers – someone has offered to supply the Department with Tasers at no cost to the Village
- Discussion on allowing our police officers and one of the police vehicles to help Schuyler County during their upcoming concert series (PHISH)
- Computer System crashed during recent storms – working with insurance company on recovery

**Motion by Trustee Legursky, seconded by Trustee Worden, to allow OPD officers that are not on duty to take a village police car (the police officers will be sworn in as peace officers for this event under mutual aid). Roll Call Vote: Trustees Clark, Hartman, Legursky, Lockwood, Millar, and Worden voted aye.**

**Motion Adopted 6-0**

**Motion by Trustee Legursky that the following transfers be approved as submitted:**

**BOARD REQUESTED BUDGET AMENDMENTS AND TRANSFERS JUNE 6, 2011**

<b>FROM/TO</b>	<b>ACCOUNT #</b>	<b>ACCOUNT NAME</b>	<b>AMOUNT</b>
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**TRANSFERS**

FROM:

TO:

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**BUDGET AMENDMENT:**

FROM:	A.2705.00.000	GIFTS AND DONATIONS	\$1,500.00
TO:	A.3120.10.120	PT SALARY OPD	\$1,500.00
SECURITY FOR Lights on the River - Paid by Superior Wells			

FROM:	A.3820.00.000	STATE AID-YOUTH SERVICES	\$1,569.54
TO:	A.7145.40.400	RECREATION	\$1,569.54
Youth Grant Parks Program			

FROM:	A.3090.00.000	STATE GRANTS	\$1,368.61
TO:	A.3120.40.090	CLOTHING	\$1,368.61
Partial reimbursement from Soft Body Armor Grant			

FROM:	A.2701.00.000	REFUND OF PRIOR YEAR	\$2,456.48
TO:	A.1325.40.140	CONTRACTED SERVICES	\$2,456.48
Payment to recoup uncollected franchise fees			

APPROVED AT 6/6/2011 BOARD MEETING

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

**Motion Adopted 6-0**

Trustee Lockwood:

- OHPC will be addressing signage
- Superior Wells will be paving driveway area on West Avenue
- Working on coming up with matching funds for the cemetery grant

Trustee Hartman:

**Trustee/ Fire Commissioner Report**  
 Village of Owego, New York

Date: June 1, 2011  
Planning

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

Project: **Hydrant billing process**

Scope of project: Collect data on the United Water **Owego-Nichols** (United Water) billing process for the Village's municipal fire hydrants and potential options to billing process.

Action: I met with Mr. J. Allan Watkins, Manager at United Water's Owego office, 575 East Main Street, at 11:00 this morning, June 1, 2011

Query asked: A) What determines the hydrant rent fees? I have heard it is by flow rate, or volume used or due to pressure requirements as presented to me by the Mayor.

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Mr. Watkins response:

1. It is not due to volume, flow or pressure. It is by each hydrant unit served and the rate is set strictly by the Tariffs and the Public Service Commission (PSC). Mr. Watkins believes the tariffs data was sent to the Mayor but he will send me a link that will ensure I have the most up to date version.
2. The criteria that United water works requires is: a) Is the hydrant accessible? and b) does United water have the ability to serve it?
3. United Water serves (99) Village hydrants. They do a full maintenance on a rolling schedule of 1/3 of the hydrants annually.
4. Routine service includes flushing, winterizing and hydrant rebuilds as needed.
5. Billing is by-annual, so we get a bill every six months.
6. There are levels of billing rates for : municipal, private, residences, commercial, Industrial and special Industrial (such as Sanmina and Lockheed). Mr. Watkins did not know the rates and said I would have to get them from the Tariff sheets.

I then posed a question of an alternative funding option to Mr. Watkins and he responded that he thought it was a good option and he believes other municipalities are doing something along those lines but he had no idea of how they accomplished it.

Ball is in my court to pursue.

Note: Mr. Watkins is retiring on June 30, 2011 so need his input by then.

Query asked:

B) Clerk/Treasurer (C/T) Marchewka - Does the Village office have any United Water Tariff data, in any form but hopefully specific to the hydrants, that I can review?

C/T response: He is not sure but will check and get me what, if any, data his office has.  
Ball is in my court to pursue.