

Village of Owego Board of Trustees Meeting
Minutes of August 15, 2011

The regular meeting of the Village of Owego Board of Trustees was held on Monday, August 15, 2011 at 20 Elm Street, Owego, NY. The following people were in attendance:

Mayor:	Ed Arrington
Trustees:	Tom Clark
	Earl Hartman
	Jim Legursky
	Kevin Millar
	Doug Worden
Clerk-Treasurer:	Rod Marchewka
Police Chief:	Rick McCulskey
Acting Village Attorney:	Robert McKertich
WWTP Supt.	Ron Horton
DPW Supt.	Jeff Soules
Absent:	Trustee Ann Lockwood
	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.

Privilege of the Floor:

Ute Burchard – Records Clerk at OPD – some of what I do for OPD:

- 1) Answer phones
- 2) Speak to the public
- 3) FOIL requests
- 4) Keep officers informed of any ongoing incidents they may need to investigate
- 5) More than just a records clerk

My complaint is about getting a notice about possibly being laid off before the board had voted on it.

Motion by Trustee Clark, seconded by Trustee Legursky, to approve minutes of July 25, 2011. Roll Call Vote: Trustees Clark, Hartman, Legursky, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 6-0

Motion by Trustee Clark, seconded by Trustee Worden, to approve minutes of August 1, 2011. Roll Call Vote: Trustees Clark and Legursky abstained. Trustees Hartman, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 4-0-2

Motion by Trustee Clark, seconded by Trustee Millar, to amend the Tax Warrant from \$2,242,701.30 to 2,241,847.88. This is a deduction of \$853.42 for tax bill #287, 17 Fulton Street, owned by Tioga County.

Unanimously Approved

Motion by Trustee Clark to table all action re the grant application for 77 George St and 241 Erie St until a proper endorsement is provided by Thoma Development.

Motion by Trustee Hartman, seconded by Trustee Millar, to approve the CDBG funding, pending proper endorsements from THOMA – 241 Erie Street and 77 George Street. Roll Call Vote: Trustee Clark voted no. Trustee Legursky abstained. Trustees Hartman, Millar, Worden, and Mayor Arrington voted aye.

Motion Adopted 4-1-1

- Discussion on grant for 90 Temple Street:

Motion by Trustee Legursky, seconded by Trustee Clark, to let the \$150,000 matching grant for 90 Temple Street go back. Roll Call Vote: Trustees Clark, Hartman, Legursky, and Worden voted aye. Trustee Millar voted no.

Motion Adopted 4-1-0

Motion by Trustee Clark, seconded by Trustee Legursky, to go into Executive Session and that following the public's closing address to the board, we adjourn the open session of the Village of Owego Board of Trustees meeting and enter into executive session to discuss:

- 1. Proposed litigation and collective negotiations with the Owego Police Benevolent Association;**
- 2. Collective negotiations with the Civil Service Employees Association;**
- 3. Proposed litigation relevant to the Owego Sewer Department; and**

FURTHER MOVE that the Clerk-Treasure and Village Council be invited to attend all phases of the executives session; that the Owego Chief of Police be invited to attend the PBA portion; that Superintendent Soules be invited to attend the CSEA portion; and that Superintendent Horton be invited to attend both the CSEA portion and the sewer litigation portion; and

FURTHER MOVE that the Village of Owego Board of Trustees will not re-convene into open session upon completion of the executive session. Roll Call Vote: Trustees Clark, Hartman, Legursky, Millar, and Worden voted aye.

Motion Adopted 5-0

Motion by Trustee Legursky, seconded by Trustee Millar, to approve the VFW Ladies Auxiliary to use the Court Street Gazebo on 9/11 and waive the fee. Roll Call Vote: Trustees Clark, Hartman, Legursky, Millar, and Worden voted no.

Motion Denied 5-0

Trustee Clark:

SEWER REPORT

Operation of the Village's Waste Water Treatment Facility continues as normal. No unusual activities have taken place since last report. On August 10, 2011 a meeting was held between Mayor Arrington, Trustee Millar, Superintendent Horton, Attorney McKertich, Representative from Bernier and Carr, and others to discuss forward plans for the Waste Water Treatment Plant Upgrade. The bulk of the discussion was around the proposed compost facility. Bernier and Carr presented some additional operating cost data indicating that the compost facility would result in a net operating cost savings of \$15, 842.49 per year WITHOUT relying upon the outside purchase of the resulting compost. No agreement was reached and I AM NOT proposing any motion on that subject at this time. The remainder of the meeting centered on the near term schedule. The next hard milestone is March, 2012, which is the deadline for submitting the hardship application for the interest free loan previously presented in the cost analysis. A large number of tasks must be completed prior to that date which brings me to the following:

Motion by Trustee Clark, seconded by Trustee Hartman, that Village Council and the Mayor be authorized to draft and execute the necessary access agreements to allow topographic and

archeological surveying of the Village of Owego Waste Water Treatment Plant and surrounding properties; and

FURTHER MOVE that both said authorization and the resulting access agreements expire no later than December 31, 2011. Roll Call Vote: Trustees Clark, Hartman, Millar, Worden, and Mayor Arrington voted aye. Trustee Legursky voted no.

Motion Adopted 5-1

Trustee Reports:

Commissioner Report Summaries

Village of Owego, New York
Earl Hartman Trustee Ward 2/ Commissioner to: DPW, OFD, Planning

Date: **August 15, 2011**
to File

Note

(Note: Electronic copies of full reports have been filed with the Mayor, Clerk-Treasurer, all Trustees, DPW and OFD.)

Report No. Report Brief:

1. OFD: Fire Training Classrooms ground breaking is at 9:00 a.m. on August 18, 2011

Fire Board: Can the OFD use the Village’s postal machine for mass mailings? **Answer - Yes. But since the OFD does not a have postal budget line they will have to reimburse the Clerk’s office the value of the mailings.**

A request has been made for the OFD to be issued a permit to have limited alcohol at their company meetings and for a permit to have alcohol at their banquet when held in the company rooms.

It is the opinion that the Village Charter Chapter 76 does not prohibit the permitting of alcohol within the company rooms. The OFD questions why they are treated differently than Strawberry Festival vendors that are permitted alcohol on Village property?

Hydrants: There will be public **hearings** on United Water Rates, **Thursday, September 15, 2011**

Afternoon session: 4:00 p.m. to 6:00 p.m.

Evening session: 8:00 p.m. to 10:00 p.m.

**Edward D. Hubbard Auditorium
56 Main Street, Owego 13827**

2. DPW/Codes:

434 / Southside Drive street lighting issue: An onsite meeting is scheduled for August 18th. Time is yet to be determined

Norfolk Southern issues: Sent a letter to **Mr. Fesen, Resident Vice-president** and **Mr. Robert Cieri, Trainmaster**. Note: Mr. Cieri is no longer representing our area. A **Mr. Disspain** is now **Trainmaster** for our area.

Vice-president Fesen and I are scheduling a meeting here in the Village in the near future. In the meantime **Mr. Fesen** and **Mr. Disspain** are pursuing the issues set-out in the letter I sent.

Road use agreements: Received the short version of the Town of Dickenson’s Road Use Local Law for review. I remain of the opinion that it is a good model for us in framing our local. With the local law we would then craft a flexible Road Use Agreement plan that melds with the local law and can made agency specific.

Tiemann’s ice skating rink: I wrote a media article as a public opening of Mr. Tiemann’s pursuit of a permanent ice skating rink. I need to finish up my refinement of the data in readying it for seeking funding sources and then get the data back to Mr. Tiemann.

Winter walk maintenance codes and enforcement: No report at this time.

3. **Planning & Zoning:** Next meeting is **August 23, 2011**

Reviewing: **Gateway Park:2011**
Proposed store at corner of John St. & Main St.

Scheduling: Meeting to review the Village Comprehensive Plan

Submitted by: Earl Hartman
Trustee/ Commissioner

Cc: Mayor Arrington, Trustees: Clark, Legursky, Lockwood, Worden, Clerk Marchewka

Trustee Millar:

- Reviewing the Town of Dickinson Road Use Agreement

Motion by Trustee Millar, seconded by Trustee Clark, to advertise for a village attorney – request for proposals - return date 8-31-2011. Roll Call Vote: Trustees Clark, Millar, Worden, and Mayor Arrington voted aye. Trustees Hartman and Legursky voted no.

Motion Adopted 4-2

Trustee Legursky:

- Discussion on being removed as police commissioner

Trustee Worden:

No report.

DPW Supt. Jeff Soules:

- Gateway Park Committee needs a board resolution of support also needs \$2,500 to \$5,000 of in-kind service from DPW

Motion by Trustee Clark, seconded by Trustee Legursky, that the Village of Owego endorse the Gateway Community Park Committee’s application for a grant and; FURTHER MOVE that the Village of Owego commits to provide up to \$5,000 of in kind services subject to legal council approval of the legality of providing in kind service for this type of grant. Roll Call Vote: Trustees Clark, Hartman, Legursky, and Worden voted aye. Trustee Millar voted no.

Motion Adopted 4-1

VBM 8-15-2011

Privilege of the Floor:

Ute Burchard – OPD Records Clerk – my salary of \$22,000 is not enough to change the police budget. You will have to have a police officer do my job.

Jamie Striley – 3 Charlotte Street – I still have a high volume of truck traffic on the flats. Road Use Agreement Plan does not apply to drilling.

Chuck Hogancamp – OPD Sargent – What is the board going to do about the mayor dictating the police chief budget?

Into Executive Session from 8:20 p.m. until 9:42 p.m.

Back in regular session – no action taken

Motion by Trustee Legursky, seconded by Trustee Hartman, to adjourn at 9:43 p.m.

Unanimously Approved

