

Village of Owego Board of Trustees Meeting  
Minutes of August 2, 2010

The regular meeting of the Village of Owego Board of Trustees was held on Monday, August 2, 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
	Jim Legursky
Clerk-Treasurer:	Rod Marchewka
DPW Supt:	Jeff Soules
Fire Department Reps:	Scott Gurni
Police Chief:	Rick McCulskey
Village Attorney:	Irene Graven
Absent:	WWTP Supt. Ron Horton

Insert "A" Visitor's List

At 7:00 p.m. the meeting was called to order by Mayor Arrington followed by the pledge of allegiance and invocation.

Privilege of the floor was offered:

Bill Chandler – thanked the Village for the use of Marvin Park for the Vietnam Veterans Motorcycle Ride. A special thanks to the Owego Police Department, Fire Police and Department of Public Works and Parks Department.

Brian Sternberg – by raising the Time Warner Cable T.V. Franchise from 3% to 5% it is an indirect tax on users. Also, he would like to make sure the local Time Warner business office remains open (he doesn't want to have to drive to Vestal for service).

Mayor Arrington – F.C.C. Law of 2007 states that if a municipality forces a cable company to have an office, then the cost of the office can be deducted from the franchise amount paid.

**Motion by Trustee Sternberg, seconded by Trustee Lockwood, to set a Public Hearing for amendment to Chapter 169, "Solid Waste" for August 16, 2010.**

**Unanimously Approved**

Discussion on Spruce & Talcott Street intersection accidents.

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Chief McCulskey – in 10 years there have been 14 accidents or 1.4 per year this is a little high, but not exceptional.

Problems are:

- 1) Line of site
- 2) Parked cars
- 3) Trees & brush
- 4) Driver inattention

Discussed:

- 1) Install “NO PARKING” signs 150 feet from stop sign.
- 2) 4-way stop signs
- 3) Traffic light
- 4) Removing trees & brush
- 5) Problems with increased noise
- 6) Cost
- 7) Alcohol has been involved with some accidents

**Motion by Trustee Clark, seconded by Trustee Lockwood, to remove the trees and shrubs as needed. Trustees Clark, Lockwood, Legursky, Smith, and Sternberg voted yes, Trustee Woody voted no.**

**Passed 5-1**

**Motion by Trustee Smith, seconded by Trustee Clark, authorizing Village Attorney to draft Local Law eliminating parking on North Side of Talcott Street. Area and distances to be determined by Police Chief with help from Department of Public Works.**

**Unanimously Approved**

Discussion on Time Warner Cable T.V. Franchise.

**Motion by Trustee Sternberg, seconded by Trustee Smith, to table voting on Time Warner Contract. Discussion on: 1) Keeping a local office; 2) Years from 10 to 8; 3) Are we grandfathered in new law concerning the local office? 4) Committee concerns on negotiations. Trustees Clark, Legursky, Lockwood, Smith, and Woody voted no. Trustee Sternberg voted yes.**

**Failed 5-1**

**Motion by Trustee Clark, seconded by Trustee Lockwood, to approve Time Warner Cable Franchise.**

**Motion by Trustee Lockwood, seconded by Trustee Smith, to allow amendment to the Time Warner Franchise Agreement to change term from 10 to 8 years and remove part that would require a local office.**

**Unanimously Approved**

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**Vote on Time Warner Franchise Agreement with an 8 year term and no provision for a mandatory local office with a rate at 5% (from 3%) and authorize the mayor to sign all necessary paperwork. Trustees Clark, Legursky, Lockwood, Smith, and Woody voted yes. Trustee Sternberg voted no.**

**Passed 5-1**

Tom Sickler discussed a petition he presented to change parking near establishments that serve alcohol to allow for overnight parking. Trustee Clark to work with police chief, DPW Superintendent, and Trustee Smith and report back at first meeting in September (Tuesday, September 7, 2010 due to Labor Day).

Notice of liquor license permit for 167-169 Main Street "The Pub of Owego".

**Motion by Trustee Clark, seconded by Trustee Legursky, to pay the bills for July. Discussion on:**

- 1) **A.5110.20 – street department equipment and outlay for \$43,282.75 (reserve for DPW)**
- 2) **Chemung Canal Trust (VISA bills)**
- 3) **Joe Johnson Equipment (street sweeper)**
- 4) **Computer (for Fire Department)**
- 5) **Medication for dog**
- 6) **Owego fire police (Strawberry Festival) payment**
- 7) **Question on encumbrance money/CHIPS**
- 8) **Paving money**
- 9) **Fixing Jake-brakes – DPW**

**Unanimously Approved**

**Motion by Trustee Clark, seconded by Trustee Lockwood, to approve the minutes of July 26, 2010 as submitted. Trustees Clark, Lockwood, Legursky, Smith, and Sternberg voted yes. Trustee Woody abstained.**

**Passed 5**

Scott Gurney – directed the fire scene at Bill's diner and did a good job for the fire department and the village. Thanks to Scott and the fire department.

**Motion by Trustee Clark, seconded by Trustee Legursky, that upon completion of the public's closing address to the board, to move into executive session to discuss the employment history and possible dismissal, promotion or demotion of several specific village employees.**

**Unanimously Approved**

**Motion by Trustee Clark, seconded by Trustee Legursky, to move that the Village of Owego accept electronic signatures as proof that a volunteer or paid employee has completed the Violence in the Workplace Refresher Training Course.**

**Discussion: On how to identify user and to put the completion certificate on the website.**

**Trustees Clark, Legursky, Smith, Lockwood voted yes. Trustees Woody and Sternberg voted no.**

**Passed 4-2**

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Ann Lockwood

Facility Committee meeting was held with the following attendees:

Tom Doty  
Dick Franz  
Jim Legursky  
Jeff Soules  
Henry Hoffman  
Burt Frutchey  
Mark Trabucco  
Ann Lockwood (Chairperson)

The Hunt Report was distributed. The committee is scheduled to meet again August 4, 2010 to discuss the Hunt Report and list options. Mark Trabucco will write an article for the paper.

Cemetery Grant – Laura Rodd has been talking to Trustee Lockwood on grant regarding the possibility of the following: 1) lower amount; 2) change scope of work; 3) in-kind of service to off-set the cost.

Trustee Legursky

**Motion by Trustee Legursky, seconded by Trustee Clark, to borrow money from the Cemetery Perpetual Care Fund (paying back any interest used) to help pay for cemetery repairs and upgrades.**

**Motion by Trustee Woody, seconded by Trustee Sternberg, to table motion until DPW has time to review work to be done.**

**Discussion:**

- 1) Trustee Sternberg – need advice from the village attorney.
- 2) Attorney Graven – advises against using the Cemetery Perpetual Care Fund. She does not think it can be used for this purpose.
- 3) Has the Cemetery Commission been involved in any decisions?
- 4) Survey and title work has been done.

**Vote on tabling the motion. Trustees Clark, Smith, Sternberg, and Woody voted yes. Trustee Legursky voted no. Trustee Lockwood abstained.**

**Passed 4-1**

**Motion by Trustee Legursky, seconded by Trustee Smith, for the Village to hire a negotiator to work on PBA Labor Contract.**

**Motion by Trustee Clark, seconded by Trustee Woody, to table the motion until after the Tuesday morning meeting with the PBA.**

**Discussion:**

- 1) **Is there money in the budget?**
- 2) **PBA has not requested a negotiator at this time.**
- 3) **Is the PBA a union? Yes. Then they have an attorney.**

**Table motion – Trustees Clark, Lockwood, Smith, and Sternberg voted yes. Trustees Woody and Legursky voted no.**

**Passed 4-2**

Trustee Smith

No report.

Trustee Sternberg

**Motion by Trustee Sternberg, seconded by Trustee Smith, to approve Treasurer’s Report for July.**

**Unanimously Approved**

Minutes from June 7 and June 15 still need some corrections to be approved. Corrections will be done by the next meeting on August 16, 2010.

**Motion by Trustee Sternberg, seconded by Trustee Smith, to approve the minutes from July 12, 2010.**

**Unanimously Approved**

**Discussion:**

- 1) Fund balance – being used to offset taxes (\$180,000.00 this year)
- 2) Insurance update of fire department boat that had an accident – boat is insured and a claim has been submitted
- 3) Written reports, Trustee Lockwood, mayor

Trustee Woody

Has anyone been appointed a new commissioner yet? The mayor answered, no.

Jeff Soules

Will have a three (3) year street plan available for the board.

Privilege of the Floor:

Herb McDowell – Main Street resident – the village should put a clause in Franchise Agreement to keep a local office for Time Warner – something that would be able to retrigger negotiations.

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Tom Donovan – 71 Talcott Street – at least 4 of the accidents on Talcott and Spruce were caused by alcohol and others were caused by kids coming to and from the high school.

Mike Phelps, 75 Talcott Street, talked about a 4-way stop sign for Talcott and Spruce (Mike has been added to committee to work on traffic problems in the area of Talcott and Spruce Streets.

Helena Von Neida, 55 Talcott Street, asked how the Village Board was set up? Mayor, Trustees, etc.

Brian Sternberg – what are we going to do regarding the fire department and PESH violations? Mayor reported that there is a meeting with the fire department and a consultant on these issues and will try to resolve them. The village is also working on other items that have been brought to our attention.

October 20, 2010 is the date for the last violation to be completed by. The mayor will petition for more time if he has to.

Recess into Executive Session at 9:15.

Back into regular session at 10:14.

**Motion by Trustee Clark, seconded by Trustee Lockwood, to adjourn.**

**Unanimously Approved**