

Village of Owego Board of Trustees Meeting  
Minutes of September 8, 2009

The regular Village of Owego Board of Trustees Meeting and Special Public Hearing were held on Tuesday, September 8, 2009 (due to Monday being a holiday) at the DPW Annex, 20 Elm Street, Owego, NY beginning at 7:00 p.m., with the following people in attendance:

Mayor: Edward Arrington

Trustees: Adam Jung  
Melody Patterson  
Michael Phelan  
Connie Sternberg  
Grace Thomas  
Jane Woody

Clerk-Treasurer: Lynne A. Mieczkowski

DPW Supt: Jeff Soules

Police Chief: Rick McCulskey

WWTP: Ron Horton

Fire Chief: Ed Bidwell

Village Attorney: Irene Graven

Privilege of the floor was offered at the beginning of the meeting.

Mary Flanagan and Matthew Flanagan, residents from 489 East Main Street addressed the Village Board regarding the possibility of a live burn at 495 East Main Street. They are parents of asthmatic children as well as the mother being asthmatic. The closeness of their property to the site of burning is very, very close. Even having their house watered down, they still might experience water damage in the cellar and damage to the building itself. We also have a neighbor on oxygen which definitely will have a problem with the smoke in the neighborhood.

Chief Ed Bidwell stated the Fire Department can control the water issue. He can't however, control the smoke. Chief Bidwell presented his plan for burn:

The Fire Department would use this burn for ventilation, which means OFD would put people on the roof only; cut a hole to release the smoke. The plan is to do some operations with the water (i.e.) running hoses, pump operations, etc. The Fire Department will not enter the building. The smoke from this burning will hang in the area for several days.

Chief Bidwell stated that based on the concerns of residents in the East Main Street area, he would not agree to have his firemen burn the house at 495 Main Street.

The Village Attorney reviewed the issue of beer being served at the hose races on September 12<sup>th</sup>. The first issue that was addressed in a memo from the Village Attorney was whether Company #3 can serve alcohol to participants of the hose racers. The Utica National Insurance which covers the Owego Fire Departments stated they would absolutely not sanction any use of alcohol within any of the firehouses or main station in the village.

Another question was: Can the Owego Fire Companies sponsor an after competition gathering even off premises? The fire company can hold an event after the hose races at an establishment not owned by the village; the question of the companies paying for alcohol for the participants came up; the Dram Shop Act was reviewed. The owner of the establishment would, under the Dram Shop Act be liable.

It is not as black and white if the fire department asking to pay for an open bar for the participants at an off premises establishment. There is some liability exposure for the village and the fire companies. The attorney recommended the village sponsor the after competition hose race gathering off premise; use their fund raising dollars to provide food and non-alcoholic beverages; but alcohol should be purchased individually.

**Motion by Trustee Woody seconded by Trustee Patterson to untable the motion regarding “alcohol” done on August 17, 2009.**

**Unanimously Approved**

**Motion by Trustee Woody seconded by Trustee Thomas to allow the Owego Fire departments and their guests to consume alcohol from Croton Hose #3 Fire Building.**

**Motion Denied**

**DPW**

- Submission of monthly report
- Completion of milling – 3 streets
- Catch basin repair
- Sidewalk repair

**Motion by Trustee Patterson seconded by Trustee Thomas to accept the bid of \$18,140.00 from J.D. Concrete for sidewalk repair work.**

**Unanimously Approved**

- Motorcycle Ride for Route 38 (Veteran Memorial Highway) Ride

Clerk Treasurer

- Taxes collected through September 8, 2009  
\$1,745,940.50

**Motion by Trustee Sternberg seconded by Trustee Woody approved a tax bill correction due to assessment change on the following property:**

Susquehanna Development  
174 West Main Street

New Bill Amount \$447.29

**Unanimously Approved**

- Submitted paperwork for Owego Central Marketplace (Tioga Trails) alcohol renewal permit.

**Motion by Trustee Phelan seconded by Trustee Sternberg approving the minutes of July 6, 2009.**

**Unanimously Approved**

**Motion by Trustee Phalen seconded by Trustee Sternberg approving the minutes of July 27, 2009.**

**Unanimously Approved**

**Motion by trustee Phalen seconded by Trustee Sternberg approving the minutes of August 3, 2009.**

**Unanimously Approved**

**Motion by Trustee Sternberg seconded by Trustee Jung approving the accounts payable and monthly (august) bills as submitted.**

**Unanimously Approved**

Trustee Phalen

- Problems related to collapsing brick at Riverwalk site. (village code has been involved)
- Fall Festival permits /OHMP

**Motion by Trustee Phalen seconded by Trustee Woody to hold an executive session regarding personnel.**

**Unanimously Approved**

Trustee Sternberg

- Reviewed code listing
- “Home Grant” reviewed
- Weitsman Meeting Minutes
- Meeting with Mr. Bretweiser
- Pension increase for 2010-11
- Flood mitigation/placement of signs
- Village projected revenue 2010-11
- Greater Catskill buy out program
- Brick Pond

Trustee Sternberg requested to piggyback on the already approved Executive session.

Trustee Thomas

**Motion by Trustee Thomas seconded by Trustee Patterson approving the expenditure of \$14,003.94 for the replacement of a hose reel for the Vac-Con. The amount would be expended from the sewer equipment reserve account.**

**Unanimously Approved**

**Motion by Trustee Thomas seconded by Trustee Patterson approving the sewer department application for a Water Quality Improvement Grant from NY DEC, also approving the Mayor to sign any documents related to the application.**

**Unanimously Approved**

Trustee Woody

- No activity on the Planning and Zoning Boards
- Code Officer needs to be advised of all fires occurring in the Village
- Physical for fire Fire fighters; head count and funding for physicals information to be brought back to Village Board
- Coverage for the Fire (Hose) races. Fire Police to handle/Chief McCulsky to have Officer at Hose races.
- Request of fire member (village resident) for 4 items which he asked to have brought to Village Board. Trustee Woody researched and stated the 4 items have already been brought to Village Board.

Request #1

That Village of Owego Board re-instate all terminated fire department members. (This was addressed in a motion on June 15, 2009.

Request #2

Requested removal of all reference to Fire Department membership numbers in the Village Charter. A motion was rescinded on 7/27/2009 and it was addressed on the same day, and determined it should be addressed at a department level – meaning the fire department, and possibly placed in the by-laws of the Fire Department.

Request #3

That the Village Board rescind the by-laws of June 1, 2009. This issue was addressed by motion on July 6, 2009.

Request #4

That once all of these actions are completed, another committee will be formed to work with Chief Bidwell to achieve issues of the Fire Department – This action is an internal item.

Trustee Woody stated minutes can be reviewed at the Village office.

Trustee Sternberg asked Chief McCulsky what would police coverage look like for the Hose Race competition. Chief McCulsky responded: That from 7:00AM to 3:00PM there would be (2) officers assigned patrol – one of those officers could be used as needed in the area of Talcott street – at 11:00AM, and officer is coming in specifically for the Hose Races. He will be there from 11:00AM to the conclusion of the races from 3:00PM to 11:00PM.

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- A discussion was held on the expense of the extra officers – are we being consistent with other groups requests

**Motion by Trustee Sternberg that the Village Board be consistent with the other groups that have asked for additional enforcement and that we not expect taxpayers to shoulder additional cost.**

**Motion not accepted by the Village Mayor**

**CHIEF McCulskey stated the difference in internal departments and outside organizations.**

Police Department

- In process of changing reporting systems (over the next two months)

Mayor Arrington

- Awarded Preserve America dollars for upgrades to properties in the Village of Owego
- \$2,019,500 in Federal Grants reserved

Village Attorney

- Reported on 42-44 Temple Street (unsafe building issue) has hit a snag in the court process

Privilege of the floor was offered to those in attendance.

Kevin Millar spoke to the issue of the executive session for personnel reasons – hopefully within guidelines of the Open Meeting Laws.

Lee Dunham, resident of Village, questioned the publication of information regarding the “Home Grant” which the Village of Owego just received.

Before Mr. Franz addressed the Board he told Mr. Sternberg to shut the video camera off. He stated he did not want to be on video. It was determined by the Village Board and attorney that Mr. Sternberg had the right to tape the meeting.

Ed Franz, Village resident, addressed the Mayor regarding Trustee Woody’s statement on the four items from the Fire Board. He stated he was the one who requested the items be brought to the Village Board. Trustee Woody stated she would bring the four issues to the board – There has never been a formal motion made by the Village Board. Mr. Franz stated he reviewed all the tapes of prior meetings. It was not addressed to be voted on.

Robert Stokes, owner of 495 Main Street, asked the Fire Chief if a water wall would deter some of the smoke if 495 could be burned? Fire Chief Bidwell stated that he could not guarantee it would happen. It should, but he stated he could not guarantee it.

**Motion by Trustee Jung seconded by Trustee Woody to recess at 8:20 to go into the executive session.**

**Unanimously Approved**

**Motion by Trustee Sternberg seconded by Trustee Phalen to come out of executive session at 8:40PM.**

**Unanimously Approved**

**Motion by Trustee Wood seconded by Trustee Thomas for the Village Board to enter into an attorney/client session.**

**Motion by Trustee Jung seconded by Trustee Thomas to adjourn at 9:40PM.**

**Unanimously Approved**