

Village of Owego Board of Trustees Meeting
Minutes of July 6, 2009

The regular Village of Owego Board of Trustees Meeting was held on Monday, July 6, 2009, at the DPW Annex, 20 Elm Street, Owego, with the following people in attendance:

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| Mayor: | Edward Arrington |
| Trustees: | Grace Thomas Jane Woody Melody Patterson Connie Sternberg Michael Phelan |
| Clerk-Treasurer: | Lynne A. Mieczkowski |
| DPW Supt: | Jeff Soules |
| Police Chief: | Rick McCulskey |
| Fire Chief: | Edward Bidwell |
| WWTP: | Ron Horton |
| Village Attorney: | Irene Graven |
| Absent: | Trustee Adam Jung |

Mr. Levi Frisbee addressed the Village Board regarding a tractor parade thru the Village of Owego on September 4, 2009. There would be approximately 25 to 40 farm tractors coming across the new bridge from Rte. 434. There would be a need for a section to be reserved from the Parkview to Academy Street for approximately 1 hour. Discussion was held on police involvement for this event.

Answer on fire/police being involved will come back to the Village Board on 7/27/09. Issue tabled until that time.

Mr. John Hogan requested the Village Board approve a Flag Raising Ceremony on August 29, 2009 (Saturday). This would take place in Court House Square by the monuments. This would involve approximately 20/25 Civil War reenactment characters.

Motion by Trustee Patterson seconded by Trustee Phelan approving the request of John Hogan for 8/29/09.

Unanimously Approved

Clerk Treasurer

Motion by Trustee Woody seconded by Trustee Patterson to rescind the motion made by the Village Board to go out for bid for the (803) fire truck.

Unanimously Approved

Motion by Trustee Phelan seconded by Trustee Thomas approving the parade permit for the Tioga County Fair scheduled for 7/7/09.

Unanimously Approved

- Submission by the Owego Lodge No. 1039 of their intent to apply for renewal of liquor license at 223 Front Street, Owego, NY

Motion by Trustee Sternberg seconded by Trustee Patterson approving the 2009 Tax Warrant.

Unanimously Approved

Motion by Trustee Sternberg seconded by Trustee Phelan approving the Minutes April 20, 2009.

Unanimously Approved

Motion by Trustee Sternberg seconded by Trustee Patterson approving the minutes of May 4, 2009. Trustees Sternberg, Patterson, Phelan, and Thomas voted aye. Trustee Woody abstained.

Motion Carried

Motion by Trustee Sternberg seconded by Trustee Patterson approving the payment of bills.

Unanimously Approved

Motion by Trustee Woody seconded by Trustee Phelan authorizing the Village Clerk to request the amount of \$200,123.00 from the Sweet Trust Fund.

**\$ 50,971.00 from the funds interest and,
\$149,151.00 from the funds principal**

These funds to be used from EMT coverage

Trustees Woody, Phelan, Patterson and Thomas voting aye. Trustee Sternberg voting nay.

Motion Carried

Trustee Patterson

- Projects for success/youth employment – 2009
- Cemetery Grant/Trustee Patterson and DPW Superintendent meeting with Lauroe Moore from grant division

Motion by Trustee Patterson seconded by Trustee Phelan to establish the Village of Owego as lead agency for the Historic Evergreen Cemetery Restoration Grant thru New York State Parks and Recreation.

Unanimously Approved

Motion by Trustee Patterson seconded by Trustee Woody to accept a negative declaration (SEQR) and to authorize the Mayor to sign any and all documents related to the cemetery restoration project.

Unanimously Approved

Trustee Patterson also spoke to the amount of the grant and to the other projects (cemetery expansion of new area). A discussion was held to aggressively pursue federal funds.

Trustee Phelan

- No OHPC meeting/no applications to review
- Owego Clean-Up Night (many organizations and residents participated)
- DEC Tioga Casting, letter
- Gas Drilling

Trustee Phelan requested an attorney/client session be held after tonight's Village Board Meeting.

Trustee Sternberg

- *Code Issues/42-44 Temple Street (Spiegel Act information)*

Motion by Trustee Sternberg seconded by Trustee Phelan to authorize the Village Attorney to draft a local law regarding "Weapons" (to follow the County's policy).

Unanimously Approved

- **Flood Mitigation/Posting of signs**

Motion by Trustee Sternberg seconded by Trustee Woody approving the placement of Flood Hazard Signs at:

- **Riverwalk**
- **Fishing Access Area**
- **WWTP/SS**
- **5th Avenue Pump Station**

Unanimously Approved

Trustee Thomas

- Bid openings for Spencer Avenue Sewer Project (July 15, 2009)
- Personnel Committee has done interviews for proposed EMT positions (more to be scheduled)
- Shared Services Meeting
- Village Initiative Group has held several meetings on 4 year term vs. 2 year terms and March to November election change

Trustee Woody

- Pool issues – leak
- Fire Board Meeting 7-1-09
 - Motion made by Fire Board to ask Village Board to reinstate all terminated members
 - To remove the By-Laws of 6-1-09 and pass the Blue By-Laws
 - Move forward in changing the Charter to remove any reference to the number of fire members in companies
 - Once above actions are complete a committee will be formed to work with the Fire Chief to address the issues in the Owego Fire Department

Motion by Trustee Woody seconded by Trustee Phelan to change the By-Laws of 6-1-09 Article 8 that currently reads: the By-Laws can be changed by majority vote, to read: the By-Laws can be changed by a ¾ vote. Roll call vote.

Trustee Woody, Phelan, Thomas and Mayor Arrington voting aye. Trustee Patterson and Trustee Sternberg abstained.

Motion Carried

Motion by Trustee Woody seconded by Trustee Phelan approving the change to the By-Laws of 6-1-09, Article 6, Section 6 – to remove the following:

Fire Board can also vote to suspend a member for a period of time to be determined by the Fire Board. These actions include but are not limited to:

- **Statements made to the media related to fire department activities without authorization of the Fire Board or chief officer**
- **Solicitation of fund from any entity without Fire Board and/or chief officer approval**
- **The arrest and conviction of a crime above the classification of a violation, as set forth in the applicable laws of New York State.**

Prior motion rescinded by Trustee Woody and Trustee Phelan.

Motion by Trustee Patterson seconded by Trustee Thomas to totally remove Section 6 in the White By-Laws of the Fire Department. Trustees Woody, Phelan, Sternberg, Thomas voting nay. Trustee Thomas and Mayor Arrington voting aye.

Motion Denied

Discussion followed by Village Attorney and Village Board regarding White vs. Blue By-Laws for the Owego Fire Department.

Motion by Trustee Woody seconded by Trustee to remove Larry Smith's name from the 6-1-09 By-Laws.

Unanimously Approved

Motion by Trustee Phelan seconded by Trustee Woody to remove from Section 6, White By-Laws the following:

These actions include, but are not limited to:

- **Statements made to the media related to fire department activities without authorization of the Fire Board or chief officer.**
- **Solicitation of funds from any entity without Fire Board and/or chief officer approval**
- **The arrest and conviction of a crime above the classification of a violation, as set forth in the applicable laws of New York State**
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Section 6 would now read:

Any action taken by a member of the department that creates the potential for adverse publicity or in affect causes harm to the image of the department can be removed from membership by a majority vote of the Fire Board. The Fire Board can also vote to suspend a member for a period of time to be determined by the Fire Board. Additionally, the chief officer can suspend any member of the Department immediately and the suspension will remain in effect until the Fire Board convenes to determine if further action is necessary. Trustees Woody, Phelan, Patterson, Sternberg and Thomas voted aye.

Mayor Arrington is not sure that the Fire Board can terminate; this can only be done by Village Board.

The Mayor turned over the gavel to Deputy Mayor Thomas.

The Mayor spoke in support of the Fire Chief.

Motion by Mayor Arrington seconded by Trustee Patterson to rescind the White By-Laws, give the Blue By-Laws with the understanding and direction to the Chief and Fire Board to make changes necessary to update the By-Laws to the standards that we need. That we accept the Blue By-Laws as recommended by the Fire Board. Discussion held by Village Board. Trustees Sternberg, Phelan, and Woody voted nay. Mayor Arrington, Trustee Patterson, and Trustees Thomas voted aye.

Motion Denied

OPD

No Report.

Mayor Arrington

Motion by Trustee Thomas seconded by Trustee Patterson to assign Mr. John Hogan to the “REAP” Board as a Village Representative.

Unanimously Approved

Village Attorney

Motion by Trustee Patterson seconded by Trustee Sternberg to adapt an Amnesty Program of 60 days; followed by the tag & tow law.

Unanimously Approved

An attorney client session was held beginning at 10:20 p.m.

Discussion on White By-Laws and Blue By-Laws again brought up by Trustees.

Privilege of the floor was offered to those in attendance. Rusty Fuller, Village business owner and resident spoke to the By-Law discussion (both Blue and White By-Laws)

Richard Franz, Talcott Street, spoke to the board stating that the Village board should be ashamed of themselves for what is happening with the Fire Department.

Herb McDowell, Village Resident, spoke against the actions of the Trustees and the Village Board of Trustees against the Fire Chief and stated that the Village Board has been misled.

Richard Watkins spoke to leadership of the Village Board.

Other Village residents also spoke to the Village Board – Ed Franz, Jim Franz, and Bill Franz regarding fire department issues (By-Laws) and other related issues.

Motion by Trustee Patterson seconded by Trustee Woody to adjourn.

Unanimously Approved