

Village of Owego Board of Trustees Meeting
Minutes of February 16, 2010

The regular meeting of the Village of Owego Board of Trustees and the special scheduled Public Hearing were held on Tuesday, February 16, 2010. The meeting was held at the DPW Annex, 20 Elm Street, Owego, NY with the following people in attendance:

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

Insert "A" Visitor's List

The meeting was opened at 7:00 p.m. with the Invocation and Pledge of Allegiance.

The Public Hearing on adding a new provision of Chapter 187 of the Village of Owego Code entitled "Vehicles and Traffic regarding a restricted parking zone on East Avenue".

Motion by Trustee Sternberg seconded by Trustee Patterson to close the Public Hearing at 7:06 p.m.

Unanimously Approved

Motion by Trustee Patterson seconded by Trustee Jung to adopt the new Local Law #1, 2010, regarding a restricted parking zone on East Avenue.

Unanimously Approved

Stella Reschke addressed the Village Board on behalf of the Historic Owego Marketplace the Historic Owego Marketplace 2010 events and festivals.

Insert "B" List of scheduled Festivals (in progress).

Ms. Reschke reviewed the listing of proposed events. She identified each activity that would require police coverage. The Historic Owego Marketplace is asking the Village of Owego to share the cost for police coverage. The Historic Owego Marketplace will contribute \$500.00 toward the costs of the activities for the year.

The Chief stated to the Mayor that he has put dollars in his proposed 2010/2011 budget for police coverage for the HOM activities.

A discussion on all the specific activities listed was held.

Trustee Sternberg spoke to the financial coverage for the proposed activities – she is willing to look at some options but doesn't feel OPD's current budget can handle it.

Mayor Arrington, DPW Supt. Soules and Clerk Treasurer to work to find the finances to cover the activities.

Motion by Trustee Sternberg seconded by Trustee Thomas approving the Owego Historical Marketplace request contingent on the Mayor and Clerk Treasurer finding the \$1650.00 that is required and bring information back to the board on March 15, 2010. This will support coverage needed for the Strawberry Festival.

Unanimously Approved

Motion by Trustee Jung seconded by Trustee Patterson amending the prior motion to add “The Historic Owego Marketplace is also to submit proof of insurance coverage”.

Unanimously Approved

Teresa Saraceno from the County of Tioga Economic Development reported on a 2010 New York State Main Street Program.

Motion by Trustee Patterson seconded by Trustee Jung to support the application made by the Tioga County Economic Development and Planning Office for the targeted area within the Village of Owego to the New York State Housing Trust fund corporation for the New York State Main Street Program.

Unanimously Approved

Insert “C” – Resolution #0216

Clerk Treasurer

Motion by Trustee Thomas seconded by Trustee Jung approving the expanding of the residency requirements for inspectors for the Village of Owego to encompass the county the village is located in.

Unanimously Approved

Motion by Trustee Jung seconded by Trustee Patterson to amend the prior motion to state “to be in harmony with the Village of Owego Charter”.

Unanimously Approved

Motion by Trustee Sternberg seconded by Trustee Jung approving the purchasing of a tax collection package from KVS.

Unanimously Approved

Motion by Trustee Jung seconded by Trustee Thomas approving the legal for Election Inspectors for March 16, 2010.

Unanimously Approved

Motion by Trustee Sternberg seconded by Trustee Thomas accepting the January Treasurers report.

Unanimously Approved

Motion by Trustee Sternberg seconded by Trustee Thomas approving the Tioga County Council on the Arts request for August 21, 2010 En Plein Air Fine Art Show “exhibit/sale”; also approving a blanket permit for 8/21/2010 for the Arts Council.

Unanimously Approved

- Correspondence received from Giovanni Santacroce regarding the skateboard area (tabled until 3-15-2010) Trustee Woody and Trustee Jung to work with Village Attorney on request.

Trustee Jung

- Amendment to the Violence in the Work Place Policy

Motion by Trustee Jung seconded by Trustee Thomas to accept this amendment as Revision 2 to the Violence in the Work Place Policy.

Unanimously Approved

Trustee Sternberg had questions. Trustee Jung stated this is a policy, not an implementation plan. Some changes were:

- Sexual harassment
- Clarified reporting form
- No form for outcome of investigation

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Trustee Patterson

- Cemetery Grant in Albany
- Bid advertisement/opening 3/1/2010 @ 2:00 p.m.
- Mobile Food Truck (2/17/2010) at Fire Station

Trustee Young

Absent

Trustee Sternberg

- Flood Mitigation Plan/Grant
- Neighborhood committee (waiting for input from Village Attorney)
- Review of Treasurer's Report
- OFD/Hydrant rent
- Utility Bills
- Energy Audit
- Snow Removal Tickets

Trustee Sternberg stated she has asked for additional information on the vehicle replacement plan. She has not received anything from the Fire Chief. She also spoke about getting certified lists from the Fire Department according to Fire Board Minutes. Some companies have refused to remove terminated members from their rolls.

Trustee Thomas

Motion by Trustee Thomas seconded by Trustee Patterson approving WWTP Superintendent go out for bid for a replacement boiler for the digester building.

Unanimously Approved

OPD Report

- Snow removal/appearance tickets (41) clear violations. OPD will be sending them by registered mail

Motion by Trustee Patterson seconded by Trustee Thomas to surplus the 2000 Dodge Durango #756.

Unanimously Approved

Mayor's Report

- Proposed treatment facility at old Trabucco Building is being reviewed again – Village is on record as opposing

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- Round 3 Restore NY
- Riverwalk Ribbon Cutting

Village Attorney

- Public Hearing to be set on 3/1/2010 for OEMS rezoning
- THOMA correspondence – letter regarding conflict of interest – opinion of counsel letter sent to THOMA by Village Attorney

TING Meeting

Municipal Attorney and Tioga County meetings being held. Basically where things are with the drilling, is that the county is trying to come up with a common roadway use agreement that all municipalities would use. The issue is now Chesapeake has indicated their willingness to participate in road use and maintenance agreements but exactly what terms they will agree to is still up in the air. We are still waiting for DEC's discussion.

Fire Department

- Fire Safety Report Issues
- New membership – squad needs help. Company 1 has 30 members after the Village's list of terminations due to lack of participation in either Work Place Violence, OSHA, etc. Company 1 has gone thru their list and are ready to move on as a department. Company 1 has room for 10. The people who have applied are definitely needed – "critical care".

Motion by Trustee Thomas seconded by Trustee Patterson to allow Company 1 to add three new members; background checks completed, passed thru Company and Fire Board:

**Joanne Rushing
Russ Lee Cornell
Richard K. Perkins**

Trustee Sternberg stated that Trustee Woody, who because of her work schedule could not attend tonight's meeting had left information for each trustee. One of the issues is categories – when you say you have room you have not considered that other individuals may want to transfer into company 1. This is what Trustee Woody said – Company 1 while members of other companies may need to transfer to balance out the memberships – I am aware that EMS is in need of trained members and the public deserves the best coverage possible. If we had categories by now this would not be an issue – in fact, if every company had separated active from other members we would possibly have availability in all fire companies. The other comment from Trustee Woody was she would like to request Chief Bidwell provide a written report at all Village Board Meetings with copies for each member – this is following suit with all other department leaders. She also is requesting a printout of all members who have completed their OSHA Training for 2009 by 3/1/2010. Back to Trustee Sternberg – this also brings up another question as to whether the people on your list have completed all of their OSHA requirements for 2009 and if they have been placed in categories how can we? The Fire Department has not approved categories – do they know what category they are in? Do they agree? Have they finished OSHA Training? Now – to continue with Trustee Woody's report: She requests a printed report on membership

categories – Please review the December 2, 2009 Fire Board Meeting minutes “no report at this time” – This means there are no categories – The Chief and Trustee Woody spoke about categories in June of 2009 – please note in the same report Mr. Loftus reported that Company 3 reported they do not accept the drop list and will not remove any members from the rolls. This is a concern and I ask if other companies are doing the same? In the past when membership was discussed the Village Attorney had advised not to bring in new members until the membership categories are resolved. This and other information from the Fire Department has been requested many times. Trustee Woody stated she has made many motions in attempt to obtain information – January 2010 the Fire Board passed two new members for Company 1 – who has not been brought forward to the Village Board at this time. A reminder: on April 29, 2009 the Village Board tabled the following applicants:

Kevin Smith – Company 4
Lori Jackson – Company 4
Kip Burdick – Company 4
Joanne Rushing – Company 1
Elaine Selanekovic – Company 4

Trustee Woody also provided a list of all companies for each trustee.

There are a lot of issues; we do not have categories, we have other companies that are well over 40; and even if one company has completed the work the entire department is responsible for doing the same task – and we have seen no list. At this time, this board has not seen a list – the other trustees and the Fire Commissioner have not seen any list nor any communication between the mayor and the fire chiefs and the trustees – we have asked repeatedly.

I would like to request the Attorney to advise if new members can be brought in.

Mayor Arrington stated he would not allow it. Trustee Sternberg asked – you’re not going to allow what? Mayor Arrington stated there was a motion on the floor – and the board will deal with this motion. Trustee Sternberg asked without the attorney’s counsel you think the board should make a decision without attorney counsel? Mayor Arrington said that we are not going to go back and forth with this. You have had an opportunity to state your comments. There are other members of the board who also should have the opportunity to state their comments; Trustee Thomas asked if one company could move forward since they are in dire need of EMS? The mayor stated that as he reads the Charter it does not say Fire Department it reads Fire Companies – the Charter gives the Village Board the right to appoint by companies and have one company per 1,000 residents.

There is nothing in the charter that says that we have to treat the whole fire company.

Yes we have problems; yes, they got out of hand. Yes, we are addressing it. The two fire chiefs have been working very hard on this issue. Here is an opportunity for all of us to move forward in the fire department. I don’t feel given our history that this will devastate the fire department. Both chief Bidwell and Assistant Chief Gavin are working on the categories, as well as the fire board. My recommendation to the board is to move forward.

Village Attorney commented: the whole issue that has been before this board resulted from over membership in each company. The board thru this whole process has made some decisions; at the last

meeting it was decided that if a company comes forward and shows that they are under 40; the idea of categories was simply suggested as a recommendation to resolve the issue of how it got to where it got. The attorney herself had offered to be of assistance in the category definitions. Whether or not this gets done is strictly an internal task – the fire department has to decide upon it – active fire fighters are those who will be fighting fires. It would behoove the fire department to categorize, but if the board decides Company 1 has only 30 active fire fighters at this time and wants to approve three based on what they were told tonight this is within the Village Board’s authority to do that.

Trustee Sternberg stated there is no limit for discussion according to Robert’s Rules. The mayor stated there is but I won’t argue with you – if you have something to say then go ahead and let’s move on. Trustee Sternberg wants to know why the board does not have the list in front of them tonight and the categories of people Mayor Arrington answered. Trustee Sternberg has continually asked this question – the Charter simply states “companies” not “fire department”. The board made the decision if there is a company under 40 they can accept members. What is here to discuss and the motion on the table is whether or not we are going to accept the three new members; and that is the only issue before the board. Trustee Sternberg again asked why we do not have a list of names and categories.

Mayor Arrington answered that is not the motion on the table at this point. On the table is whether or not to add three members. If you want to speak on the motion you may do so – otherwise we are going to move on.

Trustee’s June, Thomas, Patterson and Mayor Arrington voted aye. Trustee Sternberg abstained.

Motion Carried

Trustee Woody had requested the Mayor to adjourn until she could get out of work. Trustee Sternberg submitted Planning Board Report for Trustee Woody.

Fire Department

- Weitsman & Son donating costs of 5 sets of gear
- Alarm system for all stations
- Fire trucks have all been inspected
- Looking into yearly contract with Tyler – will assist in getting maintenance on track with equipment

Fire Contract

Motion by Trustee Patterson seconded by Trustee Jung to approve the fire contract with Town of Owego and allow the Mayor and Fire Chief to sign all necessary paperwork.

Unanimously Approved

Privilege of the floor was offered to those in attendance.

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Lee Dunham, Main Street resident, asked a question regarding – at the state, county, town, school level – no employee can sit on another board or run for office – is that the same with the village.

Herb McDowell pointed out that he felt there was much animosity in the meeting tonight.

Trustee Sternberg had another comment:

She stated she feels it is disrespectful not to provide information on to trustees that has been requested and if it's necessary to FOIL in order to get the information that should be given to trustees, then so be it.

Motion by Trustee Jung seconded by Trustee Patterson to adjourn.

Unanimously Approved