

Village of Owego Board of Trustees Meeting
Minutes of March 1, 2010

The regular meeting of the Village of Owego Board of Trustees was held on Monday, March 1, 2010, beginning at 7:00 p.m. at the DPW Annex, 20 Elm Street, Owego, NY with the following people in attendance:

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

Insert "A" Visitor's List

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

Kim Kavulich, a public health educator from the Tioga County Health Department, addressed the Village Board regarding "creating a healthier community" by making all the public parks in the Village tobacco free. These include Boland, Woodland, Riverwalk, Mayor and Draper Parks. These recreational areas should be places that people can go to enjoy the outdoors, breath fresh air and exercise. Diane, from Reality Check, distributed a packet for each member of the board. In the packet was a sample resolution to create a Tobacco Free Policy for the Village of Owego and a Smoke Free Parks and Recreation Areas Ordinance. Signs are provided by the County; signs can be customized. These signs are heavy duty metal signs – these are the primary enforcement. Posts and hardware are provided.

Teresa Saraceno addressed the Village Board regarding the 2010 HOM Owego Strawberry Festival 30th Berry Birthday Bash. This packet contains the agreement between the Village of Owego and the Owego Strawberry Festival. Teresa is seeking permission from the Village to place the Wine Tasting Event that is part of the Strawberry Festival on Village property in the Court House Square.

Motion by Trustee Young seconded by Trustee Thomas approving the request of the Owego Strawberry Festival Committee to hold the Wine Tasting Event contingent on the Village Attorney's review and approval.

Unanimously Approved

Kathleen Macre, Paige Street resident, reviewed all aspects of the proposed site plan for Patriot Water at the old Trabucco Facility.

Insert "B"

Privilege of the floor was offered to those in attendance.

Mr. Ken Smith stated he did not believe that universally the industry uses remote locations to purify the water in other parts of the country this is completed at the drilling site. What is trucked away is the solid matter which is 15% of the total amount of water that has to be reprocessed. Why can't that be done in this area? A lengthy discussion followed.

Motion by Trustee Sternberg seconded by Trustee Young to hold an executive session to discuss a specific personnel issue.

Unanimously Approved

Clerk Treasurer

Motion by Trustee Thomas seconded by Trustee Sternberg to schedule a public hearing for 3/15/2010 regarding the rezoning of the Elm Street area for the OAMS areas.

Unanimously Approved

Motion by Trustee Young seconded by Trustee Sternberg approving the use of the office at 178 Main Street to be a collection point for gently used children's books (a Charles H. Bassett Youth Foundation project) from 4/1/2010 – 4/24/2010.

Motion by Trustee Sternberg seconded by Trustee Thomas to approve the 1/4/2010 minutes with the correction as stated by Trustee Sternberg. Trustees Thomas, Sternberg and Mayor Arrington voting aye. Trustee Young abstained.

Motion Denied.

Motion by Trustee Sternberg seconded by Trustee Young approving the bills as submitted.

Unanimously Approved

Motion by Trustee Young seconded by Trustee Sternberg approving the month of April be designated as "Fair Housing Month".

Unanimously Approved

- Correspondence received from Attorney Kubista & Associates regarding a liquor license renewal for RIZ Petroleum Sunoco Mini Mart, 112 North Avenue, Owego

VBM 03-01-2010

DPW

- Bid opening for sweeper was held today 3/1/2010. Information will be brought back to Village Board by 3-15-2010
- Letter of intent submitted for the Flood Hazard Improvement Grant
- Picking snow – Central Business area

Trustee Young

No report

Trustee Sternberg

- Local Law for Neighborhood Committee (for rental properties)
- Fire Convention Committee Meeting
- Flood Mitigation County Upgrade Plan
- Sealed bid for brush truck
- Vehicle Replacement Plan

”In light of the purchase of the new rescue trucks and ambulance totaling over \$600,000, I feel the Fire Department needs to update their equipment plan and what the board reviewed was basically this plan. At the 2/10 VBM I requested Chief Bidwell give additional information. I sent the Fire Chief a letter and commented that he had given the board an equipment plan that contained only 2 dates for each vehicle and since there was no information regarding as to what those dates were for, I am assuming they’re the year purchased and replacement year. At the time I asked for additional information that would assist the board with understanding the current condition of the vehicles. I also had this discussion with Assistant Fire Chief Gavin and during the conversation he made the statement to go get it myself with reference to the mileage on the vehicles. I asked him to provide information requested by a trustee. Therefore in the letter I said I am requesting detailed information regarding the current conditions of the vehicles that includes but is not limited to mileage, usage, maintenance and any other justification the Village Board would need to know to make an informed decision on replacement industry. Mayor Arrington stated Chief Bidwell worked and retired from the automotive business. He knows diesels/maintenance of vehicles. Mayor Arrington stated he believes there are more pressing issues going on in the Fire Department that needs to be worked by the Chief. I support what the Chief is doing to put a plan together that is workable and will allow the Village to do what we need to do with the replacement vehicles. Trustee Sternberg had one additional question; has the Village received the certified list of OFD members? Mayor Arrington stated that Chief Bidwell is working with each company. Each company is working thru its list. Company 1 has already submitted its certified list. We have allowed people to come into Company 1 based on its lists. I expect the other companies to provide its company list. I am supporting the Chief’s efforts in this area so we can move forward with the Fire Department and not continue to rehash everything.

Mayor Arrington spoke to Connie's concern. Mileage does not necessarily mean anything to a diesel engine; I have seen diesel engines go 700,000 miles. When I look at it and I drive these vehicles; I am not sure that, that's the gauge. In fact I know it is not the correct gauge; as Chief Bidwell has told this board over and over again. The other point the Chief made is that, what we are most concerned with is that if something breaks then we will redo our plan. That is all it is – is a plan. To accommodate the problem we are facing at that time. I believe this to be a reasonable approach. I don't see the value in beating up Chief Bidwell. He gave a replacement plan based on his experience. Chief Bidwell spent many years working in the auto business.

Trustee Sternberg continued; I have had a follow-up discussion with Chief Bidwell. Chief Bidwell had not seen the letter; Assistant Chief Gavin had read it and asked why he needed to get the information. I explained that the board needs on-going information over time in order to make informed decisions on spending large sums of money. My biggest concern is that we are getting conflicting information. The board was told we needed a rescue truck. When I spoke with Chief Gavin and Chief Bidwell they said we don't really agree that we needed that. We have heard from the squad that we need ambulances but the vehicle replacement plan indicates something else. I feel we are being given conflicting information. If I had the information that I had requested – we would have baseline data – so we could change it over time but we would be starting in black and white. I received your letter Mayor, I don't really understand it. I don't see how this helps us to obtain data that can be used.

Trustee Sternberg made the following statement:

The purpose of this evenings report is to hi-light and educate listeners regarding the contents of the board minutes that have not been available since December 21st Chief Bidwell has been asked to complete the task of organizing the membership rolls of the Owego Fire Department since July. At the October 5th meeting I urged him to do so in order to bring new members into the squad. I thoroughly understand that our EMT's and critical care providers need the relief that our new members would provide; however, every company would be able to bring in new emergency responders had the leadership done what they had been asked to do.

An excerpt from the 12/21/10 Village Board Meeting because few people attended:

Trustee Sternberg stated she was not clear as far as the people that the board terminated and the people that did not complete the Workplace Violence Training. The Village Board terminated them. So are they off the rolls?

A recap; Chief Bidwell stated that his intention was to take copies of a report that he had intended to distribute tonight to the Trustees. This was on 12/21. Give one to each fire company for the 30th of December; so that the companies could review and instruct the people to bring it back to the Fire Board the following month – January 6th – and hopefully to get this done by the next scheduled Village Board Meeting. Mayor Arrington asked the Chief; the individuals that were removed by action of the Fire Board, are those people still on the Fire Department rolls or have they been removed? Chief Bidwell stated that he believes they are still on at this point in time as far as being a member of the Fire Department. Mayor Arrington stated that the Chief may want to make them an associate member. Those individuals are not covered by the Village Insurance at this time. Because the Village Board actions did

remove them they should not be in the Fire Department and they are not allowed to drive any fire equipment. The Chief understands that. The Mayor stated that the individuals are at risk.”

The Village Board terminated people that did not complete the Work Place Violence Training; are those people off the rolls? Chief Bidwell stated they are off the rolls. The new list has not been made up. The people are still showing up as there but they are not there. The Chief has not made up a new list – terminated people still show on the list. It is a contradiction. Chief Bidwell stated he did not want to make up 130 lists – only one. We still have some undecided people. The Village did offer clerical assistance.

Mayor Arrington would like to get this issue behind him. There are individuals that are interested in joining the Fire Department. But until membership, termination, and resignation information is complete no new members can be considered. Chief Bidwell again confirmed that 200 fire fighters are enough. This 200 number will not warrant a Charter change.

Trustee Sternberg asked one more question of the Chief “when do you see your list of who is really on the roster and who has not completed? Chief Bidwell answered early February.

Again Trustee Sternberg asked, why was this not done at the January Fire Board Meeting so the Chief could meet his own deadline. Chief Bidwell could have brought in new members on January 19th had he done what he said he would do at the meeting in December. On January 17th Chief Bidwell said what he would meet with Cindy at the Clerk’s Office to review the member listing before it is released. The next Village Board Meeting on February 1st. Chief Bidwell will report on the number of members and what companies could obtain new members. Three out of five companies have reported back to the Chief as to how they would like to see the companies assigned. Chief Bidwell will inform the companies how he would like to see the categories done and work with the companies on a final determination at the February 1, 2010 meeting. Chief Bidwell said he had finalized the lists and the Mayor requested a copy.

At the February 1st meeting Chief Bidwell said he had finalized lists and that they would be available on Friday the 5th once again, not done.

At the February 19th meeting the Village Board had no proof to my knowledge. So I took the Chief at his word that Company 1 has only 30 members. The Mayor could have reviewed the information with Trustee Woody who did provide a list, he could have adjourned the meeting until she arrived; as she had requested; I commend the Mayor and the other Trustees for wanting to give the Chief the chance and for wanting to establish a working relationship but he set his own deadlines and to my knowledge we still do not have a certified list of members.

We are continually hearing it is going to happen. He has met no deadlines.

Trustee Thomas

- “Preserve America” presentation at First Baptist Church Owego for Black History Month – 8/29/2010 Frederick Douglas

Trustee Woody

VBM 03-01-2010

No report

Superintendent Soules spoke to the issue of trucks on Charlotte Street.

Motion by Trustee Young seconded by Trustee Thomas to place truck signs on Charlotte Street.

Unanimously Approved

Mayor's Report

- Visit from the Labor Department regarding possible violations in the Fire Department. Out of 19 concerns only two need to be addressed.
- Attended NYCOM Seminar
- Attended Health Seminar in Syracuse with TC Health Department
- Donation from Mr. Adam Weitsman for firemen's gear

Police

- Water Rescue Kits/cost estimated at \$400.00 –(DPW Superintendent Fire Chief and OPD Chief to meet to determine if the rescue kits are needed)
- Question for Jeff - Can dollars from Riverwalk be used for this type of equipment?

Mayor Arrington spoke to law change regarding snow removal.

Village Attorney

The Village Attorney wanted to clear up a point that came up at the last board meeting regarding a question about village employees being able to run for public office. She was clarifying the inquiry because it was a general question regarding board members who are also volunteer firefighters.

The Village Attorney explained that as with anything in the law – there are exceptions to the general rule that limits municipal employees from running for public office. In this case, the question was specific to whether volunteer firefighters, as employees of the village, can run for and hold a public office.

The issue boils down to whether any conflicts of interest or compatibility issues exist that would prohibit a volunteer firefighter from being a public officer.

NYS General Municipal Law authorizes municipalities to adopt its own code of ethics which the Village has done. Chapter 19 of the Village Code deals with conflicts of interest issues for village officers and employees.

Under Chapter 19 volunteer firefighters are specifically exempted under the definition of an employee for purposes of determining conflicts of interest.

VBM 03-01-2010

Also, village officers are specifically permitted to serve as volunteer firefighters under NYS Village Law.

These laws are complements to each other and make good sense to allow volunteer firefighters to serve as public officers and public officers to serve as volunteer firefighters.

Privilege of the floor was offered to those in attendance.

Lisa Curatalo, village resident and business owner, asked about the truck route in the Village of Owego. Is there a map showing this route and how long has it been since it was updated? Can truck routes be added to or adjusted? Meeting with Lisa to be held 3/8/10 at 8:00 a.m.

Lee Dunham, Main Street resident, reported that on the Riverwalk there is a separation in an area on the walk – is this under warranty?

Herb McDowell, Main Street resident, asked about what information Trustee Sternberg receive regarding the equipment replacement list.

Into executive session at 9:25 p.m. Out of executive session at 9:35 p.m.

Motion by Trustee Young seconded by Trustee Thomas to come out of executive session.

Unanimously Approved

Motion by Trustee Young seconded by Trustee Thomas that Officer Colgan be allowed to return to work for a special temporary assignment for no less than 4 hours a day/and no more than 8 hours a day. Start date 2/17/09.

Unanimously Approved

Meeting adjourned at 9:45 p.m.