

March 15, 2022
6:30 p.m.
2354 State Route 434
Apalachin, New York

Regular Meeting of the Owego Town Board

A. Call to order, roll call and the Pledge of Allegiance -

The Deputy Supervisor called the meeting to order, the Town Clerk called the roll, and Peter Gordon led all in the Pledge of Allegiance.

Council:

Present: Supervisor Castellucci, Dean Morgan, Craig Jochum, and Jonathan Marks

Absent: None

Department Heads:

Present: Tyson Stiles, Director of Utilities
Cheri Grenier, Sole Assessor
Rick Pedro, Assistant Assessor
Irene Graven, Town Attorney
Joann Lindstrom, Planning and Zoning Administrator
Peter Gordon, Town Historian
Michael Roberts, Highway Superintendent
Mary Kennedy, Town Clerk & Tax Receiver

Absent: Scott Vasisko, Parks Maintenance Supervisor

B. Minutes of the previous meetings -

The minutes of the March 1, 2022 regular meeting will stand as presented

C. Consideration of bids – none

D. Public Hearings – none

E. Reports of Department Heads –

Peter Gordon, Town Historian – no report

Rick Pedro, Assistant Assessor – no report

Joann Lindstrom, Planning & Zoning Administrator – requested approval for her and Bill Carrigg, Code Enforcement Officer, to attend a one day training conference.

Councilmember Morgan made a motion to allow Joann Lindstrom and Bill Carrigg attend the Planning & Development Conference in Corning, NY on March 31, 2022

with all reasonable expenses paid. The motion was seconded by Councilmember Jochum and unanimously carried.

Tyson Stiles, Director of Utilities – reported that New York Leak Protection found a few leaks in District 4. His crew fixed the ones for which the Town is responsible and a letter was sent to the one that the homeowner will need to fix. Lastly, he shared an unhappy message written on a bill by a resident.

Michael Roberts, Highway Superintendent – reported that one of the dump trucks needs a new liner, and he would like to go with an asphalt grade liner rather than the previous kind. He then submitted a proposal for it. **A motion was made by Councilmember Jochum to authorize the purchase of an asphalt grade truck bed liner and kit from Mentor Dynamics for \$3,394. The motion was seconded by Councilmember Marks and unanimously carried.** Next, Roberts requested to purchase 5 oil test kits that can identify the presence of contaminants in vehicles. **Councilmember Marks made a motion allow the purchase of 5 oil test kits at a total price of \$253. The motion was seconded by Councilmember Jochum and unanimously carried.** Lastly, Roberts requested to purchase a skid steer with cold planer attachment as he believes this will help with patch work and offset the cost of asphalt. **Supervisor Castellucci made a motion to refer the purchase of a skid steer with cold planer to the Highway Committee. The motion was seconded by Councilmember Morgan and unanimously carried.**

Mary Kennedy, Town Clerk – no report

Irene Graven, Town Attorney – reported that the Memorandum of Understanding for the temporary ice rink in Hickories Park is ready. **A motion was made by Councilmember Morgan to approve the Memorandum of Understanding for the temporary ice rink in Hickories Park retroactive to January 5, 2022. The motion was seconded by Councilmember Marks and unanimously carried.**

Supervisor Castellucci - reported that the monthly statements of the Town Clerk and Planning & Zoning Administrator are on file in his office. Next, he stated that the resolution regarding the sale of the Doosan Excavator at auction must be amended. **Councilmember Jochum made a motion to amend the resolution regarding the sale of the Doosan Excavator (from the 3-1-22 meeting) to list the reserve price as \$54,000. The motion was seconded by Councilmember Marks and unanimously carried.** The Supervisor then reported that the County is interested in turning the Town's old Highway garage (on Delphine Street) into a shared services truck wash. Lastly, he stated that Lynn Esquivel would like to have a workshop updating cannabis legislation. **A motion was made by Councilmember Marks to schedule a workshop on cannabis legislation updates. The motion was seconded by Councilmember Morgan and unanimously carried.**

F. Privilege of the Floor-

The Board decided to act on Agenda item K6 – Well Head Protection Permit Application – Morning Light Landscapes at this time. Christopher Mix reviewed the plans for his business and answered questions from the Board. **Councilmember Morgan made a motion to approve the Well Head Permit Application for Chris Mix/ Morning Light Landscapes contingent on the Director of Utilities approval of Safety Data Sheet. The**

motion was seconded by Councilmember Jochum and carried with 3 yes votes and 1 abstention (Councilmember Marks).

The Board decided to act on Agenda item K5 – Well Head Protection Permit Application – Hellmers Horse Farm at this time. Gary Hellmers reviewed why a well is necessary for his plan and answered questions from the Board. **A motion was made by Councilmember Marks to approve the Well Head Permit Application for Gary Hellmers/Hellmers Horse Farm. The motion was seconded by Councilmember Jochum and unanimously carried.**

Teresa Dole, Casterline Road, stated that she thinks the Highway Department is spending too much money on vehicles, equipment, and time spent maintaining certain roads. She also showed a receipt she picked up off of her road when collecting litter. She wants the Town to force more accountability for littering. Attorney Graven stated that the Town has no authority for that. Lastly, Ms. Dole stated she thinks there should be no shooting of guns on Sundays.

Eric Johnson, Waits Road, stated that he thinks the new Highway Superintendent did not handle the recent snowstorm properly. Waiting to plow until the storm was almost over caused his business to lose a day of revenue and his employees to lose a day's wages.

Chuck Bement, Waits Road, also spoke out against the handling of the recent snowstorm. As Fire Chief, he stated that had there been an emergency, he would not have been able to get to the station. He just wants the same level of service that he is accustomed to.

G. Presentation of Petitions, Communications, Notices and Transfers – none

H. Abstracts-

Councilmember Morgan made a motion to approve the following abstracts as presented. The motion was seconded by Councilmember Jochum and unanimously carried on a Roll Call Vote.

A0 - General Fund	24,005.89
B0 - General Fund-Town Outside	10,369.93
DB - Highway-Town Outside	60,301.35
F0 - Water Districts	35,565.82
FA - Route 38 Water	634.64
G0- Sewer Districts	84,348.48
GA – Route 38 Sewer	39,663.60
HN – NY Rising-Shared Services Building	17,185.10
L1 – Lighting District 1	28.70
L2 - Lighting District 2	220.73
L3 – Lighting District 3	102.00

L4 - Lighting District 4B	59.57
L5 – Lighting District 5	66.64
L6 - Lighting District 6	260.02
L7 - Lighting District 7	57.74
L8 - Lighting District 8	45.82
L9 - Lighting District #9	15.90
LA – Lighting District 4A	19.24
LX – Lighting District 10	<u>24.27</u>
	\$272,975.44

I. Unfinished Business –

1. Employee reclassification - Highway

A motion was made by Councilmember Jochum to adopt the following resolution reclassifying Eric Frederick as an HEO III. The motion was seconded by Councilmember Marks and unanimously carried.

WHEREAS the approved 2022 budget for the Town of Owego Highway Department allows for a HEO III position which is currently vacant; and

WHEREAS Eric Frederick is currently in a HEO I position, and after a Civil Service desk audit (as attached hereto) and after due consideration as reflected in a February 16, 2022, report from Tioga County Personnel and Civil Service Office, it has been recommended that Eric Frederick be reclassified from the HEO I position to a HEO III position;

NOW, THEREFORE, BE IT

RESOLVED that based on the Tioga County Personnel and Civil Service desk audit, Eric Frederick is reclassified from the HEO I position to the position of HEO III, retroactive January 1, 2022, at an hourly wage of \$22.23 per hour and a promotional probationary period of 12 to 26 weeks.

J. Reports of Standing Committees –

Councilmember Morgan – reported a need for Attorney/Client after the meeting

Councilmember Marks – no report

Councilmember Jochum - reported that Mike Roberts, Highway Superintendent, had requested a Committee meeting before today to discuss his equipment needs, but the Councilmember had no free time.

K. Presentation of Resolutions, Motions and New Business –

1. Permission to join class-action lawsuit regarding PFO/PFA fines

Attorney Graven stated that the retainer agreement for this class action lawsuit

may have clauses imposing legal fees even if no recovery is made for the Town. Tyson Stiles, Director of Utilities, stated that he will have his contact reach out to Attorney Graven for clarification. **Councilmember Morgan made a motion to table action on this topic until further information is available. The motion was seconded by Councilmember Marks and unanimously carried.**

2. Amend 4 resolution to read “promotional probationary period”

Supervisor Castellucci explained that during negotiations with the Teamsters, wrong wording was identified in resolutions for 4 Highway Department employees. **A motion was made by Councilmember Morgan to amend the following four resolutions so the wording matches the Teamsters’ agreement. The motion was seconded by Councilmember Jochum and unanimously carried.**

WHEREAS the approved 2021 budget for the Town of Owego Highway Department has budgeted for and includes an HEO II position which is currently vacant; and

WHEREAS Ryan Miller, currently in a HEO I position, is available and willing to be promoted to the HEO II position effective December 20, 2021;

NOW, THEREFORE, BE IT

RESOLVED that Ryan Miller is appointed to the position of HEO II, retroactive to December 21, 2021, at an hourly wage of \$20.92 per hour and a promotional probationary period of 12 to 26 weeks.

WHEREAS the approved 2021 budget for the Town of Owego Highway Department has budgeted for and includes an HEO II position which is currently vacant; and

WHEREAS Charles Olmstead, currently in a HEO I position, is available and willing to be promoted to the HEO II position retroactive to December 20, 2021;

NOW, THEREFORE, BE IT

RESOLVED that Charles Olmstead is appointed to the position of HEO II, retroactive to December 20, 2021 at an hourly wage of \$20.92 per hour and a promotional probationary period of 12 to 26 weeks.

WHEREAS the approved 2021 budget for the Town of Owego Highway Department has budgeted for and includes an HEO I position which is currently vacant; and

WHEREAS William Perry, currently in a MEO II position, is available and willing to be promoted to the HEO I position retroactive to August 30, 2021;

NOW, THEREFORE, BE IT

RESOLVED that William Perry is appointed to the position of HEO I retroactive to August 30, 2021 at an hourly wage of \$20.15 per hour and a promotional probationary period of 12 to 26 weeks.

WHEREAS the approved 2021 budget for the Town of Owego Highway Department has budgeted for and includes an HEO I position which is currently vacant; and

WHEREAS Ryan Kline, currently in a MEO III position, is available and willing to be promoted to the HEO I position retroactive to August 30, 2021;

NOW, THEREFORE, BE IT

RESOLVED that Ryan Kline is appointed to the position of HEO I retroactive to August 30, 2021, at an hourly wage of \$16.12 per hour and a promotional probationary period of 12 to 26 weeks.

3. Hire temporary part time Court Clerk

Supervisor Castellucci stated the Court is temporarily understaffed.

Councilmember Jochum made a motion to adopt the following resolution hiring Karen Wells as a temporary part time Court Clerk. The motion was seconded by Councilmember Marks and unanimously carried.

WHEREAS the approved 2022 budget for the Town of Owego Court allows for a part-time clerk at a salary of \$250.00 per month, without benefits, and

WHEREAS, this position is vacant and it is necessary to fill this position on a temporary basis; and

WHEREAS a qualified individual has interviewed and is available to fill such vacancy,

NOW, THEREFORE, BE IT

RESOLVED that Karen Wells is hereby hired as a temporary part time salaried court clerk to the Town of Owego Court at a salary of \$250.00 per month, retroactive to March 7, 2022.

4. Authorize Supervisor to sign Settlement and Full and Final Release of Rights
A motion was made by Councilmember Jochum to adopt the following resolution of a Final Release of Rights regarding a Union grievance. The motion was seconded by Councilmember Marks and unanimously carried.

WHEREAS on March 8, 2022, Town of Owego Employee signed a Settlement Agreement and Full and Final Release of Rights regarding a Union grievance with the Town of Owego; and

WHEREAS Employee acknowledged as part of the Agreement that employee had 7 days following the signing of the Agreement to revoke the Agreement and such Release; and

WHEREAS this Agreement is contingent upon approval by the Owego Town Board within thirty (30) days after the execution of this Agreement by the Employee and after the expiration of the 7 day revocation period ending March 15, 2022;

NOW, THEREFORE, BE IT

RESOLVED that the Town of Owego Board hereby approves such Agreement as executed by signature of the Owego Town Supervisor on March 8, 2022.

5. Well Head Protection Permit Application – Hellmers Horse Farm
This was acted on earlier in the meeting during Privilege of the Floor.

6. Well Head Protection Permit Application – Morning Light Landscapes
This was acted on earlier in the meeting during Privilege of the Floor.

L. Second Privilege of the floor –

Gary Hellmers, Rose Lane, stated he thought the new Highway Superintendent did just fine during the storm.

M. Executive Session - none

N. Adjournment -

Motion by Councilmember Morgan, the meeting was adjourned at 7:40 PM.

Respectfully submitted,

Mary Kennedy, Town Clerk