

September 5, 2023
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 Supervisor called the meeting to order, the Town Clerk called the roll
Councilmember Hellmers led all in the Pledge of Allegiance.

Council

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

Absent: None

Department Heads:

Present: Phil Baker, Parks Maintenance Supervisor
Peter Gordon, Town Historian
Mike Roberts, Highway Superintendent
Joann Lindstrom, Planning & Zoning Administrator
Rick Pedro, Sole Assessor
Irene Graven, Town Attorney
Mary Kennedy, Town Clerk & Tax Receiver

Absent: Tyson Stiles, Director of Utilities

B. Minutes of the previous meeting –

The minutes of the August 15, 2023 regular meeting will stand as submitted.

C. Consideration of bids - none

D. Public Hearings - none

E. Reports of Department Heads –

Peter Gordon, Town Historian – reported that he will be giving a presentation at the Association of Public Historians conference next week.

Phil Baker, Parks Maintenance Supervisor – reported that the campground was full for Labor Day weekend and that camping is showing no signs of slowing down yet.

Joann Lindstrom, Planning & Zoning Administrator – reported that the Town must present a report to the State every 3 years regarding the 34 flooded buyout parcels that were funded from FEMA. She submitted this report proving that these parcels are still vacant last week. Next she stated that Jim Tofte will continue to serve on the Planning Board and Janet Brown will continue on the Zoning Board. Lastly, she reported that there will not be a Zoning Board meeting this week.

Rick Pedro, Sole Assessor – reported that he had two resolutions to be considered by the Board. One would fill a vacancy on the Board of Assessment Review, and the other would appoint a Part Time Assessment Clerk. **Councilmember Jochum reviewed the following resolution appointing Betsy Knapp to the Board of Assessment Review and moved for its adoption. The motion was seconded by Councilmember Marks and unanimously carried.**

WHEREAS, pursuant to NYS Real Property Tax Law §523, the Town Board of the Town of Owego is permitted to appoint members of the Town of Owego Board of Assessment Review; and

WHEREAS, the Town Board of the Town of Owego wishes to appoint a member to the Board of Assessment Review to fill out the unexpired term of Martin Murphy, for the term 10/01/2023 to 9/30/2024;

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Owego appoints Betsy Knapp to serve as a member of the Town of Owego Board of Assessment Review, to fill out the unexpired term of Martin Murphy, for the term 10/01/2023 through 9/30/2024; and it is further

RESOLVED that Betsy Knapp be compensated at a rate of \$400.00 per year.

Councilmember Jochum then reviewed a resolution hiring Catherine Kozemko as Part Time Assessment Clerk and moved for its adoption. The motion was seconded by Councilmember Hellmers and unanimously carried.

WHEREAS, the approved 2023 budget for the Town of Owego Assessor's Office has budgeted for and includes a part-time Clerk, such position not to exceed more than 19.5 hours per week or 39 hours per two week pay period; and

WHEREAS, this position is vacant and it is necessary to fill this position at \$15.50 per hour; and

WHEREAS, Catherine Kozemko has been offered and has accepted this position;

NOW, THEREFORE, BE IT

RESOLVED, that Catherine Kozemko is hereby hired to fill this position at \$15.50 per hour, not to exceed 19.5 hours per week or 39 hours per two week pay period, without benefits, effective September 6, 2023, with a probationary period of 52 weeks from date of hire and subject to satisfactory license background check;

AND BE IT FURTHER

RESOLVED, that Catherine Kozemko will be reimbursed the current IRS mileage reimbursement rate, round trip being 44 miles from her home to the Town offices.

Mary Kennedy, Town Clerk & Tax Receiver – reported that she has found a replacement for her Part Time Deputy who will be resigning at the end of next month.

Irene Graven, Town Attorney – no report

Supervisor Castellucci – reported that the annual 9/11 Ceremony will be held Monday at 8:15 a.m. and all are welcome to attend. Next, he stated that a meeting with the AFLAC representative was held to learn of new benefits available, which will be shared with employees soon. Lastly, he asked the Board members to check their availability for Budget Workshops on the following days: 9/18, 9/20, 9/21, 9/26 and 9/27.

Mike Roberts, Highway Superintendent – no report

F. Privilege of the floor –

Beth Saroney Paro, Debra Lee Drive, thanked the Highway Superintendent for improving her road.

Rose Howard, Sequoia Lane, shared a list of grievances from the residents of the Tioga Terrace neighborhood.

G. Presentation of Petitions, Communications, Notices and Transfers –

1. Notice of herbicide treatment – Spencer Pond

Supervisor Castellucci stated that this is informative only and no action is needed.

2. Letter regarding storm drains on Deerfield Dr. & Oakland Rd.

Mike Roberts, Highway Superintendent, stated that he has attempted to call the Reids twice since receiving their letter. He hopes to connect with them soon.

3. Boundary Concerns email – Campville Commons

Mr. Henderson explained that although his property is posted and marked as no trespassing, people playing disc golf at Campville Commons (and sometimes their unleashed dogs) continue to invade his property. Supervisor Castellucci stated that he'll contact the Disc Golf Association. Additional signage at the park was also discussed.

H. Abstracts -

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

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I. Unfinished Business –

1. Final appropriation transfers of 2022

A motion was made by Councilmember Jochum to approve the final transfers of 2022. The motion was seconded by Councilmember Hellmers and unanimously carried. The transfers are attached to the end of these minutes

J. Reports of Standing Committees –

Councilmember Hellmers – no report

Councilmember Morgan – clarified (from the last meeting) that the McLean Road culvert was not engineered in effort to reopen the road quickly.

Councilmember Jochum – reported that interviews for the Parks Maintenance Assistant vacancy were held this morning and a qualified candidate was chosen. **Councilmember Jochum made a motion to adopt the following resolution hiring Chad Harris to fill the Parks Maintenance Assistant position.**

WHEREAS, the approved 2023 budget for the Town of Owego Parks Department has budgeted for and includes a Park Maintenance Assistant position; and

WHEREAS, Chad Harris holds a Laborer position in the Parks Department, is willing, able and qualified to take this Parks Maintenance Assistant position, retroactively to September 4, 2023, at an hourly rate of \$19.00 per hour, as a permanent appointment with a probationary period of 52 weeks from date of promotion;

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Councilmember Marks – reported that Tyson Stiles, Director of Utilities, submitted 2 proposals for the Glann Road pump (one to repair the pump and the other to replace it). **A motion was made to follow the recommendation of the Director of Utilities and approve the replacement of the pump at the Glann Road station for \$22,640.90 from Fleet Pump & Services Group. The motion was seconded by Councilmember Hellmers and unanimously carried.**

K. Presentation of Resolutions, Motions and New Business

1. Resolution regarding Town Justices

Supervisor Castellucci reported that the State wants to require that all Town Justices be licensed to practice law in New York State. He reviewed that this will cause significant burden to smaller towns in many ways. **Councilmember Jochum made a motion to adopt the following resolution opposing NYS Senate Bill S-00139B and Assembly Bill A-1358B. The motion was seconded by Councilmember Hellmers and unanimously carried.**

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Tioga County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Owego is a vital service to our residents and the Tioga County community as a whole; and

WHEREAS, The Justices in Tioga County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, The Justices preside nightly and weekend and holiday mornings at the Tioga County Arraignment Part (‘CAP’) conducted in the County Jail, (CAP) that ensures that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and be processed for release, bail, or incarceration; and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Tioga County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State's Commission on Judicial Conduct's most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either "State-paid" judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Owego strongly, and in unequivocal terms, calls on both the leadership in the NYS Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

2. Resolution regarding Lisle Road speed limit

The Supervisor apologized to the Churchmans for the delay in this matter. **A motion was made by Councilmember Marks to adopt the following resolution recommending that the New York State Department of Transportation post a speed limit of 40 mph between number 911 and 1399 Lisle Road. The motion was seconded by Councilmember Hellmers and unanimously carried.**

WHEREAS, it has been requested that the unposted speed limit on Lisle Road between house number 911 and house number 1399 be posted at 40 MPH; and

WHEREAS, the Town Board of the Town of Owego fully supports this request;

NOW, THEREFORE BE IT

RESOLVED, that the Owego Town Board does hereby recommend to the New York State Department of Transportation that the unposted speed limit on Lisle Road between house number 911 and house number 1399 be posted at 40 MPH;

3. Resolution regarding State Elections

Supervisor Castellucci stated that the resolution was not fully ready.

Councilmember Jochum made a motion to table action on a resolution regarding State elections. The motion was seconded by Councilmember Morgan and unanimously carried.

4. Agreement to spend Town funds – Highway (2)

A motion was made to approve the following Agreement to spend Town funds. The motion was seconded by Councilmember Marks and unanimously carried.

Trackless Tack Kote – approximately 8,100 gallons

W. Glann Road, Dorothy Road, W. Brookside Avenue, griffin Drive, Hillside Drive, Bowen Lane, Crescent Drive, Tioga Boulevard, and Jamie Avenue.

TOTAL ESTIMATED COSTS OF PROJECTS: \$28,350.00

Scope, amount and distance subject to change.

Councilmember Jochum made a motion to approve the following Agreement to spend Town funds. The motion was seconded by Councilmember Marks and unanimously carried.

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Lisle Road

TOTAL ESTIMATED COST OF PROJECT: \$17,948.33

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5. Merit raise – Assessors

Rick Pedro, Sole Assessor, reviewed that his Assessment Clerk has been a true asset to that office and a wonderful resource for the residents for many years without ever receiving a merit raise. **A motion was made by Councilmember Jochum to adopt the following resolution authorizing a merit raise for JulAnn Howrilka. The motion was seconded by Councilmember Hellmers and unanimously carried.**

WHEREAS, the approved 2023 budget for the Town of Owego Assessor's Office has budgeted for and includes merit raises for employees upon recommendation of the Assessor and approval of the Town Board; and

WHEREAS, JulAnn Howrilka has shown she is willing to perform above and beyond her job duties as Assessment Clerk for the Town of Owego Assessor's Office; and

WHEREAS, upon the recommendation of the Town of Owego Assessor, JulAnn Howrilka warrants a merit raise of \$1.92 per hour;

NOW, THEREFORE, BE IT

RESOLVED, that JulAnn Howrilka, Assessment Clerk at the Town of Owego Assessor's Office, will receive a merit raise of \$1.92 per hour, effective September 11, 2023.

6. Declare truck as surplus – Parks

Phil Baker, Parks Maintenance Supervisor, reviewed that one of the Parks' trucks will no longer pass inspection. **Councilmember Jochum made a motion to declare the 2006 Ford F350 as surplus and no longer needed for Town purposes. The motion was seconded by Councilmember Morgan and unanimously carried.**

7. Generator contract/study

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L. Second Privilege of the floor –

Bill Chandler, Sulphur Springs Road, expressed concern that the Highway Department used extra material on a resident's driveway while fixing the McLean Road culvert. Hank Hines, Deputy Highway Superintendent, explained that their trucks had needed to use that driveway for turning around and had caused some wear and tear. He further explained that the excess material would've needed to be disposed, so instead, they tried to fix the portion of the driveway that showed damage.

Dave Churchman, Lisle Road, inquired about how long it would take the State to act on the Town's recommendation to post a speed limit on their road. The Supervisor stated it could be a month or more.

Vinny Griggs, Bornt Hill Road, thanked the Highway Department for a job well done while paving his road.

M. Executive Session – none

N. Adjournment

Motion by Councilmember Morgan, the meeting was adjourned at 7:28 PM.

Respectfully submitted,

Mary Kennedy
Town Clerk

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A motion was made by Councilmember Morgan to approve the proposal for engineering services for emergency generators (and related improvements) for Sewer District #5 Pump Stations. The motion was seconded by Councilmember Hellmers and unanimously carried. The agreement will be on file in the Town Clerk's Office.

L. Second Privilege of the floor –

Bill Chandler, Sulphur Springs Road, expressed concern that the Highway Department used extra material on a resident's driveway while fixing the McLean Road culvert. Hank Hines, Deputy Highway Superintendent, explained that their trucks had needed to use that driveway for turning around and had caused some wear and tear. He further explained that the excess material would've needed to be disposed, so instead, they tried to fix the portion of the driveway that showed damage.

Dave Churchman, Lisle Road, inquired about how long it would take the State to act on the Town's recommendation to post a speed limit on their road. The Supervisor stated it could be a month or more.

Vinny Griggs, Bornt Hill Road, thanked the Highway Department for a job well done while paving his road.

M. Executive Session – none

N. Adjournment

Motion by Councilmember Morgan, the meeting was adjourned at 7:28 PM.

Respectfully submitted,

Mary Kennedy
Town Clerk