

May 7, 2024
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 Jochum 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
Rick Pedro, Sole Assessor
Peter Gordon, Town Historian
Tyson Stiles, Director of Utilities
Irene Graven, Town Attorney
Mary Kennedy, Town Clerk & Tax Receiver

Absent: Mike Roberts, Highway Superintendent

B. Minutes of the previous meeting –

The minutes of the April 16, 2024 Regular Meeting will stand as presented.

C. Consideration of bids – None

D. Public Hearings –

1. Improvement of facilities of the Consolidated Sewer District

Supervisor Castellucci opened the Public Hearing. David Chase, Clark Patterson Lee Engineer, reviewed the project. There was no one from the public wishing to comment.

Councilmember Morgan made a motion to close the Public Hearing regarding the Improvement to the facilities of the Consolidated Sewer District. The motion was seconded by Councilmember Jochum and unanimously carried.

***The Board decided to act on Agenda item K1 – Public Interest Order at this time.

A motion was made by Councilmember Morgan to adopt the following Public Interest Order regarding the improvement of facilities of the Consolidated Sewer District. The motion was seconded by Councilmember Jochum and unanimously carried on a Roll Call Vote.

In the Matter
of
The Increase and Improvement of Facilities
of the Consolidated Sewer District in the
Town of Owego, Tioga County, New York

PUBLIC INTEREST ORDER

WHEREAS, by proceedings heretofore had and taken, the Town Board of the Town of Owego, Tioga County, New York, authorized an increase and improvement of the facilities of the Consolidated Sewer District, consisting of the Water Pollution Control Plant Nutrient Removal Project consisting of the reconstruction of and construction of improvements to the Water Pollution Control Plant facilities including but not limited to tanks, mixers/aerators, chemical feed systems, belt press filtrate equalization facilities and grit removal system as well as original furnishings, equipment, machinery, apparatus, appurtenances, site and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$3,217,000; and

WHEREAS, by Order dated April 16, 2024, said Town Board called a public hearing on the question of the increase in the maximum estimated cost of said project from \$3,217,000 to \$9,000,000, an increase of \$5,783,000; and

WHEREAS, notice of said public hearing was duly published and posted in the manner and within the time provided by law and such public hearing was duly held at the time and place specified in said notice at which all persons interested in the subject matter thereof were duly heard; and

WHEREAS, said Town Board has duly considered the evidence given at said public hearing; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Owego, Tioga County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is necessary and in the public interest to increase and improve the facilities of the Consolidated Sewer District, in the Town of Owego, Tioga County, New York, in the manner described in the preambles hereof, at a new maximum estimated cost of \$9,000,000, and said increase and improvement is hereby authorized and approved.

Section 2. This Order shall take effect immediately.

***The Board decided to act on Agenda item K2 – Bond Resolution at this time.

Councilmember Morgan made a motion to adopt the following bond resolution for the funding of improvements of facilities of the Consolidated Sewer District. The motion was seconded by Councilmember Hellmers and unanimously carried on a Roll Call Vote.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$5,783,000 BONDS OF THE TOWN OF OWEGO, TIOGA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED SEWER DISTRICT IN AND FOR SAID TOWN.

WHEREAS, the Town Board of the Town of Owego, Tioga County, New York, on November 12, 2019, duly adopted a bond resolution authorizing the issuance of \$3,217,000 serial bonds of said Town to pay the cost of the increase and improvement of the facilities of Consolidated Sewer District, in and for the Town of Owego, Tioga County, New York, consisting of the Water Pollution Control Plant Nutrient Removal Project consisting of the reconstruction of and construction of improvements to the Water Pollution Control Plant facilities including but not limited to tanks, mixers/aerators, chemical feed systems, belt press filtrate equalization facilities and grit removal system as well as original furnishings, equipment, machinery, apparatus, appurtenances, site and incidental improvements and expenses in connection therewith, and

WHEREAS, said capital project has been determined to be a Type II Action, pursuant to the regulations of the New York State Department of Environmental Conservation promulgated

pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, it has been determined, as such, will not result in any significant environmental adverse impact; and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$9,000,000, an increase of \$5,783,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$5,783,000 bonds of said Town for such specific object or purpose to pay a portion of the cost thereof; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Owego, Tioga County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the increase and improvement of the Consolidated Sewer District, in and for said Town of Owego, Tioga County, New York, consisting of the Water Pollution Control Plant Nutrient Removal Project consisting of the reconstruction of and construction of improvements to the Water Pollution Control Plant facilities including but not limited to tanks, mixers/aerators, chemical feed systems, belt press filtrate equalization facilities and grit removal system as well as original furnishings, equipment, machinery, apparatus, appurtenances, site and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$5,783,000 bonds of the Town of Owego, Tioga County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$9,000,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$3,217,000 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted November 12, 2019; and
- b) by the issuance of the additional \$5,783,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations for said specific object or purpose. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Owego, Tioga County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from monies raised in said Sewer District in the manner provided by law, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said officer shall deem

best for the interests of said Town; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, said officer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, in such officer's discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

E. Reports of Department Heads –

Peter Gordon, Town Historian – reported that he recently assisted in the publication of a Town resident’s poetry book.

Rick Pedro, Sole Assessor – reported that the Tentative Roll has been released and is posted on the Town website. Next, he stated that all Change of Assessment letters were mailed last week. He then reported that Grievance Day is on May 28th this year, but he hasn’t received any applications yet. Lastly, he stated he will be out of the office May 20th as he helps the NYS Assessors’ Association decide on a venue for their annual conference.

Phil Baker, Parks Maintenance Supervisor – no report

Tyson Stiles, Director of Utilities – reported that Keegan Bulger passed his exam so he is now a qualified Sewer Treatment Plant Operator. He also reported that Rob Fenner will be leaving the Town to work elsewhere and his last day is May 12th.

Councilmember Dean Morgan, Acting Planning & Zoning Administrator – reported that the demolition of the former Treadway Inn will begin next week. Next, he stated for the record and reviewed a second quote for security cameras that was not discussed at the last meeting. He then reviewed a proposal for new highway signs that will advertise Hickories Park and the 9/11 Memorial. **A motion was made by Councilmember Morgan to authorize the purchase of ten roadway signs for \$9,122.40 that will advertise Hickories Park and the 9/11 Memorial. The motion was seconded by Councilmember Hellmers and unanimously carried.**

Mary Kennedy, Town Clerk and Tax Receiver – reported that she will be ready to settle this year’s tax payments with the County as soon as all mail with April postmarks has been delivered.

Irene Graven, Town Attorney – Will need attorney client meeting

Supervisor Castellucci – reported that the Town Clerk and Planning & Zoning monthly reports are on file in his office. He also stated that he will be away from the office May 14th – 15th to attend the Association of Towns Finance School.

F. Privilege of the floor –

Beth Saroney Paro, Debra Lee Drive, stated that she is pleased with the work done to improve her road and the potholes that were filled by Apalachin Elementary School.

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 Marks and unanimously carried on a Roll Call Vote.

AO-General Fund	33,111.43
BO-General Fund-Town Outside	6,978.86
DB-Highway-Town Outside	161,948.43

FO-Water Districts	27,666.27
FA-Route 38 Water	1,678.16
GO-Sewer Districts	69,490.55
GA-Route 38 Sewer	1,457.50
HN-NY Rising-Shared Services Building	<u>5,000.00</u>
	\$ 307,331.20

I. Unfinished Business – none

J. Reports of Standing Committees –

Councilmember Hellmers – no report

Councilmember Morgan – no report

Councilmember Marks – no report

Councilmember Jochum – thanked Phil Baker for great work at Hickories Park.

K. Presentation of Resolutions, Motions and New Business

1. Public Interest Order – Improvement of facilities of the Consolidated Sewer District

This was acted on earlier in the meeting during the Public Hearing.

2. Bond Resolution – Funding for Improvement of facilities of the CSD

This was acted on earlier in the meeting during the Public Hearing.

3. Appointment of Planning & Zoning Administrator

A motion was made by Councilmember Morgan to adopt the following resolution appointing Bill Carrigg as the Town’s Planning & Zoning Administrator. The motion was seconded by Councilmember Hellmers and unanimously carried.

WHEREAS the approved 2024 budget for the Town of Owego has budgeted for and includes an Administrator for the Town of Owego Planning and Zoning Department; and

WHEREAS the Administrator of the Town of Owego Planning and Zoning Department position is currently vacant; and

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Owego does hereby approve the appointment of William Carrigg as Administrator of the Planning and Zoning Department effective May 6, 2024 at a salary of \$60,000.00 annually, with a 26-week promotional probation period from date of hire;

and be it further

RESOLVED that Tioga County Civil Service shall be notified, in writing, of such appointment.

4. Engineering proposal – Youngs Road Bridge Load Rating

The Supervisor reviewed that the State has been pressuring the Town to fix this bridge for a few years. **Councilmember Jochum made a motion to approve the proposal from Clark Patterson Lee for engineering services for Youngs Bridge. The motion was seconded by Councilmember Morgan and unanimously carried.**

5. Amend Teamsters and Employee Association Contract

Supervisor Castellucci reviewed that these amendments will align each contract's bereavement sections. After a short discussion, **a motion was made by Councilmember Jochum to table action on amending the Teamsters and Employee Association contract. The motion was seconded by Councilmember Hellmers and unanimously carried.**

L. Second Privilege of the floor –

Rose Howard, Sequoia Lane, spoke negatively about the road projects that were completed in her neighborhood last year.

M. Executive Session – none

N. Adjournment

Motion by Councilmember Morgan, the meeting was adjourned at 7:17 PM.

Respectfully submitted,

Mary Kennedy, Town Clerk