

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

Council:

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

Absent: Supervisor Castellucci

Department Heads:

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

Absent: Mary Kennedy, Town Clerk  
Tyson Stiles, Director of Utilities

B. Minutes of the previous meetings -

The minutes of the November 21 regular meeting were approved as presented.

C. Consideration of bids – None.

D. Public Hearings – None.

E. Reports of Department Heads –

Rick Pedro, Sole Assessor – reported that he is finishing up splits and apportionments are forthcoming. He asked the board to consider a resolution to re-appoint Donald Conning to the Board of Assessment Review for a term of 10/1/2023-9/1/2028.

WHEREAS, pursuant to NYS Real Property Tax Law Section 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 re-appoint a member to the Board of Assessment Review for the term of 10/01/23 to 09/30/2028;

NOW, THEREFORE, BE IT

RESOLVED the Town Board of the Town of Owego re-appoints Donald R. Conning to serve as the Chairperson of the Town of Owego Board of Assessment Review retroactive 10/1/2023 through 9/30/2028; and it is further

RESOLVED that Donald R. Conning be compensated at a rate of \$460.00 per year.

**Councilman Jochum made a motion to approve the resolution, Councilman Hellmers seconded. All in favor.**

Phil Baker, Parks Maintenance Supervisor – no report

Mike Roberts, Highway Superintendent – no report

Peter Gordon, Town Historian – reported that with Mary Kennedy’s help, many old volumes of the Village of Owego assessment records are now stored in the Shared Services Building vault. Councilman Morgan asked Peter if he could assemble a list of additional village records in need of storage, which he said he will do.

Joann Lindstrom, Planning & Zoning Administrator – no report

Councilman Morgan on behalf of Supervisor Castellucci – the Town Clerk’s monthly statement is on file in the Supervisor’s office.

F. Privilege of the Floor-

Bob Firmstone, Business Agent for Teamsters Local 317 said he was attending as a representative for town highway employees, appearing in opposition to the elimination of the HEO Site Leader positions. He did not understand why the board voted unanimously to eliminate the positions and why they were taking away promotions for the two employees in question. Mr. Firmstone asked the board to retain the two positions.

Dave Denton Sr. stated that he is one of the Town Highway employees whose position was being eliminated and did not know why. He has served the town for over 10 years and has been an excellent, loyal employee.

Eric Frederick, the second Town Highway employee whose position was being eliminated, said there should have been a conversation before eliminating their positions. He has worked for the town for 17 years. He further stated that eliminating these two positions is not helpful to the town.

Rose Howard, Tioga Terrace Civic Association brought questions from residents who have posted questions on the Association's Facebook page: 1) she is working on creating a list of contact people at the town who can help with water main breaks, road closures, etc. to share with residents; 2) the neighborhood would like better communication from the highway department when they are paving or closing streets; 3) she asked if the town was going to have an emergency notification system as Bill Carrigg had mentioned one when he provided a tour of the Shared Services Building to her and Beth Paro a few weeks prior; 4) she asked again for the sinkhole near Jeff Kies to be repaired; and 5) asked when the town budget would be made public.

Jeremy Eno from the Town Highway Department said he has worked for the town for one year and Eric Frederick and Dave Denton have been very helpful in training him.

Beth Paro, Tioga Terrace resident, specifically asked the board if an emergency notification system is in place. Councilman Morgan stated that it is a work in progress.

In the interest of following up on the discussion regarding the two town highway positions, Councilman Morgan asked to move K2 up for consideration. Councilman Morgan read the following resolution:

WHEREAS, the Owego Town Board created the position of Heavy Equipment Operator (HEO) Site Leader on March 31, 2023; and

WHEREAS, at the Town Board meeting held on April 18, 2023, Eric Frederick was promoted from Heavy Equipment Operator (HEO) III to the HEO Site Leader position at an hourly salary of \$26.80; and

WHEREAS, the Owego Town Board subsequently abolished the HEO Site Leader position at the Town Board meeting held August 15, 2023; and

WHEREAS, the Teamsters Local 317 submitted a formal Grievance on August 16, 2023; and

WHEREAS, The Town of Owego considered the request and on September 18, 2023 sent a written denial of the requested Grievance to said Teamsters; and

WHEREAS, the Teamsters Local 317 submitted a Demand for Arbitration on October 5, 2023; and

WHEREAS, the Town of Owego filed a timely Stay of said Demand for Arbitration on October 24, 2023; and

WHEREAS, the Teamsters Local 317 withdrew said Grievance and Arbitration demand on November 16, 2023;

NOW, THEREFORE, BE IT

RESOLVED, that Eric Frederick is restored to his previous HEO III position, at his previous hourly rate of \$23.60, effective December 5, 2023.

**Councilman Marks made a motion to approve the resolution, Councilman Hellmers seconded. The resolution passed 3-1 (Morgan no)**

WHEREAS, the Owego Town Board created the position of Heavy Equipment Operator (HEO) Site Leader on March 31, 2023; and

WHEREAS, at the Town Board meeting held on April 18, 2023, David Denton was promoted from Heavy Equipment Operator (HEO) III to the HEO Site Leader position at an hourly salary of \$26.80; and

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WHEREAS, the Teamsters Local 317 withdrew said Grievance and Arbitration demand on November 16, 2023;

NOW, THEREFORE, BE IT

RESOLVED, that David Denton is restored to his previous HEO III position, at his previous hourly rate of \$23.60 effective December 5, 2023.

**Councilman Marks made a motion to approve the resolution, Councilman Hellmers seconded. The resolution passed 3-1 (Morgan no)**

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

H. Abstracts-

**Councilmember Marks made a motion to approve the following abstracts as presented. The motion was seconded by Councilmember Hellmers and unanimously carried by roll call vote.**

A0 - General Fund	\$ 17,557.47
B0 - General Fund-Town Outside	\$2,096.72
DB - Highway-Town Outside	\$102,525.34
F0 - Water Districts	\$3,328.44
FA - Route 38 Water	\$1.75
G0- Sewer Districts	\$30,579.17
GA – Route 38 Sewer	\$1.75
	<b>\$157,157.39</b>

I. Unfinished Business

1. Local Highway Inventory Amendment – no action taken

J. Reports of Standing Committees –

Councilmember Hellmers – no report

Councilmember Morgan – no report

Councilmember Jochum – no report

Councilmember Marks – Tyson Stiles is requesting to extend an offer of employment to Jarod Thompson for the Wastewater Operator Trainee position that has been recently vacated. Mr. Thompson has already passed his DMV check and background check. **Councilman Marks made a motion to allow Stiles to extend an offer of full time employment to Mr. Thompson at \$21.00/hour with a 52 week probationary period and a start date of December 26, 2023. Councilman Hellmers seconded. All in favor.**

Last, Councilman Marks wanted to put on the record that if the public has an interest in Town Board meetings broadcast on Zoom, the board room has the technology to do so.

K. Presentation of Resolutions, Motions and New Business –

1. Zoning Board Alternate member appointment.

**Councilman Morgan made a motion to accept the following resolution, appointing Nick Scalzo as an Alternate to the Town Zoning Board of Appeals with a term of 1/1/2024-12/31/24. Councilman Marks seconded. All in favor.**

WHEREAS the Town Board of the Town of Owego has adopted a local law permitting the appointment of alternate members of the Town of Owego Zoning Board of Appeals; and

WHEREAS the Town Board of the Town of Owego wishes to appoint an alternate member of the Town of Owego Zoning Board of Appeals for a term of one year expiring 12/31/2024;

NOW THEREFORE, BE IT

RESOLVED the Town Board of the Town of Owego appoints Nick Scalzo to serve as alternate member of the Town of Owego Zoning Board of Appeals, to serve in the event a regular member of the Zoning Board of Appeals is unable to participate in an application due to a conflict of interest; and it is further

RESOLVED that Nick Scalzo shall serve as such alternate member of the Town of Owego Zoning Board of Appeals for a term of one year and be compensated at a rate of \$66.00 per meeting attended.

2. Highway positions restoration (2) – see F

3. New hire – Highway. **Councilman Jochum made a motion to approve the hiring of Zebulun Patterson as an HEO I, Councilman Hellmers seconded.** The board then discussed the vacancies at the Town Highway Department—is there a slot or vacancy to fill this position? Hank Hines stated that he has been in communication with Tioga County Civil Service and they are working together to ensure the slots are filled. Mike Roberts stated that he recently promoted two people from HEO I to HEO II so there is at least one slot open. Councilman Morgan asked for a list of all open/vacant positions. **The motion was approved 3-1 (Hellmers no).**

WHEREAS, the approved 2023 budget for the Town of Owego Highway Department has budgeted for and includes a full time HEO I position; and

WHEREAS, this full time position is vacant and it is necessary to fill this position; and

WHEREAS, Zebulun Patterson has been offered and has accepted such position as of December 4, 2023, at an hourly rate of \$21.96 per hour, 40 hours per week, as a permanent appointment with up to 52 weeks of a probationary period; and

WHEREAS, Zebulun Patterson has a CDL A and tow truck endorsement.

NOW, THEREFORE, BE IT

RESOLVED, such full time position shall be filled by Zebulun Patterson at an hourly rate of \$21.96 per hour, 40 hours per week, with full time benefits, effective December 4, 2023, with a probationary period of up to 52 weeks from date of hire, subject to satisfactory license/background check and meeting all requirements of pre-employment drug testing.

4. Employee upgrade – Highway **Councilman Marks made a motion to table, seconded by Councilman Jochum. All in favor.**

L. Second Privilege of the floor

Bob Firmstone, Business Agent for Teamsters Local 317. Mr. Firmstone stated that it is a sad state of affairs to screw around with people’s livelihoods because of politics.

Rose Howard asked who decides about school delays, what is the communication between the Town Highway Department and the school districts? Councilman Morgan suggested that she speak with Mike Roberts after the meeting.

M. Executive Session

N. Adjournment -

**Motion by Councilmember Morgan, the meeting was adjourned at 7:13 PM.**

Respectfully submitted,

Joann Lindstrom, Planning & Zoning Administrator

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