

March 19, 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 -

Supervisor Castellucci called the meeting to order, the Clerk called the Roll and Councilmember Hellmers led all in the Pledge of Allegiance.

Council:

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

Absent: Jonathan Marks

Department Heads:

Present: Phil Baker, Parks Maintenance Supervisor
Irene Graven, Town Attorney
Mary Kennedy, Town Clerk & Tax Receiver

Absent: Tyson Stiles, Director of Utilities
Rick Pedro, Sole Assessor
Peter Gordon, Town Historian
Michael Roberts, Highway Superintendent

B. Minutes of the previous meetings -

The minutes of the March 5, 2024 Regular Meetings will be amended to say, “3.5 % escalator” with regards to the Farmer Brown Solar PILOT update in the Supervisor’s Report. **A motion was made by Councilmember Hellmers to approve the March 5, 2024 Regular Meeting minutes as amended. The motion was seconded by Councilmember Jochum and unanimously carried**

C. Consideration of bids – none

D. Public Hearings – none

E. Reports of Department Heads –

Phil Baker, Parks Maintenance Supervisor – reported that all is well in his department and 2/3 of the seasonal camping sites have been reserved.

Hank Hines, Deputy Highway Superintendent – no report

Irene Graven, Town Attorney – reported a need for Attorney/Client Privilege after the meeting.

Mary Kennedy, Town Clerk – reported she would like her Deputies to attend the annual Town Clerk’s Conference. **Councilmember Morgan made a motion to allow Laura Burt and Pam Brown to attend the New York State Town Clerks Association Conference in Albany April 21st - 24th with all reasonable expenses paid. The motion was seconded by Councilmember Hellmers and unanimously carried.**

Supervisor Castellucci – had no report at this time.

F. Privilege of the Floor –

*****The Board decided to act on Agenda item K4. Farmer Brown PILOT at this time*****

Supervisor Castellucci reviewed the pertinent information regarding the PILOT and bond, and stated that this company has done everything the Town has asked of them. **A motion was made by Councilmember Morgan to accept the PILOT agreement for the Farmer Brown Solar Farm project. The motion was seconded by Councilmember Hellmers but failed to carry with 1 yes vote (Councilmember Morgan) and 3 no votes on a Roll Call Vote.** Legal representative for the applicants, John Ahearn, asked for the reasoning behind the denial. Councilmember Jochum stated that the applicants should not have an exit clause, and the payments to the Town are too low. Mr. Ahearn responded that all of these agreements contain an exit clause, and that they have offered much more to the Town of Owego than any other municipality. Matt VanHorn, Scale Microgrids, explained how he developed the estimates for payments. Councilmember Jochum referenced a federal report that suggests higher payments are necessary. **Councilmember Morgan made a motion to table action on the Farmer Brown Solar PILOT and Decommissioning Agreement. The motion was seconded by Councilmember Jochum and carried with 3 yes votes and 1 abstention (Supervisor Castellucci).**

Rose Howard, Sequoia Lane, spoke about a celebration that the Tioga Terrace neighborhood will be having on June 8th. She also asked if the brush that is dropped off on Kuenzli Road will be mulched, and if so, will it be available for residents to use. The Supervisor stated it does get mulched, but Councilmember Jochum said that it is not desirable mulch for gardening.

Doug Barton, Oakland Road, encouraged the Board to approve the Farmer Brown Solar PILOT.

Beth Paro, Debra Lee Drive, asked what a Decommissioning Agreement is. It was explained that it details how the solar panels/farm will be removed.

Supervisor Castellucci brought up a topic that didn’t make the Agenda, and reviewed that Phil Baker, Parks Maintenance Supervisor, has completed his promotional probationary period and is due for a pay increase. **A motion was made by Councilmember Hellmers to adopt the following resolution increasing the pay for Phil Baker, Parks Maintenance Supervisor. The motion was seconded by Councilmember Jochum and unanimously carried.**

WHEREAS, the approved 2024 budget for the Town of Owego Parks Department has budgeted for and includes Parks Maintenance Supervisor; and

WHEREAS, Philip H. Baker was appointed to that position effective August 28, 2023; and that that upon completion of his promotional probationary period of 26 weeks his salary will be increased to \$61,669 per year; and

WHEREAS, the promotional probationary period of 26 weeks has passed;

NOW, THEREFORE, BE IT

RESOLVED, that Philip H. Baker's annual salary shall be increased to \$61,669 per year, retroactive to February 26, 2024.

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

1. Appropriation Transfers

Supervisor Castellucci reviewed the details. **Councilmember Jochum made a motion to approve the following transfers. The motion was seconded by Councilmember Hellmers and unanimously carried.**

WHEREAS, it is necessary to make end of fiscal year 2023 scheduled transfers;

NOW, THEREFORE, be it

RESOLVED, that the following transfers be made:

Amount	From	To
\$20,000	GO.9990.9800 Self Insurance Reserve	GO 9990.9920 Reserves
\$50,000	<u>FO.9900.9908</u> Water Repairs Reserve	<u>FO.9900.9930</u> Water Reserves

2. Monthly Report of the Supervisor

The February 2024 Report of the Supervisor is on file in the Town Clerk's office.

H. Abstracts-

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

A0 - General Fund	25,645.03
B0 - General Fund-Town Outside	52,255.44
DB - Highway-Town Outside	38,108.66
F0 - Water Districts	341,977.23

FA - Route 38 Water	1,652.04
G0- Sewer Districts	268,614.74
GA – Route 38 Sewer	103.85
HN – NY Rising - Shared Services	6,080.00
L1 – Lighting District 1	24.20
L2 - Lighting District 2	279.01
L3 – Lighting District 3	146.83
L4 - Lighting District 4B	74.52
L5 – Lighting District 5	95.98
L6 - Lighting District 6	334.17
L7 - Lighting District 7	71.17
L8 - Lighting District 8	58.99
L9 - Lighting District #9	19.09
LA – Lighting District 4A	23.22
LX – Lighting District 10	29.78
	<u>29.78</u>
	\$735,593.95

I. Unfinished Business –

1. Foster Valley Road project funding

Supervisor Castellucci reviewed that this project can be 100% reimbursed from Bridge NY Funds. **A motion was made by Councilmember Morgan to adopt the following resolution regarding funding for the Foster Valley Bridge project. The motion was seconded by Councilmember Hellmers and unanimously carried.**

Authorizing the Implementation and Funding 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

WHEREAS, a project for the culvert replacement on Foster Valley Road over Little Nanticoke Creek, Town of Owego, County of Tioga, P.I.N.9755.60 (the “Project”) is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Owego will design, let, and administer all phases of the project; and

WHEREAS the Town of Owego desires to advance the Project by making a commitment of 100% of the costs of the Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition and Construction/Construction Support/Construction Inspection work for the Project or portions thereof;

NOW, THEREFORE, The Town Board, duly convened does hereby

RESOLVED, that the Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Owego to pay 100% of the cost of the Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition and Construction/Construction Support/Construction Inspection work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of \$1,174,546 is hereby appropriated from B Town Outside Fund and DB Highway Town Outside Fund and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Owego shall be responsible for all costs of the Project, including costs, which exceed the amount of the reimbursement available from the NY Bridge Funding awarded to the Town of Owego; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor of the Town of Owego; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Owego hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Owego be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Owego in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs; and it is further

RESOLVED, that the Town of Owego will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

J. Reports of Standing Committees –
Councilmember Hellmers – no report

Councilmember Morgan – As Acting Planning & Zoning Administrator, reported that the proposed Aldi’s store was approved and the pre-demo meeting will be soon. As Councilmember he reported that the Annual Vietnam Veterans Day luncheon will be held at the Shared Services Building this year. Lastly, he stated that he received a penalty forgiveness request for a resident who was in the hospital when their utility bill was due. It was recommended that they submit their request in writing.

Councilmember Jochum – no report

K. Presentation of Resolutions, Motions and New Business –

1. Schedule Public Hearing – Zoning change

Councilmember Morgan made a motion to schedule a Public Hearing on April 16th at 6:30 PM to consider Local Law C of 2024: a rezoning request. The motion was seconded by Councilmember Hellmers and unanimously carried.

2. Broome – Tioga Stormwater Coalition (BTSC) Annual Report

A motion was made by Councilmember Jochum to accept the 2023 BTSC Annual Report and authorize the Supervisor to sign the 2024 BTSC Intermunicipal Agreement. The motion was seconded by Councilmember Hellmers and unanimously carried.

3. Authorize Supervisor to sign BTSC Intermunicipal Agreement

This was acted on during K2.

4. Farmer Brown PILOT and Decommissioning Agreement

This was acted on during F Privilege of the Floor.

5. Emergency Declaration – Griffin Drive

Hank Hines, Deputy Highway Superintendent, reviewed that there are sinkhole problems on Griffin Drive, as well as the engineer recommendations. **Councilmember Hellmers made a motion to adopt the following resolution declaring the condition of Griffin Drive as an emergency and allow the Highway Superintendent to make necessary actions without having to comply with the Town’s Procurement Policy. The motion was seconded by Councilmember Jochum and unanimously carried.**

WHEREAS, deterioration of the storm sewer pipe running under the east side of Griffin Drive, has caused a sinkhole to develop at the eastern roadway edge just north of the southern driveway entrance for Jeff Kies Auto; and

WHEREAS, due to the potential for further sinkhole expansion, which could occur rapidly depending on weather conditions, it is necessary to replace the storm sewer pipe;

NOW, THEREFORE, BE IT

RESOLVED, that circumstances exist which could effect public property and the life, health and safety of the property and inhabitants of the Town of Owego requiring immediate action that cannot await competitive bidding, contracts for public work, or purchase of supplies and material equipment pursuant to the Town of Owego's Procurement Policy; and it is further

RESOLVED that the Town of Owego Highway Superintendent is hereby authorized to make the necessary pipe replacement on an emergency basis without the necessity of complying with the Town of Owego's Procurement Policy or General Municipal Law §103; and it is further

RESOLVED, that the Town Board of the Town of Owego does hereby declare that this resolution is adopted in the best interests of the Town of Owego.

L. Second Privilege of the floor – none

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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WHEREAS, the Town of Owego will design, let, and administer all phases of the project; and

WHEREAS the Town of Owego desires to advance the Project by making a commitment of 100% of the costs of the Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition and Construction/Construction Support/Construction Inspection work for the Project or portions thereof;

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RESOLVED, that the Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Owego to pay 100% of the cost of the Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition and Construction/Construction Support/Construction Inspection work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

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WHEREAS, due to the potential for further sinkhole expansion, which could occur rapidly depending on weather conditions, it is necessary to replace the storm sewer pipe;

NOW, THEREFORE, BE IT

RESOLVED, that circumstances exist which could effect public property and the life, health and safety of the property and inhabitants of the Town of Owego requiring immediate action that cannot await competitive bidding, contracts for public work, or purchase of supplies and material equipment pursuant to the Town of Owego's Procurement Policy; and it is further

RESOLVED that the Town of Owego Highway Superintendent is hereby authorized to make the necessary pipe replacement on an emergency basis without the necessity of complying with the Town of Owego's Procurement Policy or General Municipal Law §103; and it is further

RESOLVED, that the Town Board of the Town of Owego does hereby declare that this resolution is adopted in the best interests of the Town of Owego.

L. Second Privilege of the floor – none

M. Executive Session - none

N. Adjournment -

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

Respectfully submitted,

Mary Kennedy, Town Clerk