

December 21, 2021
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 Assessor called the roll and Councilman Marks led all in the Pledge of Allegiance.

Council:

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

Absent: None

Department Heads:

Present: Cheri Grenier, Sole Assessor
Tyson Stiles, Director of Utilities
Joann Lindstrom, Planning & Zoning Administrator
Irene Graven, Town Attorney

Absent: Scott Vasisko, Parks Maintenance Supervisor
Peter Gordon, Town Historian
Mary Kennedy, Town Clerk & Tax Receiver
Mark Clark, Highway Superintendent

B. Minutes of the previous meetings -

The minutes of the December 7, 2021 regular meeting will stand as presented.

C. Consideration of bids – none

D. Public Hearings – none

E. Reports of Department Heads –

Joann Lindstrom, no report

Cheri Grenier, Sole Assessor – reported that the office has started receiving applications for the Senior Aged Exemption.

Irene Graven – no report

Cheri Grenier reported for Mary Kennedy, Town Clerk – the tax bills are in from the County. The bills will be stuffed with an insert that residence can pay their tax bills 3 different ways to avoid having to come into the Town Hall. They can pay by credit card, pay by United States Postal Service (The postmark is the determining factor for on-time/late payments) or residence can use the Town Clerk Drop Box.

Tyson Stiles – Permission to buy a 2020 Freightliner 1145D Flusher truck for \$428,334.19. This truck was budgeted for in Tyson’s 2021 budget. A motion was made by Councilmember Jochum to purchase the 2020 Flusher truck. The motion was seconded by Dean Morgan **and unanimously carried**. Tyson requested permission to buy equipment for his office in the new building. They have had a couple of water main breaks.

Supervisor Castellucci – reported that the liability and property insurance has gone up 11% not 9% as thought. The property insurance will go down with the Highway Department moving into the new Shared Service building. We had big loss claims ration of \$182,000 in claims, whereas, the previous year it was only \$92,000. The Highway department has most of their things into the new Shared Service building. Parks is in and totally operational. We are waiting on copiers. The Salt structure is near completion. Only one structure to complete. Salt is expected to be delivered next week. We had a zoom meeting with GOSER and engineers on Monday. We are close to the end of Phase I, should close Phase I in mid to late spring. Met with Hunt Engineering about a grant to potentially build out our Broadband area that has no or low service. Supervisor Castellucci stated a need for Attorney/Client Privilege after the meeting.

F. Privilege of the Floor-

Alan Waltenbaugh, 767 Main St., Apalachin, reported that his Water Bill on 12/10/21 jumped \$90. He had a small water leak in the toilet. Asked if something could be done to lower the bill. It was referred to the Water/Sewer Committee. Also asked if the Town could look at the house next to library. It has been broken into. Planning and Zoning stated that this is the first complaint and they will look at it tomorrow.

Teresa Dole, Casterline Rd, stated that she has found the owner of the dog that killed her chickens. Was wondering what she should do next to recoup the money for the chickens. She was referred to Civil Court. Questioned how much revenue the Town of Owego might receive from Hemp and/or Cannabis sales.

K3 was moved to privilege of the floor. Alex Marks, from Tioga County Soil and Water, spoke about the DEC’s Trees for Tributaries Program. He explained about planting of the trees. Stated the Town could pick what trees they wanted or Soil and Water will pick. Soil and Water will plant native species and clear out invasive species. Should order soon as it is a first come, first serve basis.

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

H. Abstracts -

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

A0 - General Fund	3,382.34
B0 - General Fund-Town Outside	7,158.69
DB - Highway-Town Outside	16,133.46
F0 - Water Districts	9,214.53
FA - Route 38 Water	575.95

G0- Sewer Districts	8,410.75
GA – Route 38 Sewer	90.02
HN – NY Rising – Shared Serv.	389,474.68
L1 – Lighting District 1	37.23
L2 - Lighting District 2	178.54
L3 – Lighting District 3	69.49
L4 – Lighting District 4B	48.73
L5 – Lighting District 5	45.34
L6 - Lighting District 6	206.60
L7 - Lighting District 7	8.52
L8 - Lighting District 8	36.31
L9 - Lighting District #9	13.63
LA – Lighting District 4A	16.38
LX - Lighting District 10	20.32
	<u>20.32</u>
	\$435,121.51

I. Unfinished Business – none

J. Reports of Standing Committees –

Councilmember Roberts – no report. She stated a need for Attorney/Client Privilege after the meeting

Councilmember Morgan – Highway, Utilities and Parks continuing to move into the new Shared service building. Reminder to give all work orders to Ron Schmidt.

Councilmember Marks – reported that Abbey Ortu,,Tioga County Economic Planning & Development, has submitted a grant to Design Connect with the Cornell students for funding at Tioga Boulevard Park. The Cornell students will help design a space that best suits the neighborhood in the Spring semester. Once the grant is approved they will contact us.

Councilmember Jochum – has 2 resolutions for the Highway Department. These were deferred to Attorney/Client Privilege.

K. Presentation of Resolutions, Motions and New Business –

1. Resolution to opt-out of retail cannabis dispensaries and on site consumption establishments. With much discussion, **A motion was made by Councilmember Roberts. The motion was seconded by Councilmember Morgan and carried with 4 to 1 vote, with Councilmember Marks voting against the resolution.**

12/21/2021

ADULT USE CANNABIS MUNICIPAL OPT-OUT
RESOLUTION

WHEREAS, on November 28, 2021, Notice of Public Hearing was duly published regarding a proposed local law to opt out of allowing on site consumption establishments and retail cannabis dispensaries to locate and operate within the boundaries of the Town of Owego; and

WHEREAS, on December 7, 2021, a public hearing was held at 6:30 p.m. by the Town of Owego Board to receive public comment on the proposed local law; and

WHEREAS, pursuant to Article 8 of the State Environmental Quality Review Act (SEQR), it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II action as defined under SEQR regulations and, therefore, not subject to further SEQR review;

NOW THEREFORE, BE IT

RESOLVED that the Town Board of Owego hereby adopts Local Law Number 3 to opt out of allowing on-site consumption establishments and retail cannabis dispensaries to locate and operate within the boundaries of the Town of Owego; and it is further

RESOLVED that the local law shall be filed with the New York State Office of Cannabis Management (OCM) and Secretary of State subject to permissive referendum.

2. Planning and Zoning Board Appointments

Lynne Esquivel – Member, Town of Owego Planning Board

Term 1/1/2022 – 12/31/2028

Motion by Councilmember Morgan to reappoint Lynne Esquivel to the Owego Planning Board,
Seconded by Councilmember Jochum **and unanimously carried.**

Gary Phelps – Chair, Town of Owego Zoning Board

Term 1/1/2022 – 12/31/2026

Motion by Councilmember Morgan to reappoint Gary Phelps to the Owego Zoning Board.
Seconded by Councilmember Jochum **and unanimously carried.**

Alternate members of the Town of Owego Planning board

Robert Hornick – one year term expiring 12/31/2022 Planning Board

RESOLVED the Town Board of the Town of Owego appoints Robert Hornick to serve as alternate member of the Town of Owego Planning Board, to serve in the event a regular member of the Planning Board is unable to participate in an application due to a conflict of interest; and it is further
RESOLVED that Robert Hornick shall serve as such alternate member of the Town of Owego Planning Board for a term of one year and be compensated at a rate of \$66.00 per meeting attended.

Motion by Councilmember Roberts to appoint Robert Hornick to the Owego Planning Board as an alternate, seconded by Councilmember Jochum **and unanimously carried.**

Edward Harrison – one year term expiring 12/31/2022 Planning Board

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 Planning Board; and

WHEREAS the Town Board of the Town of Owego wishes to appoint an alternate member of the Town of Owego Planning Board for a term of one year expiring 12/31/2022;

NOW THEREFORE, BE IT RESOLVED the Town Board of the Town of Owego appoints Edward Harrison to serve as alternate member of the Town of Owego Planning Board, to serve in the event a regular member of the Planning Board is unable to participate in an application due to a conflict of interest; and it is further

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

Motion by Councilmember Morgan to appoint Edward Harrison to the Owego Planning Board as an alternate, seconded by Councilmember Roberts **and unanimously carried.**

Martin Murphy – one year term expiring 12/31/2022 Zoning Board of Appeals

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 12/31/2022;

NOW THEREFORE, BE IT

RESOLVED the Town Board of the Town of Owego appoints Martin Murphy 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 Martin Murphy 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.

Motion by Councilmember Marks to appoint Martin Murphy to the Owego Zoning Board as an alternate, seconded by Councilmember Morgan **and unanimously carried.**

3. Trees for Tributaries Program
Moved to Privilege of the Floor

4. Board of Assessment Review appointment – Reappoint Edward Harrison to the Board of Assessment Review.

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 10/01/21 to 09/30/2026;

NOW, THEREFORE, BE IT

RESOLVED the Town Board of the Town of Owego re-appoints Edward D. Harrison to serve as a member of the Town of Owego Board of Assessment Review retroactive 10/1/2021 through 9/30/2026; and it is further

RESOLVED that Edward D. Harrison be compensated at a rate of \$400.00 per year.

Motion by Councilmember Morgan to appoint Edward Harrison to the Board of Assessment Review, seconded by Councilmember Roberts **and unanimously carried.**

5. Appoint Highway Mechanic - This was deferred to Attorney/Client Privilege.
6. Appoint Temporary Assessor - This was deferred to Attorney/Client Privilege.
7. Appoint new Board Member - This was deferred to Attorney/Client Privilege

L. Second Privilege of the floor –

There was no one wishing to speak at this time.

At 7:24 the Board moved to Attorney/Client Privilege.

A motion was made by Councilmember Jochum to resume Meeting at 8:41. Seconded by Councilmember Marks.

5. Appoint Highway Mechanic – No Action taken
6. Appoint Temporary Assessor – No Action taken
7. Appoint New Board Member – No Action taken
8. Appoint Charles Olmstead to HEO II position.

Town Board Meeting 12/21/21

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 probationary period of 12 months.

Motion by Councilmember Jochum to appoint Charles Olmstead to a position of HEO II, seconded by Councilmember Marks **and unanimously carried.**

8. Appoint Ryan Miller to HEO II position.

Town Board Meeting 12/21/21

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 retroactive to December 20, 2021;

NOW, THEREFORE, BE IT

RESOLVED that Ryan Miller is appointed to the position of HEO II, retroactive to December 20, 2021 at an hourly wage of \$20.92 per hour and a probationary period of 12 months.

Motion by Councilmember Jochum to appoint Ryan Miller to a position of HEO II, seconded by Councilmember Marks **and unanimously carried.**

M. Executive Session – none

N. Adjournment -

Motion by Councilmember Morgan, the meeting was adjourned at 8:44 PM.

Respectfully submitted,

Cheri Grenier