

REGULAR TOWN BOARD MEETING

JANUARY 8, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 8, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Superintendent of Public Works	Tom Delamarter
GUESTS:	Country Courier	Elizabeth Einstein
	Broome County Legislature	Kelly Wildoner
		Angelo Tolomei
		Bonnie Tolomei
		Laurie Francisco
		George Frailey
		Dolly Stout
		Peter J. Motsavage
		Michael Gabello

MINUTES: DECEMBER 11, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the December 11, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

CORRESPONDENCE:

Supervisor Finch acknowledged receipt of a letter from Governor Andrew Cuomo informing the Town of Conklin that it has been approved for receipt of a grant from the New York State CWSRF (Clean Water State Revolving Fund) Planning Committee in an amount up to \$30,000.00, with the Town to provide 20% or \$6,000 in required local matching funds, either cash or in-kind services. Mr. Finch also acknowledged receipt of correspondence from BOCES in response to a FOIL (Freedom of Information Law) request.

Mr. Finch thanked Kelly Wildoner, newly elected Broome County Legislator, 6th District, for attending tonight's meeting.

Mr. Finch told Mr. and Mrs. Tolomei that Code Officer Robert Jones had hand-delivered a letter to the Tolomeis' neighbor, Randy Silsby, advising him to move his materials off the Town of Conklin right-of-way. The storage of said materials has caused a neighborhood dispute between Mr. and Mrs. Tolomei and Mr. Silsby, as the storage prohibits the Tolomeis' access to their property.

PUBLIC COMMENTS:

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SUSQUEHANNA VALLEY CENTRAL SCHOOL DISTRICT FINANCES

Supervisor Finch stated that he met with Superintendent of Schools for the Susquehanna Valley Central School District, Gerardo Tagliaferri, to discuss the increase in the school taxes for Town of Conklin residents and other issues of concern. Mr. Finch stated that the school district is a “golden corral” and part of a “secret society” and is “concerned only with their pensions.” He stated that he was told by BOCES, who is involved with the budgeting process of the school district, that the questions he asked were “none of his business.” Mr. Finch stated that Mr. Tagliaferri conceded that the school taxes increased 7.14% in the Town of Conklin. Mr. Finch stated that the meeting was a “smokescreen,” and added that “88% of the budget goes to administration – including teachers, bus drivers, and other members of the union.” He stated that the school is “not for the students – it’s a big pension plan.”

Mr. Finch asked if it is a conflict of interest to have members of the school board who have family members employed by the District. He stated that Mr. Tagliaferri stated that the school district has a letter from the Commissioner of Education approving this practice, but added that Mr. Tagliaferri later stated that this might be a ruling from the Commissioner rather than a letter. Mr. Finch asked if this ruling or letter specifies that one can be a member of a school board in a school district in which one’s family members are employed by the same school district.

Mr. Finch stated that many people in the Town of Conklin are 55 years of age and older and live on fixed incomes, adding that he has spoken with several residents who must sell their homes because of the increase in school taxes. Mr. Finch also questioned the school board policy that permits non-resident students to attend Susquehanna Valley School District tuition-free if their parent(s) is/are employed by the school district. Mr. Finch stated that he asked Mr. Tagliaferri why the school district doesn’t urge older teachers, who receive higher rates of pay, to retire and make room for young graduates looking for teaching positions, who would receive a lower rate of pay. Mr. Finch stated that Mr. Tagliaferri stated that this retirement would “affect their retirement” and that these teachers “have a right to keep working.”

Bonnie Tolomei stated that she thought there was a 2% tax cap in place and Mr. Finch stated that this is true; however, the 2% tax cap is the total increase. He added that there are five separate municipalities that make up the Susquehanna Valley School District, and each could have a different tax rate. Mr. Finch stated that the Town of Conklin’s school tax rate increased 7.14%, which he stated “did not include pension and health insurance benefits.”

REPORT: TOWN CLERK

Refer to written report.

REPORT: WATER AND SEWER DEPARTMENT

In addition to his written report, Superintendent of Public Works Tom Delamarter reported that the new motor for Well 6 will be delivered on January 11 and the pump will be repaired, adding that he will submit the claim for the cost of repairs to the Town’s insurance company.

Mr. Delamarter stated that the fire hydrants were all cleaned out after the two snowstorms, to allow access for the fire department. He stated that the new pumps for the sewer stations have been delivered and the first one will be installed in the sewer station near Julius Rogers Park on January 22, 2013. Mr. Delamarter stated that the mitigation on the sewer stations will be completed by A.C. Spear.

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REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Superintendent of Public Works Tom Delamarter reported that the Highway Department truck that has been at Laing Trucking for repairs will be returned by 9:00 A.M. on January 9. He stated that the cost of repairs has been negotiated down from \$22,000 to \$13,000. In response to a question from the Board, Mr. Delamarter stated that the truck has been at Laing Trucking “at least three months.” It is uncertain whether or not the truck is actually fixed.

Mr. Delamarter stated that the Highway Department has done a “good job” with snow removal from the last two snow storms. Mr. Bullock asked about damage to Truck 44, a plow truck, and Mr. Delamarter stated that the driver ran over a snow-covered log in the yard of the Highway Garage, damaging the pan. He added that the truck was repaired by the Town Highway Department.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he received a letter from Douglas Ritter, owner of a house on Conklin Road that has “many Code violations on the exterior.” He added that these include a “tent-like structure and signs on the building that need to be removed.” Mr. Finch added that there are issues with the outside steps, a propane tank line that runs through a window, and tires stacked against the house. Mr. Jones added that the house also has lead paint and loose siding. Mr. Ritter is scheduled to meet with Mr. Jones next week to discuss these Code violations.

Mr. Jones reported that he and Town Engineer John Mastronardi had worked on the Town’s portion of the Broome County Hazard Mitigation Plan, adding that the Plan, which is required for any participation in grant funding, is now updated.

Mr. Jones reported that he is meeting with a representative from Syracuse Alarm to discuss a design for a fire alarm system in the Maines Warehouse on Terrace Drive. He added that Mr. Maines has agreed to have this system installed to help bring the building up to Code specifications.

Mr. Jones reported that his office issued no building permits in December but added that he issued 85 for the year in 2012. He stated that there were no Planning Board or Zoning Board of Appeals meetings scheduled for December.

Mr. Jones reported that he, the Town Engineer, other Town department heads, and some members of the Town Board all met with a representative from SEMO (State Emergency Management Office) on December 19, 2012, to learn more about the Flood 2011 Buyout Program process. He added that the contract was delivered to the Town on January 7, 2013. Town Counsel Cheryl Sacco reminded the Board that they must adopt the County’s updated Hazard Mitigation Plan as part of the process.

Mr. Jones reported that a new plan has been developed for the Salt Distribution Project located off Hardie Road. He added that Broome County is reviewing the new plan and representatives from the Salt Distribution Project will be in attendance at the Town Planning Board meeting on January 14, 2013. In response to a question from the Board, Mr. Jones stated that the planned hours of operation are “sunrise to sunset, Monday through Saturday.” Mr. Minoia asked, “Do we have that in writing?” Mr. Finch commented that the hours of operation must be stated in the

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site plan. He explained that the new plan increases the acreage by .2 acres, in the event that natural gas drilling is approved in New York State. This increase would allow the salt distribution company to take sand for hydrofracturing from the railroad. Mr. Minoia stated, "Make sure you get the hours in writing." Mr. Jones stated that there will be no hours of operation on Sundays.

Mr. Jones stated to Angelo and Bonnie Tolomei that he had hand-delivered a letter to their neighbor, Randy Silsby, informing him that he must remove his materials that are stored on the Town's right-of-way by January 21, 2013, or the Town will remove them. Mr. Minoia asked if this required that a registered letter be sent to Mr. Silsby and Ms. Sacco stated that she will research this question.

Mr. Francisco asked if there is an anticipated timeline for installation of the fire alarm system in the Maines Warehouse and Mr. Jones replied that it would be installed in "late summer." Mr. Jones stated that one of the events that had prompted his demand that a fire alarm system be installed is the annual book sale that is held in the warehouse, for which he required the Maines Corporation to have the fire department on standby. Mr. Finch stated that the Maines family had stated that their building was "grandfathered in" and they therefore could not be forced to install a fire alarm system, and Mr. Finch stated that he stated that there is "no grandfathering if a situation is unsafe." Mr. Jones stated that he will require that the fire department be on standby if any other large public events are held before the fire alarm system is installed, adding that he has no issue with requiring the installation of the fire alarm system, since the building sustained "over 50% substantial damage in two floods."

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

(Copies of all written reports are available in the office of the Town Clerk.)

TIME WARNER FRANCHISE AGREEMENT

Ms. Sacco stated that there is no update yet on the Time Warner Franchise Agreement.

OLD BUSINESS:

DOG CONTROL

Supervisor Finch stated that the Town of Binghamton Town Board did not approve all of the specifications of the intermunicipal agreement with the Town of Conklin for Dog Control. He stated that the Town of Binghamton Town Board approves of the terms of the contract except that it wants the Town of Conklin to pay Dog Control Officer John Simmons mileage for his travels in the Town of Conklin. The Town of Conklin has agreed to pay Mr. Simmons mileage at the current IRS (Internal Revenue Service) rate. Mr. Finch stated that Mr. Simmons has been offered \$20,000 to cover both towns, but added that Mr. Simmons wants more money. Mr. Finch and Town of Binghamton Supervisor Tim Whitesell will meet to work out the problems with the agreement.

Kathleen Wright from the New York State Department of Agriculture and Markets completed the annual inspection of the Town's Dog Control records and approved the inspection. Mr. Finch commented that Mr. Simmons spent "a day and a half" organizing the Town's Dog

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Control records, which had been returned to the Town by former Dog Control Officer Darlene Weidman. Town Clerk Sherrie Jacobs added that Mr. Simmons also went to the Front Street Dog Shelter to obtain some missing DL-18 records, which are used with the seizure of dogs, and are required for the State inspection.

PRIDE MANOR MOBILE HOME PARK WATER EXTENSION

Supervisor Finch stated that the Town received approximately \$800 last week from Mr. Kerns, owner of the Pride Manor Mobile Home Park, adding that the Town had paid the cost of digging the line for the water extension, but has been repaid. He stated that Mr. Kerns still owes money for surveying, engineering, legal fees, sand, and other materials, and added that when everything is paid the Town will turn the water on. Mr. Finch stated that Mr. Kerns installed water meters in 80 homes in the mobile home park. He stated that the Town of Kirkwood, which supplies the water for the southern end of the Town of Conklin, has approved the design of the backflow device. Mr. Finch reiterated that Mr. Kerns is paying all the costs of the water extension, approximately \$7,900.

NEW BUSINESS:

**RESO 2013-1: APPROVE ACCEPTANCE/NYS CWSRF PLANNING GRANT #19376/
“TOWN OF CONKLIN SEWER ENGINEERING STUDY”/\$30,000.00**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the acceptance of New York State CWSRF (Clean Water State Revolving Fund) Planning Grant #19376, “Town of Conklin Sewer Engineering Study,” in the maximum amount of \$30,000.00.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

**RESO 2013-2: DESIGNATE SUPERVISOR JAMES FINCH & TOWN ENGINEER
JOHN MASTRONARDI/AUTHORIZED REPRESENTATIVES/TOWN OF
CONKLIN/NYS CWSRF PLANNING GRANT #19376**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates Town Supervisor James Finch and Town Engineer John Mastronardi as authorized representatives of the Town of Conklin for New York State CWSRF (Clean Water State Revolving Fund) Planning Grant #19376.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Abstain. Motion carried: 3 – Yes, 1 – Abstain.

**RESO 2013-3: AUTHORIZE & OBLIGATE TOWN/REQUIRED LOCAL MATCH OF
FUNDS/CASH AND/OR IN-KIND SERVICES/NYS CWSRF PLANNING GRANT #19376**

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes and obligates the Town of Conklin to provide the required local match of funds, which can include either cash and/or in-kind services, for the New York State CWSRF (Clean Water State Revolving Fund) Planning Grant #19376. Other grants may not be used to provide the required local match of funds for this grant.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

**RESO 2013-4: RATIFY PAYMENT/LAING INDUSTRIES, INC./PARTIAL
PAYMENT/REPAIR/2004 GMC HIGHWAY TRUCK**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5183, account code 2-DA-5130.4.447, in the amount of \$5,000.00 to Laing Industries, Inc., for partial payment for the repair of the 2004 GMC Highway truck, Invoice #21214, Purchase Order #12-02087.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

**RESO 2013-5: RATIFY ACH WIRE PAYMENT/POSTAGE ON CALL/POSTAGE
METER PURCHASE**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the ACH wire payment, account code 3-A-1674.4.400, in the amount of \$1,000.00 to Postage On Call for postage meter purchase on January 3, 2013.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

**RESO 2013-6: RATIFY PAYMENT/THE HARTFORD INSURANCE/4TH QUARTER
DISABILITY INSURANCE PAYMENT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5290, account codes 2-A-9055.8, 2-DA-9055.8, and 2-SW-9055.8, in the amount of \$219.51 to The Hartford Insurance for Fourth Quarter Disability Insurance payment.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

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RESO 2013-7: SET UP COMMITTEES FOR 2013

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets up the following Committee appointments for the year 2013:

Deputy Supervisor	Gary Bullock
Town Hall Castle	Gary Bullock
Town Community Center	Gary Bullock
Senior Citizen Liaison	Charles Francisco
Town-Wide Insurance	Gary Bullock
Residential Flood Insurance	Jerry Minoia
Buildings & Grounds	Gary Bullock
Town-Wide Drainage Districts	Jerry Minoia
Cemeteries	Charles Francisco
Fire Department Liaison	Charles Francisco
Youth Liaison	Charles Francisco
Fill Oversight/Flood Plain	Jerry Minoia
Planning & Zoning	Jerry Minoia

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

**RESO 2013-8: AUTHORIZE PAYMENT/PRE-APPROVED 2012 BILL LIST/
12-27-2012/\$80,369.82**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved Bill List, paid December 27, 2012, in the total amount of \$80,369.82:

General	\$14,186.85
Highway	10,287.20
2011 Flood	810.19
Light Districts	1,855.54
Sewer District	46,446.29
Water District	1,918.38
Water District 6	790.37
Non-Budget	<u>4,075.00</u>
Total	\$80,369.82

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

RESO 2013-9: AUTHORIZE PAYMENT/2012 BILL LIST/\$35,893.68

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2012 Bill List in the total amount of \$35,893.68:

General	\$19,903.86
Highway	11,725.26
Water District	1,199.32
Water District #6	<u>3,065.24</u>
Total	\$35,893.68

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

RESO 2013-10: AUTHORIZE PAYMENT/2013 BILL LIST/\$190,652.04

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2013 Bill List in the total amount of \$190,652.04:

General	\$123,938.51
Highway	36,802.03
Sewer District #1	1,505.00
Sewer District #3	21,742.50
Water District	6,411.00
Water District #6	<u>253.00</u>
Total	\$190,652.04

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

Mr. Finch stated that \$82,000 of the \$123,938.51 spent in the General line is a bond payment for costs associated with the 2006 Flood, and added that the payment on the Volvo truck is included in the \$36,802.03 noted in the Highway budget line.

RESO 2013-11: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET LINES/AS OF 12-31-2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes modification of the stated From and To Budget lines as of December 31, 2012 (see attached).

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

RESO 2013-12: AUTHORIZE APPROPRIATION/UNANTICIPATED REVENUES/AS OF 12-31-2012

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Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenues as of December 31, 2012 (see attached).

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

Mr. Finch commented that the \$20,000 received from WPX Energy was added to the Highway Fund to cover the cost of repair of the culvert on Ross Hill Road.

OFF-LEASH DOG AREA

Mr. Bullock commented that people are utilizing the Town's off-leash dog area even in the cold weather, adding that the access to the area is being maintained and residents seem appreciative of that effort.

FILLING IN FLOOD PLAIN AREA

Mr. Finch stated that Mr. Rusty Luce has indicated that he wants to add more fill dirt near his car wash behind the Sunoco gas station on Conklin Road, adding that he informed Mr. Luce that he cannot do so. Mr. Finch stated that Mr. Luce claims that his property is above the flood plain and is therefore not constricted by flood plain filling laws. Mr. Minoia stated that the Town's "filling laws should be enforced." Mr. Finch stated that Mr. Luce claims his plan is compliant with the New York State SWPPP (Storm Water Pollution Prevention Plan), but added that Mr. Luce's plan is not acceptable to the Town of Conklin Code. Mr. Minoia stated, "When you fill a hole, the water goes elsewhere. There should be a legal limit to filling." Mr. Finch added that everyone pays when the Town experiences flooding because of the loss to the tax base that the flooding creates.

STREET LIGHTS

Mr. Francisco reported that some of the street lights that were not working have been repaired.

LIGHTS AT SCHNURBUSCH PARK

Mr. Finch stated that the cost of electricity to power the lights at Schnurbusch Park increased significantly in 2012, adding that Mr. Delamarter will meet with Youth Commissioner Fran Bealo to discuss the possibility of scheduling more games during daylight hours in order to save money.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:03 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

