

**REGULAR TOWN BOARD MEETING**  
**JANUARY 10, 2012**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 10, 2012, at the Conklin Town Hall. Mr. Finch, Deputy 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
Highway Superintendent	Patrick Latting
Code Officer	Robert Jones
Dog Control Officer	Darlene Weidman
Substitute DCO	Kelly Wildoner
Zoning Board of Appeals	Hal Cole

**GUESTS:**

<b>Country Courier</b>	Elizabeth Einstein
Broome County Legislature	Julie Lewis
	Blanche G. Birtch
	John Colley
	Laurie Francisco
	Dolly Stout
	Peter J. Motsavage

**MINUTES: DECEMBER 27, 2011 REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to approve the December 27, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

**CORRESPONDENCE:**

Deputy Supervisor Finch acknowledged receipt of correspondence regarding flood issues, which he stated were turned over to the Town Attorney. He also acknowledged receipt of reports from the Town Clerk, the Code Officer, the Water and Sewer Superintendent, the Highway Superintendent, and from the Dog Control Officer.

**PUBLIC COMMENTS:**

**WATER ISSUES IN BLUE RIDGE MOBILE HOME PARK**

Blanche Birtch, a resident of the Blue Ridge Mobile Home Park at 215 Montrose Drive and 227 Montrose Drive, spoke about concerns the residents of the mobile home park have regarding the quality of the water in the park. She stated that she has lived in the park since 2008 and since that time there have been problems with the water. Ms. Birtch stated that there was no water at all this past Saturday and Sunday, and when the water service was restored, the water was brown like coffee. She stated that the water is often cloudy and there is often either no water or very low water pressure. Ms. Birtch quoted Section 233 of the Tenants' Rights code as specifying that the tenants of the mobile home park are entitled to basic necessities, such as water, for safety

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and health reasons. She presented a petition signed by 47 residents of the mobile home park, stating that the petition will be presented to Robert Kurens, owner of the mobile home park, and to Mary Ann Burke, manager, asking that the charge for the unusable water be waived and that a new source of water, from either the Town of Conklin or the Town of Kirkwood, be found for the park.

Ms. Birtch asked if a feasible, cost-effective way exists to provide Town of Conklin water to the mobile home park. She stated that there are many senior citizens in the mobile home park who have health issues, as well as a nine-year-old boy with health issues, all of whom are impacted by the poor quality of water. Ms. Birtch stated that the water issues, in addition to creating health hazards, create a fire hazard because “even a small fire cannot be put out without water.”

Deputy Supervisor Finch advised Ms. Birtch to discuss the problems with the owner of the mobile home park, since Blue Ridge Mobile Home Park is not in a Town of Conklin water district. Mr. Finch stated that there is discussion regarding adding Pride Manor Mobile Home Park, also owned by Mr. Kurens, to the Town water district, but no discussion has occurred to date regarding the possibility of adding Blue Ridge Mobile Home Park to the water district. He explained that the Town can set standards for the mobile home parks regarding Building Codes, but not water regulations. Town Attorney Cheryl Sacco stated that New York State outlines specific options for cases such as this: 1) create a new water district; 2) extend a nearby water district, or 3) treat the park as an outside user.

Mr. Finch asked for a copy of the petition and copies of photographs presented by Ms. Birtch showing one of the wells supplying water to the mobile home park being surrounded by flood water during the September 2011 flood. Ms. Birtch stated that she believes the well was contaminated with flood water. Mr. Finch asked if any complaints have been lodged with the Broome County Health Department and Ms. Birtch stated that water reports show some contamination in the water, with a boil water advisory being issued at the park yesterday (January 9, 2012). She stated that an inspection performed in 2011 stated that the September 2011 flood water did not reach as high as the well cap on the well depicted in her photographs.

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Highway Superintendent Patrick Latting reported that his efforts to stay within his department’s budget have been successful through the end of 2011, in spite of the many challenges of the year. Mr. Latting called this success a “joint effort,” and Mr. Finch commented to Mr. Latting, “You and your department are a credit to the Town.”

Mr. Latting reported that there are six sites left to complete of work to be reimbursed by FEMA (Federal Emergency Management Agency). He stated that two of these projects will be completed by the Town Highway Department, adding that the materials for these projects have already been delivered to the Town. Mr. Latting stated that the remaining four projects will be completed by local contractors, adding that he is seeking new estimate costs.

Mr. Latting reported that the clean-up work at Sullivan Park has been completed. He stated that the old shed from the former miniature golf course is in dangerous condition and should be taken down. In response to a question regarding a letter written by Willis Platt in regard to the remnants of the former miniature golf course, Mr. Finch stated that it is the wishing well that Mr. Platt wants to preserve as part of Conklin’s history, rather than the shed. Mr. Latting commented that some of the work awaiting his crews will have to wait until there is frost in the ground so that the equipment doesn’t get stuck in mud.

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Mr. Latting stated that when the DEC (New York State Department of Environmental Conservation) contacted CP Rail about the ongoing drainage problems on Millburn Drive, communication was more successful. However, Mr. Latting added, the problems continue, as the filling of some residents' properties has trapped water on their neighbors' properties. Mr. Latting stated that he feels this issue is "out of the Town's hands," and is a neighbor vs. neighbor problem and/or a problem with CP Rail. Attorney Sacco agreed that residents' filling their properties is making it worse for their neighbors. Mr. Latting stated that, according to CP Rail, the only drainage area is located near George Leatso's property. He added that he has gotten "no feedback from the railroad," adding, "This is out of my hands." Attorney Sacco stated, "This is not a Town-created problem, and there is not a Town fix to it."

Mr. Finch commented that CP Rail had filled the underpass drainage area near Route 7 in the area of Jimay's Flea Market, where Route 7 floods when the water is high, adding that the filling will make the roadway flooding worse.

Attorney Sacco stated that the drainage problems involve a New York State-owned road (Route 7), private property, and railroad property, adding that the railroads are federally regulated. She stated that this means the drainage issues in question are out of the Town's jurisdiction to solve.

Mr. Latting stated that there is a large underground drainage system that runs from Route 7 at Conklin Forks Road to Old Conklin Road in the area of the Leatso/McKinney property line. He added that Mr. Leatso is worried about erosion to this drainage system. Mr. Latting stated that Attorney Sacco researched this issue and found that the drainage system is located on Town of Conklin property, however, the New York State Department of Transportation has the responsibility of maintaining the drainage system.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that his office is working on annual reports, safety and building inspections, and buyout and reconstruction issues. He added that many homes are not being repaired because residents are having difficulties obtaining money from their insurance companies.

Mr. Francisco asked if there is an update regarding the company that is conducting surveying on Terrace Drive and Mr. Jones replied that there is no update, but added that a company from Massachusetts is buying the property in question. He stated that no intent of use has been given to the Town.

Mr. Bullock asked if Mr. Jones will research purchasing two sump pumps for the basement of the Castle. He also asked Mr. Jones to have the lights on the porch and in the parking lot repaired, noting that there are two lights in the parking lot which do not work.

**REPORT: WATER AND SEWER DEPARTMENT**

Refer to written report.

**REPORT: TOWN CLERK**

Refer to written report.

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**REPORT: DOG CONTROL OFFICER**

Refer to written report.

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

**JULIE LEWIS/BROOME COUNTY LEGISLATURE/6<sup>TH</sup> DISTRICT**

Julie Lewis, Broome County Legislator, 6<sup>th</sup> District, reported that the re-districting of Broome County has been completed and approved by the Committee, and will be voted on by the full Legislature next week. She stated that, if the re-districting is approved, she will represent all of the Town of Conklin and the Town of Binghamton.

**OLD BUSINESS:**

**REVISION TO OPEN MEETINGS LAW**

Attorney Sacco explained that New York State recently adopted a revision to the Open Meetings Law which requires that any resolutions or agenda items to be discussed at a public meeting be available at the meeting and, to the extent practicable, on the municipal website prior to the meeting. This law becomes effective February 2, 2012. The Town of Conklin already provides printed agendas for its public meetings and Town Clerk Sherrie Jacobs reported that she posted the agenda for tonight's meeting on the Town's website, so the Town of Conklin is already in compliance. Mr. Finch stated that the Town Clerk did "a great job."

**REDUCED PROPERTY ASSESSMENT FOR FLOOD DAMAGE**

Attorney Sacco explained that New York State recently adopted legislation that would allow municipal assessors to reduce the assessment on property that suffered 50% or more damage by the 2011 Flood by 50% to 100%. She stated that this is similar to legislation that was enacted following the 2006 Flood, with the major difference being that no funding is being provided for the 2011 Flood assessment reduction, so the money would come from the Town's tax base, which has already been estimated in setting the 2012 Budget. The Town would have to pass a resolution opting-in to this program. Attorney Sacco explained that this assessment reduction would only apply to Town taxes – Broome County would have to approve a reduction for County taxes and the Susquehanna Valley School District would have to approve a reduction for school taxes.

Ms. Sacco stated that none of the municipalities served by her law firm have adopted this legislation because they do not have the money to do so. She stated that with the 2% tax cap in place, the money is very tight in all municipalities. Ms. Sacco added that there is no way to judge how this would impact the Town's finances. She added that this reduction would be available for businesses as well as home owners.

Mr. Finch commented that the Town is "still paying for the 2006 Flood," adding that the Town owes \$150,000 that it must pay over the next three years. Attorney Sacco stated that she spoke to Town Assessor John McDonald and he stated that he cannot estimate the magnitude to which the Town's finances would be impacted. In response to a question, Ms. Sacco replied that 25% damage would not qualify for the assessment reduction. Mr. Finch commented that the Assessor will be re-assessing the properties that were damaged so the residents will experience some tax relief in the next tax year. He stated that he feels the Town cannot afford to opt into this program

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and the other Board members agreed with him, so no action will be taken to opt into the assessment reduction program.

**SCHNURBUSCH PARK DRAINAGE/EASEMENTS**

Attorney Sacco stated that she has prepared new temporary easements which must be signed so that drainage mitigation can be completed for Schnurbusch Park.

**WATER DISTRICT 6 & PRIDE MANOR MOBILE HOME PARK**

Attorney Sacco stated that she spoke with Griffiths Engineering regarding adding the Pride Manor Mobile Home Park to Town Water District 6, and the engineering firm has completed the map plan report. The Town Engineers are currently researching backflow issues. The owners of Pride Manor Mobile Home Park will pay any future costs for adding the park to Water District 6. Ms. Sacco stated that a survey is required as part of the process.

**GREEN SPACE ACQUIRED FROM 2006 FLOOD BUYOUT PROGRAM**

Mr. Finch asked Attorney Sacco to research to make sure the Town is not paying taxes on the green space acquired by the Town from the 2006 Flood Buyout Program. He stated that he believes the Town should join the Joint Landowners Coalition of New York and research whether the Town can allow drilling for natural gas on these green spaces. He added that there may be some restrictions from FEMA regarding this drilling. It was decided that Mr. Finch will be the Town's representative to the Joint Landowners Coalition.

**NEW BUSINESS:**

**ASSOCIATION OF TOWNS MEETING/NEW YORK CITY**

Mr. Finch stated that he does not feel the Town can afford to send him to the Association of Towns meeting scheduled for February 19-22, 2012, in New York City, and therefore does not wish to attend this conference. Since attendance at this conference had not yet been approved, no action is needed.

**RESO 2012-1: RATIFY APPROVAL/DEPUTY SUPERVISOR/ENTER  
CONTRACT/MEGA/HESS CORPORATION TO SUPPLY GAS TO TOWN/  
2-1-2012 TO 1-31-2014**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies approval of the Deputy Supervisor to enter a contract with MEGA (Municipal Energy and Gas Alliance) to allow the Hess Corporation to supply gas energy to the Town of Conklin for the period from February 1, 2012, through January 31, 2014.

Seconded by Mr. Minoia.

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

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**RESO 2012-2: APPROVE RECLASSIFICATION/SCADATEK INVOICE**  
**#2182/PURCHASE ORDER #11-01438/FROM 1-SS1-8130-4-401 TO 1-SW-8320-4-401**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the reclassification of Scadatek Invoice #2182, Purchase Order #11-01438, in the amount of \$12,335.00 from 1-SS1-8130-4-401 to 1-SW-8320-4-401. This is a reclassification of software from the Sewer Budget line to the Water Budget line.

Seconded by Mr. Francisco.

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

**RESO 2012-3: DESIGNATE FOLLOWING TUESDAYS OF EACH MONTH/TOWN**  
**BOARD MEETING NIGHTS TO BE HELD AT 7:00 P.M. AND WORK SESSION TO BE**  
**HELD AT 5:30 P.M./IN TOWN HALL**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates the following Tuesdays of each month as Town Board Meeting nights to be held at 7:00 P.M. and Work Session to be held at 5:30 P.M. in the Conklin Town Hall:

Second Tuesday – Regular Town Board Meeting  
Fourth Tuesday – Work Session

Seconded by Mr. Francisco.

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

**RESO 2012-4: SET FOLLOWING COMMITTEES/2012**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets the following Committees for the year 2012:

Town Hall Castle Side	Charles Francisco
Senior Citizen Liaison	Charles Francisco
Insurance	Charles Francisco & Gary Bullock
Parks & Pool	Jim Finch
Cemeteries	Jerry Minoia
Fire Dept. Liaison	Charles Francisco
Youth Liaison	Gary Bullock
Buildings & Grounds	Gary Bullock
Planning & Zoning	Jerry Minoia
Highway Liaison	Jim Finch
Drainage Districts	Jerry Minoia

Seconded by Mr. Francisco.

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

**RESO 2012-5: AUTHORIZE PAYMENT/2011 BILL LIST/\$29,627.02**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2011 Bill List in the total amount of \$29,627.02:

General	\$12,940.07
Highway	2,963.16
2011 Flood	10,595.00
Water District	197.56
Water District 6	<u>2,931.23</u>
<b>Total</b>	<b>\$29,627.02</b>

Seconded by Mr. Francisco.

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

**RESO 2012-6: AUTHORIZE PAYMENT/2012 BILL LIST/\$187,643.68**

Mr. Francisco moved for the following resolution:

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 \$187,643.68:

General	\$121,403.65
Highway	36,615.03
Sewer District #1	850.00
Sewer District #3	22,395.00
Water District	6,127.00
Water District #6	<u>253.00</u>
<b>Total</b>	<b>\$187,643.68</b>

Seconded by Mr. Bullock.

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

**UPDATE ON FLOOD BUYOUT PROGRAM**

Mr. Minoia asked if there is an update available on the Flood Buyout Program for the September 2011 Flood. Attorney Sacco stated that a Buyout Program will be offered, with FEMA paying 75% of the agreed-upon price. Neither the State nor the Town is paying for any part of the remaining 25%. Ms. Sacco stated that the Letter of Intent for FEMA is being written by Griffiths Engineering and is due by February 29, 2012, adding that the process is “well underway.” Letters of intent to the Town must be signed by residents by January 31, 2012. An advertisement will appear in this week’s edition of the **Country Courier** advising residents about the Buyout Program. The Town Board recommended that Town Clerk Sherrie Jacobs send this information to all of the media outlets as a news release. Assistant to the Supervisor

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Lisa Houston commented that an information session for the public was held after the 2006 Flood.

**CONFLICT OF INTEREST DISCLOSURE**

Mr. Francisco disclosed a conflict of interest regarding his signature on certain vouchers. He explained that in 2006 a new electrical service for the Community Center was purchased in connection with the Town Fair. This electrical service was damaged in the September 2011 Flood. Mr. Francisco stated that Parks Superintendent Tom Delamarter had sought his advice regarding replacement of the electrical service. Mr. Delamarter also obtained three bids for the replacement of the electrical service. Mr. Francisco's employer, Dunn Electric, holds the Broome County contract for electrical service supply and also was the low bidder for the Community Center project. This means that, even though FEMA will reimburse the Town for the cost of the electrical service replacement, Mr. Francisco must recuse himself from signing vouchers for Dunn Electric, since that is his employer.

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

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk