

**WORK SESSION**  
**JANUARY 24, 2012**

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on January 24, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Town Justice	J. Marshall Ayres
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
	Zoning Board of Appeals	Dell Boyle
	Town Engineer	John Mastronardi
<b>GUESTS:</b>	<b>Country Courier</b>	Linnea Ransom
	Roberts' Stone	Joe Roberts
	Keystone Associates	Ronald Cobb
		Mario Masciarelli
		Joseph Bartosik
		Dolly Stout
		Tom Kelly
		John Colley

**ROBERTS' STONE QUARRY**

Deputy Supervisor Finch started the discussion by stating that he had met with Mr. Joe Roberts, owner of Roberts' Stone Quarry, Mr. Minoia, and Code Officer Robert Jones at a previous date, and had asked Mr. Roberts to come to the Work Session to discuss his permit application for his bluestone mining operation. Mr. Roberts had purchased the quarry on State Line Road from Lawrence Gregory. Mr. Roberts' engineer, Ronald Cobb of Keystone Associates, was also present for the discussion.

Mr. Roberts stated that the large DEC (New York State Department of Environmental Conservation) permit for which he is applying will allow his quarry to process crusher run stone. He stated that his business will assume responsibility for any road damage that occurs as a result of his mining operation, adding that his company will bond for road repair when the crushing operation begins. Highway Superintendent Patrick Latting asked what volume of traffic Mr. Roberts anticipates will be traveling over State Line Road and Mr. Roberts replied that he expects two tri-axles per week will be traveling on the road. Mr. Latting asked when the anticipated time frame for starting this operation will be and Mr. Roberts replied that it will be later this spring. Mr. Finch stated that a Public Hearing must be held regarding the permit.

Mr. Roberts explained that retention ponds will be built to catch the wastewater and runoff from the big saws used to cut the stone. He stated that the catch ponds will be built to ensure that there are no leaks, adding that the sludge will be dried in a second pond and then sold. Fences will be built around the ponds to ensure public safety. Mr. Roberts stated that his company will blacktop the roads running from the gates to the retention ponds, to cut down on the dust that

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will be raised by the truck traffic. He stated that one pond will be near State Line Road, surrounded by a high fence.

Town Engineer John Mastronardi of Griffiths Engineering asked if the overall disturbance of the land will increase and Mr. Cobb stated that it will increase, with 64 acres total being disturbed. Mr. Cobb stated that there will be a 100 foot buffer from all wells.

Mr. Finch stated that the quarry had been “an eyesore” under the old operation, which he stated Mr. Roberts will correct as he begins his stone crushing operation. Mr. Mastronardi asked if the DEC-required wheel washing will take place on the property and Mr. Roberts replied that he has not yet applied to the DEC for the mining permit and therefore has not worked out all of the details.

Mr. Mastronardi asked about the bonding for road repair and asked if an assessment should be made to determine baseline condition of the roads in question. Mr. Finch replied that Griffiths Engineering had completed a road study in the recent past. Mr. Latting agreed, adding that he believes State Line Road was one of the roads from which core samples were taken.

Town Attorney Cheryl Sacco stated that a SWPPP (Stormwater Pollution Prevention Plan) would be required, as well as a Form 239 submitted to the Broome County Planning Department. She added that the County will require 30 days to examine the Form 239. Ms. Sacco reiterated that a Public Hearing would also be required. Ms. Sacco stated that a Long-Form SEQRA (State Environmental Quality Review Act) statement would be required. Mr. Finch stated that the Town would be Lead Agency for purposes of SEQRA, and Ms. Sacco replied that she is not sure the DEC will allow the Town to be Lead Agency. She stated that the Town Code states that the Town can approve a Special Permit for mining before the DEC permit has been obtained. Ms. Sacco added that the DEC will require a full application, including the SEQRA review. Broome County also requires the full application with the Form 239. Ms. Sacco stated that the Town’s responsibility in matters of mining permit applications is explained in Local Law 1 of 2003, in Section 140-95 of the Town of Conklin Code. Mr. Finch stated that he believes this law was enacted to require Mr. Gregory, the former owner, to obtain a permit and so exercise some control over the conditions of the mining operation. Ms. Sacco informed Mr. Roberts that he needs to provide a book and map of his mining plan to all of the Town Board members, the Code Officer, the Town Clerk, Griffiths Engineering, Broome County Planning Department, and two copies to her office. Attorney Sacco stated that the Town Board will need a resolution at the February 14 meeting to set a Public Hearing for the February 28 meeting, which she stated should be set as a Regular Meeting, as opposed to a Work Session.

Mr. Latting asked if the stone mining operation would utilize any other roads besides State Line Road, perhaps Ross Hill Road, Banta Road, or Farnham Road. Mr. Roberts replied that his operation will only use Brady Hill Road to Conklin Forks Road, and State Line Road to the Pennsylvania border. Mr. Mastronardi stated that he will review the SWPPP.

**WATER DISTRICTS/PRIDE MANOR, STILLWATER ROAD & PROGRESS**  
**PARKWAY**

The discussion regarding water supply began with Pride Manor Mobile Home Park. The new owner of the mobile home park would like to hook up the park to water coming from the Town of Kirkwood, which travels across the river in a 10 inch main. The new owner has stated that he will do “whatever is needed” to get water for the mobile home park. He will construct a cinder block building in which to put the water meter. Mr. Finch commented that 80 additional trailers

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will potentially be added to the water district and asked how the Town could compensate the existing members of the water district for money they have been paying on the bond for the district for the past twelve years. Attorney Sacco explained that Pride Manor Mobile Home Park would be considered an outside user to the water district. She stated that formerly, the Town of Kirkwood had not allowed outside users to the water district, but the current agreement between the Town of Conklin and the Town of Kirkwood has expired, and the Town of Kirkwood now will approve outside users as long as Griffiths Engineering addresses any backflow issues. Ms. Sacco stated that this means that the owner of the mobile home park is not on the bond. She reiterated that there are currently no outside users in the agreement with the Town of Kirkwood.

John Mastronardi stated that he spoke with Tony Mastroangelo from the Broome County Health Department and was informed that a backflow preventer has already been installed in the main on the Town of Kirkwood side. He suggested that another backflow preventer could be installed to prevent the “brown water” from Pride Manor Mobile Home Park from entering water to Stillwater Road or to Fountain Bleau Mobile Home Park. Mr. Mario Masciarelli, owner of the Fountain Bleau Mobile Home Park, stated that a backflow preventer is a necessity, and Water and Sewer Superintendent Tom Delamarter agreed.

Mr. Masciarelli stated that he has been paying the majority of the cost of the bond for the water district for the past twelve years. Ms. Sacco replied that the cost of the bond was to cover the cost of construction of the infrastructure for the water district, adding that outside users must pay for their own infrastructure, at a cost higher than the current members of the water district. Mr. Mastronardi commented that the owner of Pride Manor Mobile Home Park should provide data on both fire flow and domestic flow. Mr. Finch stated that the owner will provide this data, as well as pay for all fees – legal, engineering, etc. – incurred so far for this project.

Mr. Finch explained that the water main is reduced from ten inches to two inches where Fountain Bleau Mobile Home Park connects. He added that Mr. Mastronardi, Mr. Masciarelli, and the new owner of Pride Manor Mobile Home Park should meet to discuss where to connect the mobile home park to the current water supply. Ms. Sacco commented that the Town needs to protect all parties involved – the Town of Kirkwood, Stillwater Road residents, and both mobile home parks.

Mr. Masciarelli stated that he is upset because “no one else wanted to join (the water district) twelve years ago.” He stated that he feels the new owner of Pride Manor Mobile Home Park should pay part of the bond. Attorney Sacco will research this possibility.

Mr. Finch stated that 20 or 30 more residents of Stillwater Road want to tie into the water district and asked if this would be an extension of Water District 6 or a new Water District. Ms. Sacco stated that they could be outside users, adding that the Town is “starting from the ground up with outside user agreements.”

Mr. Finch stated that a property owner on Progress Parkway wants the water and sewer extended and his property rezoned from Residential to Residential/Commercial. The property owner will have to appear before the Zoning Board of Appeals with the rezoning request. Mr. Giammarino, who also owns property on Progress Parkway, would also like the water and sewer extended. Attorney Sacco stated that the same three options apply to sewer districts as apply to water districts: create a new district; extend the current district; or treat the new users as outside users to the current district. Mr. Finch stated that he is researching grants to help with the expansion of the water and sewer systems. Mr. Delamarter stated that the Water District ends near Mity Forms on Progress Parkway.

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**BOARD OF ASSESSMENT REVIEW**

Mr. Finch stated that Paul Preston has resigned his position as a member of the Board of Assessment Review for the Town. He added that Town Assessor John McDonald recommends that Harold Cole, a member of the Zoning Board of Appeals, be appoint to take Mr. Preston's position on the Board of Assessment Review. This issue will be on the agenda for the February 14 meeting.

**FEMA REPORT/CODE DEPARTMENT**

Code Officer Robert Jones reported that his office has received to date 56 Letters of Intent for the FEMA (Federal Emergency Management Agency) Buyout Program. He added that he has been gathering data and estimating the damage done to homes in the Town. Mr. Jones stated that he has made sure residents understand that FEMA will pay 75% of the Buyout but there is no other money available for the remaining 25%. Mr. Jones provided a list by street of the number of homes on the potential Buyout list. Ms. Sacco requested that Mr. Jones keep her and Griffiths Engineering updated as any more Letters of Intent are received. Mr. Finch requested that the list be arranged by street names, so that the Board could see where the pockets of houses may be demolished if the Buyout offer is accepted.

Mr. Minoia asked if all of the Letters of Intent are for structures and Mr. Jones replied that of the 56, two are for vacant land, and two are for businesses, adding that he has been informed that all of these could qualify for the Buyout Program. Mr. Mastronardi stated that he inquired to SEMO (State Emergency Management Office) as to whether commercial property and/or vacant land would qualify and was told that SEMO will consider all of these on a case by case basis.

Mr. Minoia commented that the Town will lose even more of its tax base. Mr. Finch commented that he found out that the Town can collect surface rights and royalties, if natural gas drilling is permitted in New York State. Mr. Minoia stated that the area near Julius Rogers Park, which is in a sewer district and is therefore bonded for the district, is losing money.

Mr. Bullock asked who approves applications for the Buyout Program and Mr. Finch replied that FEMA approves or denies the applications, although the Town of Conklin prioritizes the applications. Mr. Mastronardi explained that the Town's Letter of Intent must be sent to SEMO by February 29, 2012, and SEMO then sends it to FEMA. Once FEMA approves a Buyout Program for the Town, the prioritized list of individual properties is sent to FEMA. Mr. Jones stated that he has set a deadline of January 31 by which residents' Letters of Intent need to be signed and returned to his office.

In a different area of Code Department business, Mr. Jones reported that the Planning Board has one case for its meeting on January 30. The owner of the former Keesler's Garage would like to add a used car sales lot to his detailing business at that site. Mr. Finch commented that this might constitute two businesses on one site and would therefore need to go to the Zoning Board of Appeals for a variance.

Mr. Finch commented that the property owner on Progress Parkway who wants his property rezoned has 24 acres. Ms. Sacco stated that the Town Board could start this process but it would then need to go before the Zoning Board of Appeals.

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**LEGAL FEES**

Mr. Finch stated that the Town has received three Notices of Claim in the lawsuit filed by Attorney Ronald Benjamin. He added that NYMIR (New York Municipal Insurance Reciprocal), the Town's insurance carrier, has denied all three claims and will hire and pay for a separate attorney to defend the Town in the lawsuit (as opposed to Town Attorney Cheryl Sacco). Ms. Sacco stated that the only way a municipality can recoup legal fees is by statute or through a legally-binding contract.

**INVENTORY REPORT**

Assistant to the Supervisor Lisa Houston gave a presentation regarding the Inventory Report and the GASB 34 software program. She explained that, "per NYS accounting standards, Municipal Consultants, 'GASB 34 requires that fixed asset records must be maintained in a complete, accurate, and detailed manner and that governments report all capital assets with the consideration of depreciation, including infrastructure assets and historical treasure.'" Ms. Houston went on to state that the 2010 Audit found "a difference of the recorded Fixed Asset between the Town's K Fund and the Industrial Appraisal Report."

Ms. Houston explained that the Town could purchase an Internal Inventory software program, for \$1,000 and \$250 annual maintenance fees, which would number each fixed asset and list its cost and depreciation. She further explained that the Town could spend \$5,000 every two or eight years and have the Town's fixed assets inventoried or the Town could purchase the initial Internal Inventory software, conduct an annual inventory update "in house" utilizing Town employees, and then e-mail the updates to Industrial Appraisal and have them create the report from the submitted data. Ms. Houston explained that this means each department in the Town would conduct a physical inventory of fixed assets each year, utilizing whichever time of the year had the lowest volume of work. Department heads would be responsible for adding or removing items from the inventory and for tagging items, and would then be responsible for submitting a written report of the changes. The Town Board would oversee the accountability for these annual inventories.

Mr. Minoia asked if the New York State Comptroller's office requires that items be tagged and Ms. Houston replied that although school districts are required to tag each of their fixed assets, municipalities are not required to do so.

The Town Board was in favor of this idea, noting that an annual inventory tracking fixed assets will aid in knowing what items should be in the Town's possession and which could be taken off the inventory list and recycled, such as out-of-date and non-functional office equipment. Mr. Finch asked the department heads to discuss this plan with Ms. Houston, who will then bring their input back to the Town Board.

Ms. Houston stated that the insurance list and the inventory list do not match, which creates a problem when the Town is audited. Water and Sewer and Parks Superintendent Tom Delamarter stated that often when he gives corrections to the insurance company instructing them to remove items which the Town no longer owns, such as those lost in the 2006 Flood, the changes are not made as requested. He stated that this must change and the insurance company must update its records as requested by the Town.

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**POLICY & BENEFITS STANDARDS**

Ms. Houston will make copies of the Town Policy & Benefits Standards for the Town Board members to review, with the intention of revising the Standards at a future meeting.

**FLOYD MAINES COMMUNITY CENTER**

Mr. Finch distributed data illustrating the cost to the Town of operating the Floyd Maines Community Center, adding that it cost the Town \$10,000 in 2010 and \$18,000 in 2011. In order to save the Town money, Mr. Finch proposed closing the Community Center from October 15 until April 15, so that the Center would not have to be heated during those months. Mr. Francisco commented that the Center would still need to be heated to prevent pipes breaking. Mr. Finch replied that you could keep the heat at a minimum and shut the water off at the floor.

Mr. Finch commented that there is no Ansul system for fire suppression in place for the stove and no fire alarm system. He stated that the repairs to the Community Center will be expensive, adding that much of the cost is covered by the Town's flood insurance and FEMA. Mr. Finch added that the Town could possibly lose at least 56 more properties from its tax base, if all of the current Buyout applications are accepted, and the Town cannot afford the cost of operating the Community Center. Suggestions for increasing revenue for the rental of the Community Center, to help offset expenses, included advertising its availability and adjusting the rental fees, and perhaps charging the organizations that routinely use the building free of charge for their meetings and events.

**SALARY ADJUSTMENTS**

Attorney Sacco stated that the Town Board minutes from the October 25, 2011 Town Board meeting indicate that all Town employees, excluding the Town Board, Planning Board, and Zoning Board of Appeals, were to be given either a 3% or \$.50 per hour increase in salary in 2012. Town Justice J. Marshall Ayres did not receive an increase in his salary, which was an oversight. The Town Board plans to enact a resolution at the February 14 Town Board meeting to correct this oversight and to adjust Judge Ayres' salary accordingly.

Ms. Sacco stated that the 2012 Budget does not include a separate Budget line for the position of Deputy Supervisor, and Mr. Finch's salary as Councilman cannot exceed what was set in the Budget, even though he is currently working five hours per day without any monetary compensation. She explained that the Town can, however, fund the position of Deputy Supervisor by creating a separate line to give Mr. Finch additional monies to compensate for his increased hours. The Town Board will discuss this further at the February 14 meeting.

**SUMP PUMPS IN CASTLE BASEMENT**

Mr. Francisco asked if sump pumps have yet been purchased for the basement of the Castle. Code Officer Robert Jones replied that it will cost \$600 to purchase two sump pumps for the basement of the Castle, adding that he will dig the holes and have the pumps wired. Mr. Francisco asked if this improvement will lower the Town's flood insurance premiums but the other Town Board members felt that it would not lower the premiums, as the sump pumps will not guarantee that the basement will not flood again.

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**SHARED SERVICES**

The Towns of Conklin and Binghamton had been in discussion regarding the possibility of the Town of Conklin Court assuming the workload of the Town of Binghamton Court following the retirement of Town of Binghamton Justice Garry Verhoeven and Court Clerk Mary Ann Verhoeven, but the Town of Binghamton appointed a new Justice, who intends to run for office in the November 2012 Election. There will continue to be reciprocity between the two Courts, however.

Mr. Finch stated that he is meeting with Town of Binghamton Supervisor Tim Whitesell at 2:00 P.M. on January 26, 2012, to discuss Joint Dog Control for the Towns of Conklin and Binghamton.

**PAINING EXTERIOR OF CASTLE**

Mr. Francisco asked about painting the exterior of the Castle, which is listed on the Federal and State Registry of Historic Buildings. Mr. Jones replied that he obtained an estimate of \$50,000 to paint the exterior of the Castle and Mr. Finch commented that the Town cannot even consider spending that amount of money. Mr. Bullock commented that it is required in the conditions of transfer in the deed to the Castle that the building be maintained in good condition.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 6:45 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk