

**REGULAR TOWN BOARD MEETING**  
**JANUARY 25, 2011**

**EXECUTIVE SESSION/PERSONNEL ISSUE**

**PRESENT:**           Town Board Members           Bullock, Minoia, Francisco, Finch, Preston  
                  Town Counsel                   Cheryl Sacco

Supervisor Preston called an Executive Session of the Town Board of the Town of Conklin at 6:30 P.M. to discuss a personnel issue.

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 6:30 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Cheryl Sacco. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers law section 100 of the State of New York regarding the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.

After this discussion, Mr. Finch moved to close the Executive Session at 6:41 P.M., seconded by Mr. Francisco.

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

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**REGULAR TOWN BOARD MEETING**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 25, 2011. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

**PRESENT:**           Town Board Members           Bullock, Minoia, Francisco, Finch, Preston  
                  Town Counsel                   Cheryl Sacco  
                  Town Clerk                     Sherrie L. Jacobs  
                  Assistant to Supervisor       Lisa Houston  
                  Code Officer                    Robert Jones  
                  Dog Control Officer          Darlene Weidman  
                  Zoning Board of Appeals      Norman Pritchard

**GUESTS:**           **Country Courier**               Elizabeth Einstein  
  Joe Bartosik  
  John Colley  
  Dolly Stout  
  Laurie Francisco  
  George Frailey  
  Bonnie Tolomei  
  Angelo Tolomei  
  Peter J. Motsavage  
  Catherine Beach Snyder

**MINUTES: JANUARY 11, 2011 REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to approve the January 11, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Finch.

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

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**CORRESPONDENCE:**

Supervisor Preston acknowledged receipt of correspondence from Theresa Rickard, Treasurer, CPC Entertainment/Players Club, regarding application for renewal of the on premise liquor license.

**ABC APPLICATION/CPC ENTERTAINMENT/PLAYERS CLUB/NO OPPOSITION**  
**LIQUOR LICENSE**

Supervisor Preston acknowledged receipt of correspondence from Theresa Rickard, Treasurer of CPC Entertainment/Players Club, applying for renewal of the on premise liquor license to serve alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

**PUBLIC COMMENTS:**

**QUICKWAY GAS STATION/CORBETTSVILLE**

Mrs. Bonnie Tolomei of Corbettsville asked what is being done with the former Quickway gas station in Corbettsville, which has been vacant for quite a while. Code Officer Robert Jones explained that Mirabito Energy Products owns the building in question and has been using the underground tanks for oil storage. He added that the company has been cleaning up the building to use it for storage also and noted that the windows were covered to prevent break-ins. Mr. Jones stated that the pile of dirt on the site will be moved in the spring.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**RESO 2011-25: APPOINT RENEE HAUSS/SCHOOL CROSSING GUARD/AND**  
**APPOINT SHARON PLATT/SUBSTITUTE SCHOOL CROSSING**  
**GUARD/EFFECTIVE JANUARY 25, 2011**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Renee Hauss to the position of School Crossing Guard and appoints Sharon Platt to the position of Substitute School Crossing Guard, both effective January 25, 2011.

Seconded by Mr. Finch.

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

**RESO 2011-26: APPOINT DELL BOYLE/PLANNING BOARD/FIVE YEAR**  
**TERM/2011-2015/AND NAME JAMES HAUSS CHAIRPERSON/PLANNING**  
**BOARD/EFFECTIVE JANUARY 25, 2011**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Dell Boyle as a member of the Town of Conklin Planning Board for a five year term, January 25, 2011, to December 31, 2015, and names James Hauss as Chairperson of the Town of Conklin Planning Board, both effective January 25, 2011.

Seconded by Mr. Minoia.

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

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**PUBLIC HEARING**  
**REGARDING ORDER FOR REMOVAL OF UNSAFE STRUCTURE/986 CONKLIN**  
**ROAD/MEMMO**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:05 P.M. and asked those present to speak either for, or in opposition to, the Order for Removal of Unsafe Structure located at 986 Conklin Road, owned by Thomas Memmo, Jr., Matthew Memmo, Allison Memmo, and SPI a/k/a Strategic Planning Institute Corporation.

Supervisor Preston explained that there is no structure left on this property, but the debris left by the demolition of the structure. She noted that Code Officer Robert Jones had submitted a memo stating that he inspected the property the day of the Public Hearing and no progress has been made. Town Clerk Sherrie Jacobs read the following letter from Mr. Memmo into the minutes:

“Sherrie Jacobs  
Town of Conklin

January 24, 2011

Sherrie:

I am assisting my seventy seven year old father in completing the task of demolishing and removing the debris at 986 Conklin Rd. Unfortunately do to the weather forecast, which will have a significant impact on the three hour drive to Conklin, we will be unable to attend the meeting scheduled for January 25, 2011. This letter serves as a formal request to reschedule the public hearing.

Our family worked together and demolished the home and was in the process of disposing of the debris. During the disposal process we ran into considerable delays and increased costs, which were beyond our control.

Unfortunately by the time we were able to mobilize and complete the task the weather had changed. Trying to complete this work in the current conditions would be very difficult.

It is our intention to complete the work once the weather breaks. We ask that the Town of Conklin would revisit this issue in the spring.

Thank You

Thomas Memmo”

Supervisor Preston read the following letter from Mr. Memmo into the minutes:

“Mr. Thomas Memmo  
Re: 986 Conklin Rd.  
Conklin, NY 13748  
607 724 2002  
607 5423934  
CONKLINFILE S @GMAIL. COM

**REGULAR TOWN BOARD MEETING**  
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Monday, January 24, 2011

Ms. Preston  
Town Supervisor  
Conklin Town Council  
Conklin, NY 13748

Dear Ms. Preston:

We enjoyed living Conklin! We still have fond memories of living there. We fondly remember the way neighbors rallied to help neighbor in the 2006 flood. Therefore, hopefully, you can appreciate our sincere desire and wish to cooperate with the town requirements to keep the town blight free! Yet, we hope the town can appreciate that the existing situation is the result of the 2006 flood and not intentional on our part. Kindly excuse what may not seem like a sufficiently speedy response. Our response is due to our age (71 and 77) our energy level, our health, and our reliance on other younger family members, owners, to complete the clean up. That did not happen for a number of reasons. Yet, in spite of many difficulties, we have worked out a series of solutions that will clean up the property to the satisfaction of the town in a manner designed to mitigate costs to our family. May I point out that the issue is not funds, it is a matter of balancing the just needs of all parties.

It has been pointed out by contractors we have spoken to that the cost of attempting clean up at this time of year (given temperatures (it was -4 this AM) with significant snow cover) would result in exorbitant costs and, perhaps, an impossible clean up task. Therefore, we request that the Town of Conklin, reschedule any hearing and decision to the Town's March 22 meeting. At that time a specific date will be set for the clean up by the contractor engaged by us.

Many thanks for your fair consideration of this request.

Respectfully,  
Thomas Memmo"

Supervisor Preston stated that Mr. Memmo also left a voicemail at State Senator Thomas Libous' office stating that he wishes to use the property in question to help homeless veterans, adding something about a "payoff of contractors." Supervisor Preston stated that one of the problems with the disposal of the debris is the fact that it contains asbestos. She stated that at the January 11, 2011 Town Board meeting, the Board was told that the property was to be sold and would be cleaned up by December 31, 2010, noting that this arrangement "fell through" and the clean-up did not occur. Stating that no progress has been made in the past two weeks since the last Board meeting, Supervisor Preston stated that the Board can either hold open the Public Hearing until the next Town Board meeting on February 8, or it can choose to move forward with the Order for Removal of the debris, in which case the Town will pay the initial cost of clean-up and add the charge to the taxes on the property. There were no public comments regarding this property.

Mr. Bullock stated that he saw an advertisement in the **PennySaver** offering to give away the property, if the new owner would "clean it up for the Town." Mr. Finch commented that Mr. Memmo can remove the asbestos himself, and Supervisor Preston stated that the Broome County Landfill requires testing of asbestos by a professional company, such as Link Environmental, as the asbestos requires special handling in the Landfill and there is an extra charge associated with that. Mr. Minoia commented that Mr. Memmo "should have cleaned it up when he had the dumpster." Supervisor Preston commented that the Town "has been lenient with the time allowed."

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**PUBLIC HEARING**  
**REGARDING ORDER OF REMOVAL OF UNSAFE STRUCTURE/11 CLEARVIEW**  
**AVENUE/CARLO**

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**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:10 P.M. and asked those present to speak either for, or in opposition to, the Order for Removal of Unsafe Structure located at 11 Clearview Avenue, owned by Joseph V. Carlo, Jr. and Jennifer A. Emerick f/k/a Jennifer A. Carlo.

Supervisor Preston stated that progress is being made at this site, noting that the property owners obtained a demolition permit from Code Officer Jones and have brought in a dumpster to the site. Mr. Jones stated that the structure is demolished as of today (January 25) and the property owners are filling in the basement. Mr. Bullock suggested that the Board let this process continue as it is, since progress is being made on the clean-up of the property.

**RESO 2011-27: HOLD OVER PUBLIC HEARING/11 CLEARVIEW AVENUE/CARLO/UNTIL FEBRUARY 22, 2011 TOWN BOARD MEETING**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin holds over the Public Hearing regarding the Order of Removal of Unsafe Structure located at 11 Clearview Avenue, owned by Joseph V. Carlo, Jr. and Jennifer A. Emerick f/k/a Jennifer A. Carlo, until the February 22, 2011 Town Board meeting.

Seconded by Mr. Francisco.

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



**PUBLIC HEARING**  
**REGARDING ORDER OF REMOVAL OF UNSAFE STRUCTURE/66-68 STILLWATER ROAD/BEACH**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:15 P.M. and asked those present to speak either for, or in opposition to, the Order for Removal of Unsafe Structure located at 66-68 Stillwater Road, owned by Catherine Beach Snyder, Michael A. Beach, Donald Arthur Beach, and David Martin Beach.

Supervisor Preston noted that Catherine Beach Snyder is present at this Public Hearing. The Supervisor noted that not much progress has been made on the clean-up of the property in question.

Catherine Beach Snyder addressed the Town Board, stating that Mr. Doug Nelson had agreed to clean up the debris. She stated that her family was working on the clean-up during the summer of 2009, burning some of the debris, when the fire “got out of hand,” resulting in the police warning the young people in her family to stay off the land. Ms. Snyder stated that the structure has been taken down by Mr. Nelson, with a pile of wood resulting. She stated that Code Officer Jones suggested that she burn this wood, but the young people in her family are afraid to do so because they might be in trouble with the police. Code Officer Jones stated that there is 20% of the structure left, along with the fireplace structure and a basement which needs to be filled in. He stated that the property owners cannot burn the debris unless the Conklin Volunteer Fire Department oversees the burn. Mr. Jones added that a dumpster is needed because “there is a lot of debris.”

Supervisor Preston explained to Ms. Snyder that, as a property owner, she has a liability on this property, in the event someone should get hurt because the debris is not cleaned up. Mr. Finch asked Ms. Snyder if she can afford to bring in a dumpster. Ms. Snyder stated that Mr. Nelson told her it would cost approximately \$1,000 to bring in a dumpster and added that she cannot

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afford this cost. Ms. Snyder stated that Mr. Nelson “needs more time” to complete the clean-up. Mr. Jones added that there are still plumbing fixtures on the site. Supervisor Preston reiterated that the property owners cannot burn the debris. Ms. Snyder stated that she and her brothers want to sell the property. Mr. Finch stated that there will be a lien against the property if the Town has to pay the cost of cleaning up the site.

Ms. Snyder stated that she has three siblings, one in Greene, New York, and two in Florida, leaving her as the one responsible for maintenance of the property, since she lives in Conklin. Mr. Minoia stated that she could transport the wood and other debris to the recycling center on Broad Avenue in Binghamton, or that Bert Adams Disposal would pick it up. Mr. Bullock suggested that Ms. Snyder call the Conklin Volunteer Fire Department to burn the wooden debris. Mr. Finch stated that the chimney could be pushed into the foundation to help fill that in, noting that backhoes can run in the cold weather this area has been experiencing this winter. Supervisor Preston stated that the property must be cleaned up by the March 8, 2011 Town Board meeting, noting that there will be “no more chances” after that date.

**RESO 2011-28: HOLD OVER PUBLIC HEARING/66-68 STILLWATER ROAD/BEACH/UNTIL MARCH 8, 2011 TOWN BOARD MEETING**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin holds over the Public Hearing regarding the Order for Removal of Unsafe Structure located at 66-68 Stillwater Road, owned by Catherine Beach Snyder, Michael A. Beach, Donald Arthur Beach, and David Martin Beach, until the March 8, 2011 Town Board meeting, at which date complete demolition and clean-up of the property must be accomplished.

Seconded by Mr. Francisco.

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

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**PUBLIC HEARING (CONT.)/**  
**986 CONKLIN ROAD/MEMMO**

Returning to the Public Hearing concerning the Order of Removal of Unsafe Structure located at 986 Conklin Road, Mr. Bullock stated that he believes the Town should move forward with the clean-up of the property and add the cost of the clean-up to the taxes on the property.

There being no further public comments or questions, Supervisor Preston declared the Public Hearing closed at 7:30 P.M.

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**SEQR (STATE ENVIRONMENTAL QUALITY REVIEW)/986 CONKLIN ROAD**

Attorney Cheryl Sacco guided the Town Board through the SEQR (State Environmental Quality Review) process for the demolition and clean-up of 986 Conklin Road. She asked, “Does the Action exceed any Type 1 threshold in 6 NYCRR, Part 617.4?” The Town Board answered, “No.” “Will the Action receive coordinated review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?” “No.” “Could the Action result in any adverse effects associated with the following: Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage, or flooding problems; aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character; vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species; a community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources; growth, subsequent development, or related activities likely to be induced by the proposed action; long term, short term, cumulative, or other effects not identified in C1-C5; other impacts (including changes in use of either quantity or type of energy)?” To each of these, the Board

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answered, “No.” “Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?” “No.” “Is there, or is there likely to be, controversy related to potential adverse environmental impacts?” “No.”

**RESO 2011-29: ACCEPT NEGATIVE DECLARATION/NO ADVERSE ENVIRONMENTAL IMPACT/REMOVAL OF UNSAFE STRUCTURE/986 CONKLIN ROAD**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a Negative Declaration, no adverse environmental impact, for the removal of the Unsafe Structure located at 986 Conklin Road.

Seconded by Mr. Francisco.

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

**RESO 2011-30: ORDER REMOVAL OF UNSAFE STRUCTURE/986 CONKLIN ROAD/MEMMO**

ADOPTION BY THE TOWN BOARD OF THE TOWN OF CONKLIN

**Resolution #2011-30**

**PRESENT:**

Supervisor Debra A. Preston  
Councilman Gary D. Bullock  
Councilman Charles Francisco  
Councilman James E. Finch  
Councilman Jerry Minoia

**ABSENT:**

**Offered By:** Mr. Bullock. **Seconded By:** Mr. Finch.

The Town Board (hereinafter “Town Board”) of the Town of Conklin (hereinafter “Town”), duly convened in regular session, does hereby resolve as follows:

**WHEREAS**, pursuant to Chapter 63 of the Town of Conklin Code, known as the “Unsafe Buildings Law of the Town of Conklin,” the Code Enforcement Officer made a formal inspection of the premises located at 986 Conklin Road, Town of Conklin, Broome County, New York designated by Tax Map No. 178.01-2-24, reputedly owned by Thomas Memmo, Jr., Matthew Memmo, Allison Memmo and SPI A/K/A Strategic Planning Institute Corporation, and the Code Enforcement Officer has provided a written report of his findings and recommendations to the Town Board, specifically with regard to the unsafe structure located on the parcel, in which report the Code Enforcement Officer stated his opinion that said structure is unsafe and dangerous to the public and recommended its immediate securing or removal; and

**WHEREAS**, the Town Board, after reviewing said report and after hearing the Code Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined that said report warranted the removal of said structure; and

**WHEREAS**, the Town Board issued an Unsafe Structure Notice dated December 6, 2010, which required the removal of the unsafe structure be commenced within thirty (30) days of service of said Notice and completion of removal within sixty (60) days thereafter, and scheduling a public hearing on the matter on January 25, 2011, at 7:10 pm; and

**WHEREAS**, the Unsafe Structure Notice was served by certified mail return receipt to their last known address and received on or about December 17, 2010 and personally served on or about December 28, 2010, and by affixing a copy of the Notice to said structure; and

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**WHEREAS**, a copy of the Unsafe Structure Notice was filed in the Broome County Clerk's Office on or about December 15, 2010; and

**WHEREAS**, the public hearing notice was posted on the Sign board by the Clerk and published in the County Courier on or about January 5, 2011; and

**WHEREAS**, the Town Board conducted and closed a public hearing with respect to the unsafe structure on January 25, 2011, and upon inspection of the structure by the Code Enforcement Officer, demolition of the structure has not commenced within 30 days of service of the Unsafe Structure Notice, as previously ordered by the Town Board and set forth in the Notice; and

**WHEREAS**, J Thomas Memmo, Jr., Matthew Memmo, Allison Memmo and SPI A/K/A Strategic Planning Institute Corporation has failed or neglected to comply with the Order of the Town Board, dated December 6, 2010; and

**WHEREAS**, pursuant to Part 617.2 (aj) of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQRA"), this action is an unlisted action, and

**WHEREAS**, that the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said action; and further that the review will be not be a coordinated review, and

**NOW, THEREFORE, BE IT RESOLVED**, that:

(1) The Town Board hereby orders and shall provide for, the removal of the structure situated on the premises at 986 Conklin Road, Town of Conklin, Broome County, New York designated by Tax Map No. 178.01-2-24, by an independent contractor; and

(2) A copy of this Order shall be served upon Thomas Memmo, Jr., Matthew Memmo, Allison Memmo and SPI A/K/A Strategic Planning Institute Corporation by first class mail to their last known address and by affixing a copy of this Order to the unsafe structure; and

(3) Copies of this Order shall be served upon all individuals have a vested or contingent interest by first class mail to the address shown in the title records; and

(4) All expenses incurred by the Town in connection with the proceeding to demolish and remove the unsafe structure, including the cost of actually removing the structure, and all reasonable and necessary legal expenses incidental thereto, shall be assessed against the land on which the structure is located and shall be levied and collected in the same manner as provided in the Town Code and the New York State Law for the levy and collection of a special ad valorem levy.

(5) That, based upon on the information and analysis in the short environmental assessment form that the proposed action does not result in any significant adverse environmental impacts.

(6) This resolution shall take effect immediately.

**CERTIFICATION**

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin NY on January 25, 2011. Said resolution was adopted by the following roll call vote:

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Supervisor Debra A. Preston	YES
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Motion passed unanimously.

Mr. Jones will obtain three quotes for the demolition and clean-up of the property located at 986 Conklin Road.

**MITY FORMS**

Mr. Jones gave the Board an update on the noise issue involving Mity Forms on Progress Parkway near Powers Road. He stated that following the January 11, 2011 Town Board meeting, at which Mr. Schilling, whose property abuts that of Mity Forms, complained about the loud noise caused by a cyclonic vacuum at the Mity Forms site, Mity Forms has purchased a muffler system for the cyclonic vacuum. Mr. Jones stated that Mity Forms performed a test run with the new muffler system on January 22, and the noise level meets the criteria allowed by the Town Code. However, stated Mr. Jones, Mity Forms is not running the vacuum but is awaiting Town Board approval for its modifications. Mr. Jones added that Mity Forms is still working to improve the situation and may move the cyclonic vacuum to the opposite site of its building in the spring, when a road could be built around the building to haul the vacuum to the other side. He stated that the company states it has spent \$6,000 to date on modifications.

Attorney Cheryl Sacco stated that she has examined the Planning Board minutes from the meeting at which site plan approval for Mity Forms was granted. She stated that a local law sets the limits for allowable noise and added that Mity Forms now meets this criteria. Ms. Sacco stated that the company is not currently in compliance with its site plan approval in terms of hours of operation and changes made to the exterior of the building. Mr. Jones stated that the owners of Mity Forms are willing to come back before the Planning Board for an amended site plan review.

Attorney Sacco stated that there are two parts to this issue: 1.) Enforcement of the noise ordinance, which seems to be accomplished; and 2.) Enforcement of the current site plan or a return by Mity Forms to the Planning Board for an amended site plan review. Attorney Sacco recommended that both the owners of Mity Forms and the neighbor, Mr. Schilling, be contacted, with the possibility of setting up a meeting to mediate the dispute. Attorney Sacco will contact both parties.

**GASB 45**

Supervisor Preston stated that New York State requires municipalities to comply with the GASB 45 program, which estimates a municipality's current and future liability for retirement and medical costs for employees. She stated that the "Town of Conklin did well" because it has raised employee contribution to medical insurance. Supervisor Preston stated that she would like the Town to set aside \$60,000 the first year, and increased amounts each year after, to pay for the anticipated costs of retirement and medical, but New York State will not allow the municipalities to set up an account to set aside these funds. Supervisor Preston stated that, even though she cannot set aside the funds for the future, the "Town has done due diligence, and is in compliance" with GASB 45.

**SEWER EXTENSION TO SOUTHERN END OF TOWN**

Supervisor Preston stated that a grant had been obtained and a study conducted regarding the feasibility of either extending the sewer system to the southern end of the Town of Conklin or building a small package plant at that end of Town. There is a concern for the residents of Stillwater Road and of the mobile home parks in that area of Conklin. She stated that there was consideration of a joint project with the Town of Kirkwood, adding that the Broome County

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Health Department has contacted the Town of Conklin expressing its concern. Supervisor Preston stated that the study has been completed, but with the downturn in the economy, the Town cannot afford to either extend the current sewer system or build a package plant. Attorney Sacco will send letters to the owners of the two mobile home parks and to Mr. Tony Mastroangelo at the Broome County Health Department explaining the Town's situation.

**UPDATE/TOWN PROCUREMENT POLICY**

Attorney Sacco presented an updated version of the Town Procurement Policy, stating that New York State has increased the dollar amounts of the thresholds requiring quotes for goods and services. She stated that the revised version includes all allowed exemptions. Supervisor Preston stated that department heads should look at their budgets each month and sign off that they have checked the budgets, adding that they are working with "the people's money." Mr. Finch stated that on page 3, the section listing \$250 to \$1,000, which states that the purchase is "at the discretion of the purchaser, so long as there are sufficient funds previously allocated in the budget," the words "as long as all options have been researched" should be added. There were several other areas questioned by the Town Board, so Supervisor Preston asked the Board to bring the revision to the Procurement Policy back to the February 8 Board meeting with suggested changes.

**SEWER BILLINGS**

Supervisor Preston stated that sewer billings in the Town of Conklin are based on water usage. She stated that a business located in the Town wants a sewer meter installed instead. Supervisor Preston stated that this is not compliant with Town Law (Section 106-17 of the Town Code) nor with the agreement with the Binghamton-Johnson City Joint Sewage Board. She stated that it is, in fact, counterproductive to the agreement with the Joint Board. Attorney Sacco will send a letter to the business in question and Supervisor Preston will meet with the business owner.

**REFUND/JOINT SEWAGE BOARD**

Supervisor Preston stated that the Binghamton-Johnson City Joint Sewage Board sent a refund of \$14,600 to the Town of Conklin, which will be put in the Sewer Fund. She stated that the rates charged to the Town by the Joint Board have increased, but the Board offset this increase in the Town Budget.

**RESO 2011-31: AUTHORIZE PAYMENT/BILL LIST/1-25-2011/\$106,969.20**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List dated January 25, 2011, for the total amount of \$106,969.20:

General	\$ 55,276.60
Highway	34,677.84
Light Districts	1,772.87
Sewer District	6,075.95
Water District 6	389.00
Water District	<u>8,776.94</u>
<b>Total</b>	<b><u>\$106,969.20</u></b>

Seconded by Mr. Francisco.

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

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

Although Broome County Legislator Julie Lewis, 6<sup>th</sup> District, was unable to attend the Board meeting due to a time conflict with a NYS Landowners' Coalition meeting, she sent an e-mail update to Supervisor Preston regarding questions raised at the January 11 Town Board meeting regarding the changes to the agreement between Broome County and the municipalities regarding snow removal. Ms. Lewis' e-mail stated that Broome County purchases sand from Gorick Construction Company and salt from Cargill. Ms. Lewis quoted Broome County Deputy Highway Commissioner Michael Lynch as saying that the Town of Conklin "doesn't use salt and uses too much material." She further quoted that Mr. Lynch stated that there are three plow trucks deployed to the Town of Conklin and that his crews "had received lots of compliments from Town residents" regarding the roads which the County crews plow. Ms. Lewis' e-mail went on to state that Mr. Lynch stated that "Broome County has absorbed the work and I recommend that we keep it."

Supervisor Preston stated the Town of Conklin Highway Department uses salt and mixes it with sand, which it buys on the County bid. Mr. Bullock commented that there will be a cost for the duplication of services, adding that there should be less cost to Town. Supervisor Preston stated that she telephoned Broome County Executive Barbara Fiala to correct the statements made by Mr. Lynch. She added that the Town buys sand from Gorick Construction Company. Supervisor Preston added that the Board will look at any savings to the Town from the Highway Department, adding that her assistant, Lisa Houston, will generate a report, comparing January through March 2010 with January through March 2011. Attorney Sacco stated that the Town could research the amount of money paid by Broome County to the Town of Conklin for plowing County-owned roads in 2010.

**RESO 2011-32: AMEND RESO 2011-19/SCHOOL CROSSING GUARD NAME CORRECTION/DAWN M. PEASE (NOT MARIE DAWN)**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin amends Resolution 2011-19 to correct the name of the School Crossing Guard appointed on that date from Marie Dawn to Dawn M. Pease.

Seconded by Mr. Bullock.

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

**2011 STATE OF THE TOWN ADDRESS**

Supervisor Preston announced that she will present her 2011 State of the Town address at the February 8 Town Board meeting.

**MASCIARELLI REAL ESTATE ASSOCIATES/UNPAID WATER BILLS LAWSUIT**

Attorney Sacco stated that a lawsuit had been brought by Jeff Jacobs of Coughlin and Gerhart, LLP, on behalf of the Town of Conklin in 2005 against Masciarelli Real Estate Associates for water bills from 2004 that were unpaid. She explained that the default judgment that was awarded to the Town was for \$8,446.36, but that Mr. Masciarelli had paid the overdue water bills in 2005, after the lawsuit was initiated, for a total amount of \$8,443.38, a difference of \$2.98 from the amount awarded in the default judgment. Attorney Sacco asked the Board's permission to release the default judgment amount of \$8,446.36, accepting the amount paid of \$8,443.38.

**RESO 2011-33: RELEASE DEFAULT JUDGMENT/MASCIARELLI REAL ESTATE ASSOCIATES/UNPAID WATER BILLS LAWSUIT/ACCEPT PAYMENT/\$8,443.38**

Mr. Finch moved for the following resolution:

**REGULAR TOWN BOARD MEETING**  
**JANUARY 25, 2011**

Be It Resolved: that the Town Board of the Town of Conklin releases the default judgment of \$8,446.36 for the Masciarelli Real Estate Associates unpaid water bills lawsuit and accepts the payment made of \$8,443.38.

Seconded by Mr. Bullock.

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

**FOLLOW-UP/BURNED TRAILER/POWERS ROAD**

Mr. Bullock asked about follow-up with the trailer on Powers Road that recently burned. Code Officer Jones stated that a letter has been sent to the property owner telling him that a fence must be installed around the trailer remains to secure the site and that Mr. Jones requires a timeline as to when the property will be cleaned up.

**“SAFE ROUTES TO SCHOOL” PROJECT/SAFETY ISSUE**

Mr. Francisco stated that he spoke with Barbara Thomas of the New York State Department of Transportation (DOT) regarding the safety concerns that he has regarding the Morris Boulevard end of the “Safe Routes to School” sidewalk. Ms. Thomas stated that the State DOT will re-visit the site in the spring to determine if any changes need to be made.

**STREET LIGHT AT ENTRANCE TO COMMUNITY CENTER**

Mr. Francisco reported that there is a new contact person at NYSEG (New York State Electric and Gas Corporation), Lisa Stillittano, whom he contacted regarding the possibility of installing an “arm” on the street light at the entrance to the driveway to the Maines Community Center. Ms. Stillittano stated that there is a \$10-\$15 per month charge for the extra lighting, but no charge for wiring or mounting the “arm.” Mr. Francisco stated that Ms. Stillittano will review the site.

**LIGHT DISTRICT/SHIRLEY BOULEVARD**

Supervisor Preston stated that she had been asked by property owners on Shirley Boulevard, who are paying for the Light District on their property taxes but who no longer have houses on Shirley Boulevard, if the lights could be turned off in that area. Attorney Sacco stated that this might lead to safety issues. Mr. Minoia stated that Shirley Boulevard is part of the Light District that includes Old Route 7 and therefore cannot be singled out for the lights to be turned off. Supervisor Preston commented that there are still a couple of summer homes on Shirley Boulevard, adding that the Town cannot comply with the request to have the lights turned off.

**NO PROGRESS/LIGHT OUT ON CORPORATE DRIVE**

Mr. Finch stated that he will call Ms. Stillittano of NYSEG because no progress has been made in repairing or replacing the light that is out on Corporate Drive.

**“EAGLES’ NEST”**

Code Officer Jones reported that Mr. Allan Eagles has rebuilt his house on the “Eagles’ Nest” (his property), after his former house was destroyed in a house fire. Mr. Jones stated that Mr. Eagles is living in the new house and the temporary trailer that was on site has been removed.

**RESO 2011-34: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/TOWN HISTORIAN**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for the position of Town Historian.

**REGULAR TOWN BOARD MEETING**  
**JANUARY 25, 2011**

Seconded by Mr. Bullock.

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

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco.

The meeting adjourned at 8:26 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk