

**REGULAR TOWN BOARD MEETING**  
**JANUARY 28, 2014**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on January 28, 2014, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Minoia, Dumian, Francisco, Finch (Gary Bullock excused.)
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Brian Coddington
	Assistant to Supervisor	Lisa Houston
	Public Works Superintendent	Tom Delamarter
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein Laurie Francisco Peter J. Motsavage

**MINUTES: JANUARY 14, 2014 REGULAR TOWN BOARD MEETING**

The Town Board of the Town of Conklin held over approval of the January 14, 2014 Regular Town Board Meeting minutes until the February 11, 2014 Town Board meeting.

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the New York State Department of Environmental Conservation (DEC) stating that Engineer Ron Lake had provided the DEC with the needed specifications for extending the Town sewer line south to the mobile home parks.

**PUBLIC COMMENTS:**

None.

**REPORTS:**

None.

**OLD BUSINESS:**

**UPDATE/NYS RISING COMMUNITY GRANT**

Mr. Finch stated that the New York State Rising Community Grant will not provide enough funding to extend the municipal sewer system from Corporate Park to the mobile home parks in the southern end of the Town, an estimated cost of \$4.5 million. He stated that the \$3 million provided by the grant could be used to purchase property off Powers Road to create an escape route for the center of Town. Mr. Finch stated that the grant research team had also proposed building a new Town Hall and Community Center on the Powers Road property, out of the flood zone. He stated that they also suggested using \$1 million to build new softball and baseball fields in the area, along Progress Parkway, which they suggested would be a good site for shops to be built. Mr. Finch stated that the Town would consider purchasing the property owned by Rogers Trucking on Carlin Road for the purpose of building a Senior Housing facility and allowing private residences, small bungalows, to be constructed. He stated that the grant would

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allow the Town to secure the property for expansion. Mr. Finch added that test holes have been bored for a new retention pond and dam, also part of the NYS Rising Community Grant.

Mr. Minoia asked if fill dirt would be needed to build the escape route ramp and the ball fields. Mr. Finch stated that the ramp would require fill but the ball fields will not, adding that Town Engineer John Mastronardi is working on the studies for this project. Mr. Dumian stated, "Fill forces water to go elsewhere." Mr. Finch replied that the water drainage will be diverted toward the southern end of Town.

**COMMUNITY ICE RINK**

It was noted that many people are using the newly installed Community Ice Rink at Schnurbusch Park. Mr. Finch stated that there is a crack in the ice but it is being repaired. He added that the lights at the park will be lit from sundown until 8 P.M., with usage monitored Monday through Wednesday, then the lighting schedule re-evaluated. The Conklin Kiwanis is hosting an Ice Skating Party on February 15, 2014, to formally open the Ice Rink.

**RESO 2014-10: SCHEDULE PUBLIC HEARING/FEDEX ADDITION/FEBRUARY 25,**  
**2014 AT 5:35 P.M.**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:35 P.M. on February 25, 2014, to receive input regarding the proposed addition to the FedEx building in the Broome Corporate Park.

Seconded by Mr. Minoia.

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

**NEW BUSINESS:**

**BINGHAMTON-JOHNSON CITY JOINT SEWAGE RATES**

Mr. Finch stated that Town Clerk Sherrie Jacobs found a document from 1985 stating that CP Rail will be allowed to hook into the City of Binghamton sewage system, but would run through the Town of Conklin. The Town has never received payment for this, and Mr. Finch suggested that perhaps a rebate is owed to the Town of Conklin. He stated that the City of Binghamton charges CP Rail for its sewer usage.

Mr. Finch stated that the Town agrees to sign a one-year contract with the Binghamton-Johnson City Joint Sewage Board, adding that he is waiting to hear from City of Binghamton Corporate Counsel Ken Frank.

**MAINES WATER AGREEMENT**

Mr. Finch reported that, according to Town Counsel Mark Gorgos, former Town Councilman Tom Edmister had negotiated the current water agreement with Maines Paper and Food Service, Inc., in 1999. Upon being contacted, Mr. Edmister stated that it was actually former Town Supervisor Timothy O'Hearn who negotiated the agreement. The question was raised of whether the well that supplies the water is actually located on property belonging to Maines Paper and

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Food Service, Inc., or whether it is located on the property gifted by the Maines family to the Sports Authority.

**EXTENDING BUS ROUTE**

Mr. Finch reported that he discussed with a representative from Broome County the possibility of extending the bus route to the mobile home parks. He stated that he was informed that there is a “bus on demand” program available through Broome County Transit, but the person needing the bus must call 48 hours before the bus is needed to schedule a pick-up appointment, which costs \$2.50.

**COMMUNITY CENTER & PARK PAVILION RATES**

Mr. Finch asked the Town Board to consider the rates for rental of the Community Center and the park pavilions and be ready to discuss any suggested changes at the February 25 meeting. Mr. Dumian asked the cost of operating the Community Center and Mr. Finch replied that it costs the Town \$14,000 per year to operate it. Mr. Dumian commented that the building was donated to the Town and asked why the rental fee is so high and whether or not a study had been conducted to determine the per hour cost of operating the facility. Mr. Finch stated that the rental rates will remain at the current rates until the Board makes a decision to change them.

**FILLING BEHIND CAR WASH**

Mr. Finch reported that Mr. Rusty Luce wants to put 45,000 yards of fill behind his car wash located on Conklin Road, adding that the SWPPP (Stormwater Pollution Prevention Plan) for the project has already been approved by the DEC. The concern is that, in the event of flooding, Moxie’s Restaurant and Warner’s Gas would be flooded, perhaps dislodging the propane tanks at Warner’s Gas, if this amount of filling is allowed. Town Counsel Cheryl Sacco stated that the developer creates the SWPPP, which is then approved by the DEC. The project is then sent to the Zoning and Planning Boards, and finally to the Town Board for review. Sarah Campbell, attorney for Mr. Luce, is scheduled to meet with Mr. Finch, Mr. Minoia, Code Officer Robert Jones, and a member of the Town Zoning Board of Appeals to discuss this project.

**NEW YORK STATE ASSOCIATION OF TOWNS**

Mr. Finch stated that the dues for membership in the New York State Association of Towns are \$1,100 per year, adding that he did not think it is worth the cost. Mr. Finch stated that the NYS Association of Towns is heavily influenced by New York City and is anti-fracking. He stated that the newly formed Upstate Association of Towns has a membership cost of \$400 per year, meets once a month, and has the same speakers as the NYS Association of Towns, but provides them to municipalities free of charge. He stated that 20 towns have joined the Upstate Association of Towns to date. Mr. Finch stated that Attorney Scott Kurkoski wrote a brief to allow drilling in particular areas of municipalities, in response to the Dryden-Middlefield Lawsuit and the City of Binghamton ban on hydrofracturing (“fracking”). He stated that Haylor, Freyer, and Coon, who have provided the Town with lower insurance rates than the Town received through NYMIR (New York Municipal Insurance Reciprocal), also belong to the Upstate Association of Towns, as well as to the Broome County Association of Towns and Villages.

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**RESO 2014-11: DECLINE PAYMENT OF 2014 DUES/NEW YORK STATE**  
**ASSOCIATION OF TOWNS**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin declines to pay the 2014 membership dues for the New York State Association of Towns.

Seconded by Mr. Francisco.

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

**CREDIT CARD AGREEMENT**

Mr. Finch stated that the Town has been in discussion with U.S. Bank and Chemung Trust regarding providing credit card payment capability for the Town. He stated that the first credit card processing machine would be provided free of charge if the Town has an online payment account, which he stated will be set up so that residents can pay their utility (water and sewer) bills on line. Each additional credit card machine will cost \$80. Each transaction would have a fee of a minimum of \$1.50 or 2.9%. These fees would be passed on to the credit card holder and would be publicized. Mr. Finch stated that the Town would obtain additional quotes regarding procurement of credit card capability.

**RESO 2014-12: AUTHORIZE CREDIT CARD AGREEMENT/INTERWARE**  
**DEVELOPMENT COMPANY, INC.**

Mr. Dumian moved for the following resolution:

Be It Resolved: It is the best interest of the public to authorize the acceptance of credit cards and/or debit cards by the Town; therefore, I move to authorize the town to enter into an agreement with Interware Development Company, Inc., to provide for the acceptance of credit cards and/or debit cards for the payment of fines, taxes, rent, rates, fees, charges, revenue, financial obligations and other amounts, including penalties, special assessments or interest owed to and collectable by the Town. (For example: Property taxes are not collectable by the Town, and not eligible for this payment option.) Furthermore, the officers designated with the accepting credit cards as a means of payment to the Town are The Town Clerk, Secretary to the Supervisor, all deputies and clerk in the water/sewer and Town Clerk's offices. Also please know that the agreement with the company shall govern the terms and conditions of how all payments will be accepted or declined and how they will pay the town. And the town board requires, as a condition of accepting payment by credit card/debit card, that such person offering payment by credit or charge card pay a service fee to the town not exceeding costs incurred in connection with the credit or charge card payment transaction, including any fee owed by the local government to the financing agency or card issuer arising from that transaction.

Seconded by Mr. Francisco.

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

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**HIGHWAY TRUCK 47**

Mr. Finch stated that Highway Truck 47, purchased in 2005, is currently at Burr Truck for repairs. He stated that Burr Truck has diagnosed the current problem as leaky cup seals, allowing anti-freeze to get into the heads, which will cost \$900 more to repair. Mr. Finch stated that the Town has already spent \$5,100 to repair this truck, adding that he does not think the Town should spend more money on this truck, but rather should purchase a new truck on New York State bid. He stated that the Town could fix the truck and then sell it. Mr. Dumian asked if the total cost for repairs would be approximately \$6,000 and Highway Superintendent Brian Coddington confirmed that this is the case. Mr. Dumian and Mr. Francisco agreed that the truck must be repaired in order to trade it in toward a new truck, with Mr. Dumian adding, "If it is 100%, it will be better to trade." Mr. Minoia stated that he is "not happy with Burr." Mr. Dumian asked what the trade value of the vehicle would be and what the cost of a new truck would be. Mr. Minoia stated that a new truck will cost more than \$100,000. Ms. Sacco confirmed that the truck is not usable, and, as it is currently taken apart, cannot be moved elsewhere.

**RESO 2014-13: AUTHORIZE EXPENDITURE/\$900/REPAIR HIGHWAY TRUCK 47**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the expenditure of \$900 to Burr Truck to repair Highway Truck 47.

Seconded by Mr. Francisco.

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

**RESO 2014-14: APPOINT RENEE HAUSS/COMPREHENSIVE PLAN CLERK/\$15.00  
PER HOUR/EFFECTIVE 1-15-2014**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Renee Hauss to the position of Comprehensive Plan Clerk, effective January 15, 2014, at a pay rate of \$15.00 per hour.

Seconded by Mr. Minoia.

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

Mr. Finch estimated that the cost of completing the update to the Comprehensive Plan will be between \$500 and \$700.

**RESO 2014-15: RATIFY PAYMENT/VERIZON-TCC  
WIRELESS/DOWNPAYMENT/NEW CELL PHONES/AMOUNT TO BE REFUNDED  
BY VERIZON**

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin ratifies payment, account codes A5010.4, A5132.4, A3620.4, A7110.4, and SW8310.4, of check #6904 in the amount of \$249.95 to Verizon-TCC Wireless for down payment for new cell phones, with the amount to be refunded by Verizon.

Seconded by Mr. Dumian.

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

Mr. Finch stated that once the rebate has been received from Verizon, the cost for the new cell phones will be zero.

**RESO 2014-16: SET COMMITTEES FOR 2014**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets the following Committees for the year 2014:

Town Hall/Castle	Charles Francisco
Town Community Center	Gary Bullock
Senior Citizen Liaison	Charles Francisco
Town Wide Insurance	Gary Bullock
Town Flood Insurance	Jerry Minoia
Building & Grounds	Gary Bullock
Drainage Districts	Charles Francisco
Cemeteries	Jerry Minoia
Fire Department Liaison	Charles Francisco
Youth Liaison	Bill Dumian
Fill Oversight	Jerry Minoia
Planning & Zoning	Bill Dumian

Seconded by Mr. Dumian.

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

**RESO 2014-17: AUTHORIZE PAYMENT/PRE-APPROVED 2013 BILL LIST/\$18,534.50**

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 2013 Bill List in the total amount of \$18,534.50:

General	\$ 9,827.44
Highway	33.28
Light Districts	1,878.45
Sewer District	666.43
Water District	1,045.68
Water District 6	<u>5,083.22</u>
<b>Total</b>	<b>\$18,534.50</b>

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Seconded by Mr. Minoia.

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

**RESO 2014-18: AUTHORIZE PAYMENT/2014 BILL LIST/\$316,415.27**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2014 Bill List in the total amount of \$316,415.27:

General	\$ 51,778.06
Highway	28,675.85
Fire Protection District	228,124.75
Sewer Districts	700.00
Water District	2,176.61
Non-Budget	<u>4,960.00</u>
<b>Total</b>	<b>\$316,415.27</b>

Seconded by Mr. Minoia.

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

Mr. Finch commented that the Fire Protection District payment is the first of two payments to the Conklin Volunteer Fire Department, Inc., for the Fire Protection Agreement, with an additional \$20,000 to be paid at a later date.

**RESO 2014-19: UNRESTRICT REVALUATION COMMITTED FUND**  
**BALANCE/\$11,426.76/MOVE TO UNASSIGNED UNRESTRICTED FUND BALANCE**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin unrestricts the Revaluation committed Fund Balance (A913) in the amount of \$11,426.76, and moves it to the unassigned, unrestricted Fund balance (A917), effective December 31, 2013.

Seconded by Mr. Minoia.

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

Mr. Finch explained that this amount is money that had been set aside from the STAR rebate to be used for an eventual revaluation of the Town, but which is now being transferred into the General Fund.

**RESO 2014-20: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET**  
**LINES/AS OF 12-31-2013**

Mr. Francisco 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, 2013 (see attached).

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Seconded by Mr. Dumian.

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

**STATUS OF BUYOUT PROGRAM APPLICATIONS**

Ms. Sacco asked the status of the Buyout Program applications and Mr. Finch stated that Code Officer Jones is submitting the applications in groups of ten properties. Ms. Sacco stated that there is “not much time.” Mr. Finch stated that Mr. Jones “is on top of it,” adding that the Town must receive approval from SEMO (State Emergency Management Office) for each application.

**TIME WARNER CABLE AGREEMENT**

Mr. Finch asked if there is an update regarding the agreement with Time Warner Cable and Ms. Sacco replied that the New York State Public Service Commission offers municipal assistance, which has been contacted to try to resolve the ongoing negotiations, which have been occurring for the past three years. She stated that there has been no response from municipal assistance to date.

**BUYOUT PROGRAM IN OTHER MUNICIPALITIES**

Mr. Minoia commented that the Towns of Vestal and Union have already purchased properties from participants in the Buyout Program. Mr. Finch stated that those municipalities received a grant of \$10 million with which to purchase properties for the Buyout Program. Ms. Sacco added that they have a different funding structure than the Town of Conklin. Mr. Minoia stated that the ICC Clause in a property owner’s flood insurance can be used to pay for demolition (or to raise a building), which he stated would cover the owner’s 25% if HUD (Housing and Urban Development) fails to approve them.

**DRAINAGE/PROPOSED FEDEX ADDITION PROJECT**

Mr. Dumian asked about the drainage for the proposed addition to the FedEx building in the Broome Corporate Park and Mr. Finch stated that Code Officer Jones has stated that it is acceptable. He added that Tim Bailey of Keystone Engineering will be sending a letter to the Town, and added that Mr. Jones is assembling packets of information for the project.

**LAWSUIT/ALL-AROUND EXCAVATING**

Mr. Finch asked if there is an update on the lawsuit against the Town filed by All-Around Excavating, and Ms. Sacco stated that there is “no word yet.” Mr. Finch commented that the Town has already spent \$7,000 in legal costs for this lawsuit.

**LIGHT AT VETERANS MEMORIAL**

Mr. Francisco reported that he has contacted NYSEG (New York State Electric & Gas Corporation) regarding installation of a new light that would illuminate the flag at the Conklin Veterans Memorial, adding that an engineer will look at the site next week. He stated that the light would be similar to the one that illuminates the tennis court at Julius Rogers Park, except that it would be white light, adding that it would be part of the 1596 Light District account. Mr. Francisco stated that the cost would range from \$1.25 per day to \$2.50 per day, depending upon the rate, for an approximate total cost of \$600 per year.



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**ENERGY-SAVING MEASURES AT COMMUNITY CENTER**

Mr. Francisco stated that the Exit sign has been replaced and the motion detector repaired at the Community Center, which will save energy. Mr. Finch asked Mr. Francisco to talk with Mr. Jones about fluorescent fixtures in the large meeting room in the Castle, as well as energy-saving measures for the Town Hall.

**COMMUNITY ICE SKATING PARTY**

Town Clerk Sherrie Jacobs stated that the Conklin Kiwanis Club is hosting a free Community Ice Skating Party on February 15, 2014, to officially open the new Community Ice Rink. It is hoped that some of the elected officials, some of whom are hockey players, will take to the ice for the festivities. Refreshments will be available at the party.

**ALARM AT TOWN HALL**

Mr. Francisco and Mr. Finch concurred that there is an ongoing problem with the alarm system at the Town Hall, noting that at approximately 8:51 P.M. the system self-tests and Time Warner Cable also sends a test at the same time, with the result that the alarm is activated and one or both of the elected officials receives a phone call stating that there is a problem at the Town Hall. Mr. Francisco commented that the time of the self-test needs to be changed.

There being no further business to come before the Board, Mr. Dumian moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:44 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk