

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on February 12, 2013, at the Conklin Town Hall. Mr. Finch, 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
	Supt. Of Public Works	Tom Delamarter
	Asst. Highway Supt.	Mike Mott
	Planning Board	Dell Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Joe Bartosik
		John C. Colley
		Dolly Stout
		Laurie Francisco
		George Frailey
		Bonnie Tolomei
		Angelo Tolomei
		Peter J. Motsavage
		Ellen Osborne
		William Osborne, Jr.
		Mike Gabello
		Cory Valentine
		Isaac Valentine

**MINUTES: JANUARY 22, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the January 22, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the Binghamton-Johnson City Joint Sewage Board crediting the Town for overpayment of its 2012 bill. The Joint Board correspondence indicated that repairs will be made to the Treatment Plant this summer.

Mr. Finch also acknowledged receipt of a letter from Coughlin and Gerhart, LLP, outlining their retainer fee and what is and is not covered under the retainer.

Mr. Finch stated that he has been contacted by Time Warner Cable regarding the proposed franchise agreement. Mr. Whalen, from Time Warner Cable, is researching the cost and possible timeline of extending cable service to include Gratsinger Road. Mr. Finch stated that if this extension is included as part of the agreement, the Town will allow a 10 year agreement period instead of the 8 years it currently is requiring.

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Mr. Finch asked Town Attorney Cheryl Sacco for an update regarding the building constructed on property belonging to CP Rail and Ms. Sacco stated that she is reviewing the issue with the property manager.

Mr. Finch acknowledged receipt of a letter from Broome County requesting the support of municipalities in helping Broome County become a land bank. This would mean that if the County foreclosed on a property, it would not have to re-sell the property right away, but could hold it for future development. Attorney Sacco stated that not many municipalities in Broome County have supported this request. The Town Board was unanimous in voicing their disapproval of supporting this request, with Mr. Francisco adding that it provides more of a burden to the Town of Conklin if authority is given to Broome County.

**RESO 2013-22: REFUSAL TO SUPPORT BROOME COUNTY'S APPLICATION TO  
BECOME A LAND BANK**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin refuses to support Broome County's application to become a Land Bank.

Seconded by Mr. Minoia.

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

Mr. Finch also acknowledged receipt of an announcement from the office of U.S. Representative Richard Hanna. Representative Hanna's office will conduct a Veteran's Office Hours on February 21, 2013, from 12:00 P.M. until 1:30 P.M. at the Metro Center, 49 Court Street, Suite 230, Binghamton, to assist veterans with any federally-related issues or concerns.

**PUBLIC COMMENTS:**

**HARDIE ROAD/SALT DISTRIBUTION CENTER**

Mr. Finch stated that Joseph Tuzze, owner of the Salt Distribution Center, will post bond for Hardie Road, to pay for any damage to the road caused by the trucks hauling salt to and from the distribution center. He added that the meeting between Mr. Tuzze and Gary Huntley, spokesman for the residents of Hardie Road, went well. Mr. Finch stated that Mr. Tuzze's operation is on hiatus until spring. Mr. William Osborne, Jr., asked when Mr. Tuzze will pave the driveway into his facility, and Mr. Finch stated that the paving will take place "as soon as the weather breaks." Mr. Finch stated that the DEC (New York State Department of Environmental Conservation) has stated that Mr. Tuzze is not required to cover the salt until the amount stored exceeds 15,000 tons.

**SUSQUEHANNA VALLEY SCHOOL DISTRICT BUDGET**

Mr. Finch stated that he "got nowhere" with his questions about expenditures and policies at the Susquehanna Valley School District. He stated that the President of the Board of Education came to the Town Board meeting to "grandstand then run out."

Mr. Finch stated that the school buildings are owned by the residents and taxpayers, yet service groups, which he stated, "give back to the children," must pay to use the facilities. He mentioned the annual Easter Egg Hunt, held at the Donnelly Elementary School, at which the

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sponsoring service group had to pay \$50 for a maintenance person to move a table outside. Mr. Finch also mentioned a fine arts group based in Conklin that had to move its productions to another school district because the cost at Susquehanna Valley was so high. He stated that the school district “should look at its programs and policies.”

**REPORT: TOWN CLERK**

In addition to her written report, Town Clerk Sherrie Jacobs requested a resolution approving her attendance at the annual NYSTCA (New York State Town Clerks Association) Conference to be held in Buffalo, New York.

**RESO 2013-23: AUTHORIZE TOWN CLERK/ATTEND NYSTCA**  
**CONFERENCE/BUFFALO, NEW YORK**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Clerk Sherrie Jacobs to attend the annual NYSTCA (New York State Town Clerks Association) Conference, to be held April 28-May 1, 2013, in Buffalo, New York, with all necessary expenses, account code 3-A-1410-4-400.

Seconded by Mr. Minoia.

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

**CONCERTS IN THE PARK 2013**

Town Clerk Sherrie Jacobs reported that Superintendent of Public Works Tom Delamarter has booked all of the performers for the 2013 Concerts in the Park series. This year the concerts will start at 6:30 instead of 7:00 P.M. Mr. Finch added that in place of one of the concerts, a Sock Hop will be held on July 20 at the Maines Community Center, with music provided by COOL 100. Local service organizations will be invited to sell refreshments at the Sock Hop.

**REPORT: HIGHWAY DEPARTMENT**

In addition to the written report, Deputy Highway Superintendent Mike Mott stated that the snow removal process has gone well this winter. He reported that the hydraulic line on Truck 47 is being repaired. Public Works Superintendent Tom Delamarter reported that “everything is running smooth.”

Mr. Delamarter reported that he has a meeting at 10 A.M. on February 13 with a representative regarding installing security cameras at the Highway Garage and at the Community Center. He stated that the chains have been taken down at the Highway Garage to allow for garbage pickup.

Mr. Delamarter reported that Broome County will not waive the tipping fees for tire pickup this year, so the Town will not be able to take residents’ tires. It was noted that purchasers already pay \$5 per tire when they purchase the tires, to cover the cost of disposal. Mr. Minoia commented, “We need to get out of the tire business.”

Mr. Delamarter stated that with new construction, the property owner pays for the first driveway pipe, and the Town installs the pipe and covers it with millings and crusher run. The Town of

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Conklin pays for any replacement pipes after that initial installation. Mr. Finch stated that it should specify that this would be a 20 foot pipe; if the pipe is longer than 20 feet, the property owner would pay the difference in cost. The property owner would pay for any paving. Mr. Mott asked what would happen if the owner refuses to pay their share, and Mr. Finch replied that the Town will only replace up to 20 feet of pipe.

Mr. Delamarter reported that he attended a meeting of Highway Superintendents and discussed patching roads and digging ditches. The Town of Kirkwood owns a Drott, which it uses to clean ditches in the Town of Conklin. In exchange, the Town of Conklin Highway Department paves roads in the Town of Kirkwood. Mr. Delamarter asked if the Town will be patching roads by hand this year and Mr. Finch stated that this will be discussed at the February 26 meeting.

Mr. Bullock asked if a County-wide list of available shared equipment exists and it was agreed that such a list would be very useful.

Mr. Mott stated that the cost of the Town making the new intersection marker signs is less than if the signs were purchased from a sign manufacturer.

**REPORT: WATER & SEWER**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that his department has been reading water meters. He stated that the new pumps purchased through FEMA (Federal Emergency Management Agency) for the sewer stations have been installed at the Julius Rogers station and at Sewer Station 3. He added that the remainder of the pumps has been ordered, and once they are installed, the mitigation will be completed.

Mr. Delamarter reported that the five year report for the Town Landfill has been completed for the EPA (Environmental Protection Agency). He stated that the variance is a “work in progress.”

In an update from the Supervisors’ meeting, Mr. Delamarter reported that Delta Engineering developed a road use agreement for Broome County. Since the Town of Conklin already has in place both a road use agreement and a noise ordinance, it will opt out of utilizing the County’s agreement.

Mr. Delamarter reported that Broome County plans to expand its landfill in the spring, so free stone will be available to the municipalities.

Mr. Minoia asked if New York State will be paying any of the 25% of the FEMA Buyout costs not covered by the federal government, and Mr. Finch replied that the State is not paying any of that cost. He added that there will be “no free debris” and that the cost to take debris to the Broome County Landfill is increasing. Ms. Sacco added that New York State is paying 25% of infrastructure repair, but none for houses. She stated that the staff will meet at 8:30 A.M. on February 21 to discuss deadlines and craft a plan of action and timeline for the Buyout process. Mr. Minoia stated that he had heard that the State will be paying 25% toward repair of the damage in the New York City area caused by Hurricane Sandy, and Ms. Sacco stated that she does not know whether or not this is true.

Mr. Delamarter stated that the topic of shared services for computers, servers, and licensing was discussed at the Supervisors’ meeting. The Health Department, through the Office of Housing and Urban Development, will be offering lead paint mitigation for those who qualify. Other

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topics discussed at the Supervisors' meeting included the return to a 50-50 split of sales tax revenue, County-wide library funds, economic development, the new incubator, and the Broome County Airport.

Mr. Delamarter reported that a car accident damaged the gate at the Conklin Forks Park and the insurance company will pay for repairs.

**REPORT: CODE OFFICER**

Refer to written report.

**REPORT: SUPERVISOR'S OFFICE**

Refer to written report.

**NEW BUSINESS:**

**RESO 2013-24: DETERMINE TOWN'S ACTIONS UNDER ENGINEERING  
PLANNING GRANT AGREEMENT ARE TYPE II ACTION UNDER SEQR**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin has been awarded a grant pursuant to NYS Environmental Facilities Corporation to conduct an Engineering Study regarding water and sewer services within certain areas of the Town; and

WHEREAS, the Board finds that it is in the best interests of the Town to approve participation in said program; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT:

RESOLVED that the Town of Conklin hereby determines that the proposed Town of Conklin Project, namely to conduct an Engineering Study regarding water and sewer services within certain areas of the Town, is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18) and (21) which constitute "information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;" and "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;" and is therefore not subject to review under 6 NYCRR Part 617.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

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CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on February 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12th day of February, 2013.

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Sherrie L. Jacobs, Town Clerk

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**RESO 2013-25: AUTHORIZE & APPROPRIATE LOCAL MATCH (20%) FOR**  
**ENGINEERING PLANNING GRANT AGREEMENT**

Mr. Francisco moved for the following resolution:

WHEREAS, the Town of Conklin has been awarded a grant pursuant NYS Environmental Facilities Corporation to conduct an Engineering Study regarding water and sewer services within certain areas of the Town; and

WHEREAS, the Board finds that it is in the best interests of the Town to approve participation in said program; and

NOW, THEREFORE, BE IT:

RESOLVED that the Town of Conklin authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Town of Conklin project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Town of Conklin Supervisor shall not exceed \$6,000.00 based upon a total estimated maximum project cost of \$30,000.00. The Town of Conklin Supervisor may increase this local match through the use of in kind services without further approval of the Town of Conklin Town Board.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Seconded by Mr. Minoia.

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

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on February 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12<sup>th</sup> day of February, 2013.

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Sherrie L. Jacobs, Town Clerk

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Mr. Minoia commented that an earlier engineering study had been conducted regarding a potential sewer development project and asked if this could be included in the Town's in kind contribution. Ms. Sacco will ask the grant administrator if this is permissible. Mr. Finch stated that three options have been discussed, including combining with the Town of Kirkwood and including the Visitors' Center on Route 81.

**RESO 2013-26: AUTHORIZE EXECUTION OF ENGINEERING PLANNING GRANT AGREEMENT**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin has been awarded a grant pursuant NYS Environmental Facilities Corporation to conduct an Engineering Study regarding water and sewer services within certain areas of the Town; and

WHEREAS, the Board finds that it is in the best interests of the Town to approve participation in said program; and

NOW, THEREFORE, BE IT:

RESOLVED, that the Supervisor of the Town of Conklin is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the Project and to fulfill the Town of Conklin's obligations under the Engineering Planning Grant Agreement.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

**CERTIFICATE OF TOWN CLERK**

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on February 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12<sup>th</sup> day of February, 2013.

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Sherrie L. Jacobs, Town Clerk

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**OLD BUSINESS:**

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**PRIDE MANOR WATER EXTENSION**

Mr. Delamarter reported that the water is hooked up at the Pride Manor Mobile Home Park but a booster pump needs to be installed. He stated that the meter must be read and Park owner, Mr. Kerns, must pay the costs that he owes. Mr. Finch stated that the Town had to turn on the water before payment because the residents of the Park were without water. Mr. Minoia stated, "Shame on the Pride Manor owner. He had a responsibility to provide water." Mr. Finch thanked the Great Bend Hose Company, which provided 330 cases of bottled water to the residents of Pride Manor Mobile Home Park, adding that if the Town of Conklin could ever be of service to the Great Bend Hose Company, the Town would be happy to do so.

**DOG CONTROL OFFICER**

Mr. Finch stated that the agreement with the Town of Binghamton regarding the shared services of Dog Control Officer John Simmons has finally been worked out. The Town of Conklin will pay \$8,540 plus mileage, which Mr. Finch stated is "much cheaper for both Town of Binghamton and Town of Conklin." He added that Mr. Simmons does "a great job."

**NEW BUSINESS:**

**RESO 2013-27: RATIFY PAYMENT/NYCE TRUCKING/PURCHASE OF VARIOUS TOOLS/HIGHWAY VEHICLE REPAIRS**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5373, account code 3-A-5132-4, in the amount of \$540.00 to NYCE Trucking for the purchase of various tools to be used for Highway vehicle repairs.

Seconded by Mr. Minoia.

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

**RESO 2013-28: APPOINT MEMBERS OF TOWN OF CONKLIN COMPREHENSIVE MASTER PLAN UPDATE COMMITTEE**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints the following individuals to be members of the Town of Conklin Comprehensive Master Plan Update Committee:

Jim Finch	Town Supervisor
James Hauss (Co-Chair)	Planning Board Chairperson
Christopher Ostrowsky	Planning Board Member
Arthur Boyle	Zoning Board Member
Harold Cole (Co-Chair)	Zoning Board Member
Dan Smith	Business Association Member
Alternates	Town Board Members

Seconded by Mr. Francisco.

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

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**RESO 2013-29: AUTHORIZE PAYMENT/BILL LIST/\$310,584.10**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$310,584.10:

General	\$ 47,881.29
Highway	15,725.20
Fire District	228,000.00
2011 Flood	13,322.09
Sewer District #1	604.18
Water District	3,838.73
Water District #6	<u>1,212.61</u>
<b>Total</b>	<b>\$310,584.10</b>

Seconded by Mr. Bullock.

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

**RESO 2013-30: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENT/GARY BULLOCK/\$40 PER MONTH/2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a monthly cell phone reimbursement in the amount of \$40.00 per month, account code A8989.4, to be paid to Gary Bullock for the year 2013.

Seconded by Mr. Francisco.

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

**LIGHTS AT COMMUNITY CENTER**

Mr. Bullock asked Mr. Francisco if the lights at the Community Center could be rewired with fewer lights and more circuits.

**PROPOSED “ADULT ENTERTAINMENT” AT FORMER DINO’S SITE**

Mr. Bullock stated that he has heard several concerns from residents regarding the proposed “adult entertainment” at the site of the former Dino’s Bar and Grill, in the building owned by Michael Storti. Mr. Finch stated that neither the Planning Board nor Zoning Board of Appeals would approve such a plan, since this type of business can only be operated in an Economic Development Zone and the site in question is not zoned correctly for such an establishment. Ms. Sacco added that this is not a permitted use of this site. Mr. Minoia questioned whether the site has enough parking for any sort of entertainment business, adding that the word “adult” didn’t enter the conversation with the Planning Board until part way through the discussion. Ms. Sacco reiterated that there is no application pending, and no agenda for the Planning Board meeting.

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**TOWN-WIDE FLOOD INSURANCE**

Mr. Finch asked Mr. Minoia if there is an update on the town-wide flood insurance and Mr. Minoia replied that there is currently no update on this project.

**PARK OUTDOORS ADVERTISING**

Mr. Finch reported that Park Outdoors Advertising has removed some of its billboards, adding that an agreement may be reached in which the company would use Town of Conklin property for its billboards. He added that he will meet with representatives from the billboard company on February 20 at 10 A.M.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk