

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on March 13, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Assistant to Supervisor	Lisa Houston
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner

GUESTS:	Country Courier	Elizabeth Einstein
		John Colley
		Joe Bartosik
		Angelo Tolomei
		Dolly Stout
		Bonnie Tolomei
		Laurie Francisco
		Peg Lamb
		Roberta Welch
		Peter J. Motsavage

MINUTES: FEBRUARY 28, 2012 REGULAR TOWN BOARD MEETING

Town Attorney Cheryl Sacco stated that the February 28, 2012 Regular Town Board Meeting minutes should be corrected on page 2, line 5 from the bottom, to read, "She stated that the Town can contest DEC's Lead Agency Status under the SEQRA coordinated review. If the Town doesn't want to contest Lead Agency Status, then the Town can send its comments to the DEC. With coordinated review, if DEC is Lead Agency, the DEC (and not the Town) is handling SEQRA." This is to replace the sentence, "She stated that this means that the Town can approve the SEQRA review and send it to the DEC, but the DEC must still approve it."

Mr. Bullock moved to approve the February 28, 2012 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch stated that he had met with Mr. William Maines to look at the facts regarding a number of issues between the Town and Maines Paper and Food Service, Inc. He stated that the meeting had a good outcome and the discussion is continuing.

Mr. Finch stated that the Conklin Town Court and the Conklin Town Clerk were both featured in an article in the **Press & Sun Bulletin** regarding FOIL (Freedom Of Information Law) and

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record access. The article highlighted the Court's state of the art electronic record-keeping system.

PUBLIC COMMENTS:

COMMUNITY CENTER

Peg Lamb asked about the pile of debris still located behind the Community Center, including an old trailer that belongs to the Conklin Fair Committee. Mr. Francisco, who is also President of the Fair Committee, stated that he will address this concern with the rest of the Fair Committee.

Bonnie Tolomei commented that she noticed that there are only four outside lights on now at night at the Community Center, adding that this is a good cost-cutting action. Mr. Francisco stated that two more lights will be added, so that there will be a total of six lights on outside at night, with the two additional lights controlled by sensors.

Mr. Finch asked about the outside lights on the Town Hall, which had not yet been adjusted to compensate for Daylight Savings Time. Mr. Bullock stated that he adjusted them tonight when he arrived for the Board meeting.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting stated that he is six or eight months ahead of schedule with the Town's mandated sign replacement program, adding that the mild winter has helped. He stated that the 428 signs that have been replaced to date were scheduled for the fall of 2012. Mr. Latting stated that there are approximately 300 more signs to replace.

RESO 2012-35: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/WHITE
GOODS & BRUSH PICK-UP/APRIL 23 – MAY 4, 2012

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 curbside pick-up of white goods and brush for the period April 23 through May 4, 2012.

Seconded by Mr. Minoia.

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

The Town Board decided to table approval of advertisement for tire drop-off, tentatively scheduled for April 23 through May 18, 2012, until the March 27 Town Board meeting, so that it

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can be determined whether or not Broome County Landfill will waive the tipping fees for the tires. Mr. Finch stated that scavengers of the white goods will be arrested if caught.

Mr. Latting stated that he is negotiating with FEMA (Federal Emergency Management Agency) regarding payment for several sites that were damaged during the 2011 Flood. He stated that he has “revamped” the quotes, with the Town purchasing stone materials at the Broome County bid price. Mr. Latting stated that he has three quotes but needs time to review them, as one quote arrived just hours before tonight’s meeting. He estimates that the changes to purchasing will save the Town approximately \$15,000. Mr. Latting stated that he is also waiting for easements to be signed before he can proceed with repairs.

REPORT: WATER & SEWER DEPARTMENT

Refer to written report. Water and Sewer Superintendent Tom Delamarter was excused from tonight’s meeting due to illness.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones stated that his office has been working on the Community Center repair project, the Flood Buyout Program, and on oversight of flood repairs, with over 100 building permits issued to flood damaged structures. He stated that his office has received 72 property owners’ signatures applying for the Buyout Program. Mr. Jones stated that his office has issued property damage assessments and information sheets to the property owners and he has compiled all the data into a spreadsheet. He stated that on February 24, with the assistance of the legal and engineering consultants, the Town’s application was submitted to FEMA, who will make the final determination regarding eligibility. Mr. Jones stated that the next steps will be to collect existing survey information and take photographs of the damaged structures. FEMA is expected to reach a decision regarding the Town’s eligibility in either June or July of 2012, then the information collected by the Code Office will be submitted and the application moved forward.

Mr. Finch asked if there are four property owners who plan to raise their homes and Mr. Jones confirmed that this is the case, noting that there is a home on Shipman Road and one or two on Conklin Road. Attorney Cheryl Sacco asked if FEMA was providing money for elevating homes and Mr. Jones replied, “Maybe.” Mr. Minoia stated that he recently read a pamphlet which stated that FEMA has a program through which it pays to raise homes.

Mr. Minoia asked about the status of the piles of contaminated soil behind the car wash and Mr. Jones replied that he will call the DEC (New York State Department of Environmental Conservation) again, as nothing has been done with the problem. Mr. Finch stated, “The DEC is in the wrong.” He stated that it has not yet been determined whether the contaminated piles are being taken to the Broome County Landfill or to Ithaca. He stated that the persons who authorized the dumping in Conklin of the contaminated soil from a gas station stated that they “thought it wasn’t contaminated.”

REPORT: DOG CONTROL OFFICER

Refer to written report.

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

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OLD BUSINESS:

NOISE LOCAL LAW

Attorney Cheryl Sacco opened discussion about the proposed local law to control noise levels. She stated that the Town's current Code section 140-114 addresses "noisy neighbor" issues and will be included in the new law. Ms. Sacco stated that the Towns of Windsor and Colesville have enacted similar laws. She explained that the local law would set the base noise level in the Town and would then allow an increase over that base of five dBAs (A-weighted decibels) during daytime hours and three dBAs during nighttime hours. Ms. Sacco stated that a Temporary License could be obtained from the Town Clerk for three days, if the increase in noise level would be greater than that allowed in the local law, or from the Town Board for a longer period of time than the three days. She stated that a Form 239 needs to be sent to Broome County Planning Department for its input. Code Officer Jones stated that he will need to purchase a decibel meter and be trained in its use.

RESO 2012-36: SCHEDULE PUBLIC HEARING/LOCAL LAW 1, 2012/ "NOISE CONTROL"/MAY 8, 2012/7:05 P.M.

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 7:05 P.M. on May 8, 2012, to receive public input regarding proposed Local Law 1, 2012, "Noise Control."

Seconded by Mr. Francisco.

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

UPDATE/COMMUNITY CENTER RESTORATION

Mr. Jones stated that the contractor has completed his portion of the Floyd Maines Community Center restoration project, adding that Town employees are now replacing ceiling and floor tiles, and installing plumbing. He stated that sinks and urinals still need to be installed, and the building thoroughly cleaned and the floor waxed. The scheduled re-opening of the Community Center is April 1, although it is anticipated that the kitchen renovation will not be completed until April 15. Mr. Jones has received three quotes on kitchen appliances. Mr. Finch commented that the Town would buy new appliances, since research has shown that the price is almost the same for used appliances as it would be for new ones.

Mr. Finch stated that a second set of doors could be installed near the front entrance to create an "airlock," to try to keep the heat from escaping when the outside doors are opened and closed, adding that this possibility is being researched for cost. The Board discussed whether or not panic bars are needed for the doors in the bathrooms that lead to the outside of the building. Mr. Bullock asked if there are emergency lights in the bathrooms and Mr. Jones confirmed that there are emergency lights. Mr. Bullock commented that the Town needs to make sure it purchases the correct size doors. Mr. Jones commented that he will need to get three quotes for the doors. Mr. Jones added that the ceiling tiles near the doors will need to be changed so that air puffs from the doors opening and closing do not lift the tiles. Mr. Francisco commented that there are clips designed to hold ceiling tiles in place. Mr. Finch stated that a new piece of carpet will be

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installed in the entrance way to cut down on the tracking of dirt into the Community Center and the heat will be changed.

Mr. Bullock stated that the floor tiles have been replaced and the toilets installed in the women's bathroom. He stated that sinks and countertops still need to be installed. Mr. Bullock stated that the front sidewalk needs to be repaired with concrete before the Community Center re-opens. Mr. Bullock stated that Parks Superintendent Tom Delamarter had obtained two adult workers through the Broome County Work Force, at no cost to the Town, to help with the Community Center restoration project, adding that they are very good workers.

Dolly Stout commented that the Town needs to make sure the handicapped bars on the toilets are installed with the correct placement, adding that the ones that were in place before the flood were incorrectly installed. Mr. Francisco stated that he thinks the Town should install crash bars on the bathroom doors that lead to the outside and Mr. Minoia agreed. This would allow for another exit from the building in case of emergency.

12 WOODCREST WAY

Mr. Finch stated that the Town now owns the property located at 12 Woodcrest Way and must decide whether to advertise to sell it, or pay to tear down the flood-damaged structure located there. Mr. Finch stated that he would like the Town to be able to recoup the legal fees. Mr. Bullock agreed that the Town needs to recoup some of the money spent and stated he thinks the Town should advertise in the **Country Courier** to sell the property, with a minimum bid of \$10,000.

**RESO 2012-37: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/SELL
PROPERTY AT 12 WOODCREST WAY/MINIMUM BID \$10,000**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the advertisement in the **Country Courier** of the acceptance of bids to purchase 12 Woodcrest Way, Tax Map No. 178.07-3-3, from the Town of Conklin. Sealed bids must be submitted to the Town Clerk by 1:00 P.M. on May 8, with the bids to be opened at the Board meeting that evening, and must be a minimum of \$10,000. The purchaser must make the exterior of the building located on the property Code compliant within 90 days of the date of purchase.

Seconded by Mr. Minoia.

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

NEW BUSINESS:

UNITED COMMUNITY DAY

A celebration of the Town's businesses and residents will take place on United Community Day, April 28, 2012. Businesses will have the opportunity to show the public and other businesses what they have to offer. Town Clerk Sherrie Jacobs stated that letters of invitation have been sent to all of the Town's businesses, adding that Deputy Town Clerk Marilou Gabello was very helpful in procuring the correct addresses for this project.

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Mr. Finch stated that the Town is launching a "Beautification of Conklin" project, with the hopes of cleaning up the Town from the flood debris and encouraging residents and business owners to take pride in the appearance of their properties and perhaps plant some flowers. He stated that the Town Board will advertise in the **Country Courier** inviting those interested in participating to send their name and contact information to the Town. From these names, two winners will be selected, with the first winner to receive \$100, and the second winner \$50, worth of flowers for their yards. Town Clerk Jacobs also mentioned the possibility of a riverbank clean-up.

Mr. Finch stated that the Town is researching the possibility of extending the water and sewer systems to an area that would allow for 60 to 70 new homes to be constructed.

2012 PARK PAVILION RENTAL FEES

The Town Board discussed the possibility of raising the Park Pavilion rental fees and decided to keep the fees the same for 2012.

RESO 2012-38: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/LIFEGUARDS/TOWN POOL/2012 SEASON

Mr. Bullock 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 lifeguard for the Conklin Pool for the 2012 season.

Seconded by Mr. Francisco.

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

RESO 2012-39: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/RENTAL OF PARK PAVILIONS & COMMUNITY CENTER & RENTAL FEE SCHEDULE/2012

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** of the availability of rental of the Park Pavilions and of the Community Center and the rental fee schedule for 2012.

Seconded by Mr. Francisco.

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

RESO 2012-40: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/UNITED COMMUNITY DAY

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** to promote United Community Day, to be held April 28, 2012.

Seconded by Mr. Minoia.

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

RESO 2012-41: AUTHORIZE WATER & SEWER SUPERINTENDENT/TOM DELAMARTER/ATTEND NY RURAL WATER ASSOCIATION TECHNICAL CONFERENCE/VERONA, NY/MAY 20-24, 2012

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Water and Sewer Superintendent Tom Delamarter to attend the New York Rural Water Association Technical Conference, located in Verona, New York, from May 20 through May 24, 2012, and authorizes payment of the following costs associated with the Conference: NYRWA registration - \$325.00, Turning Stone Hotel – four nights at \$119.00 per night, totaling \$476.00, and mileage and meals (per diem) paid to the attendee.

Seconded by Mr. Francisco.

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

RESO 2012-42: AUTHORIZE PAYMENT/BILL LIST/\$72,150.54

Mr. Bullock 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 \$72,150.54:

General	\$27,610.21
Highway	14,377.71
Flood Emergency	7,514.37
Light Districts	449.08
Sewer District	4,214.36
Water District	1,491.81
Non-Budget	<u>16,493.00</u>
Total	\$72,150.54

Seconded by Mr. Francisco.

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

Mr. Finch explained that the “Non-Budget” amount reflects the PILOT (Payment In Lieu Of Taxes) from the Conklin Senior Housing amount being paid to Susquehanna Valley School District for payment of school tax.

RESO 2012-43: RECOMMENDATION TO IMPROVE TRAFFIC SAFETY BY REDUCING THE SPEED LIMIT AND POSTING SPEED LIMIT SIGNS ON STILLWATER ROAD IN THE TOWN OF CONKLIN

PRESENT:

Supervisor Vacant

Councilman Gary D. Bullock

Councilman Charles Francisco

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Deputy Supervisor and Councilman James E. Finch
Councilman Jerry Minoia

ABSENT:

Offered By: Mr. Francisco **Seconded By:** Mr. Minoia

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

WHEREAS, the community and the Town of Conklin are concerned about traffic safety and the safety of residents;

WHEREAS, members of public appeared at Town Board meeting on February 28, 2012, alleging that speed limit signs and a reduction in the speed limit was necessary for Stillwater Road;

WHEREAS, Stillwater Road is located off Conklin Road;

WHEREAS, Stillwater Road is residential, where a number of families with young children live;

WHEREAS, Stillwater Road has a speed limit of 30 mph;

WHEREAS, the community and the Town of Conklin want appropriate action taken to mitigate the life-threatening risk posed by current conditions found on the Stillwater Road in the Town of Conklin;

NOW, THEREFORE, the Town Board of the Town of Conklin resolves to recommend to the County of Broome and the New York State Department of Transportation that: 1) the speed limit on Stillwater Road in the Town of Conklin be reduced to 20 miles per hour and 2) that the speed limit be clearly posted.

RESOLVED, that copies of this resolution, and the attached form TE 9a shall be forwarded to Senator Thomas W. Libous, Assemblypersons Clifford Crouch and Donna Lupardo, the Broome County Executive, Jack Williams, (NYS DOT REGION 9 Director at 44 Hawley Street Binghamton, NY 13901) and the County Highway Superintendent ; and it further is

RESOLVED, that this resolution shall take effect immediately.

Resolution Adopted: March 13, 2012

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, New York on March 13, 2012. Said resolution was adopted by the following roll call vote:

Supervisor Vacant	
Councilman Gary D. Bullock	No
Councilman Charles Francisco	Yes
Deputy Supervisor and Councilman James E. Finch	Yes
Councilman Jerry Minoia	Yes

Dated: March 13, 2012

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk of the Town of Conklin

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Mr. Bullock stated that he feels the problem is a need for enforcement of the existing speed limit, rather than a reduction of the speed limit. He stated that it is “outsiders causing a neighborhood problem.” Attorney Sacco stated that the decision regarding the speed limit will be decided by New York State and Broome County, adding that the Town of Conklin “has no say” in the matter.

RESO 2012-44: AUTHORIZE CHANGE/MARCH 27, 2012 TOWN WORK SESSION TO
REGULAR TOWN BOARD MEETING/5:30 P.M. START TIME

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes changing the March 27, 2012 Town Work Session to a Regular Town Board Meeting, with a start time of 5:30 P.M.

Seconded by Mr. Minoia.

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

CPR CLASS/TOWN HALL EMPLOYEES

Mr. Bullock stated that the Town will need to schedule a CPR class for the Town Hall employees in either April or May to maintain compliance with the presence of AEDs (Automatic External Defibrillators) in the building. Assistant to the Supervisor Lisa Houston will make a list of employees who need the CPR class. Mr. Finch stated that information about the class will be included with the next pay cycle’s paycheck.

PARK PAVILION RENTALS

Town Clerk Sherrie Jacobs stated that Park Pavilions will be available to rent beginning April 2, 2012.

OPENING DAY/LITTLE LEAGUE

Mr. Finch stated that April 28, the United Community Day, is also the Opening Day for Little League.

RESO 2012-45: EXECUTIVE SESSION/PERSONNEL ISSUE

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 8:00 P.M. to discuss a personnel issue.

Seconded by Mr. Francisco.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:00 P.M. with Deputy Supervisor James Finch presiding. Present were: Deputy Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Town Clerk Sherrie Jacobs, and Attorney Cheryl Sacco. Town Clerk Jacobs 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.

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RESO 2012-46: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:50 P.M.

Seconded by Mr. Minoia.

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

No action was taken.

RESO 2012-47: RESTRICT USE OF TOWN VEHICLES TO TOWN BUSINESS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin requires that all Town-owned vehicles, except those driven by the Highway Superintendent and Deputy Highway Superintendent, be parked at either the Town Hall or Highway Garage unless being used on official Town business. No Town-owned vehicle may be drive to and/or from work and all such vehicles are to be used for official Town business only, unless previously authorized by the Supervisor, Deputy Supervisor, or a member of the Town Board. This resolution becomes effective March 15, 2012.

Seconded by Mr. Bullock.

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

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 8:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk