

REGULAR TOWN BOARD MEETING

APRIL 12, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on April 12, 2011, at the Conklin Town Hall. 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
	Highway Superintendent	Patrick Latting
	Town Justice	J. Marshall Ayres
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
GUESTS:	Country Courier	Elizabeth Einstein Dolly Stout John Colley Joe Bartosik Laurie Francisco Peter J. Motsavage Holly Meier Michael Meier

MINUTES: MARCH 22, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the March 22, 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.

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of reports from the Supervisor's office, the Town Clerk, the Water and Sewer Superintendent, the Code Officer, the Highway Superintendent, the Dog Control Officer, and from the Youth Commissioner. She also acknowledged receipt of a letter from Holly and Michael Meier.

PUBLIC COMMENTS:

Supervisor Preston distributed copies of the letter sent by Mr. and Mrs. Meier regarding the possibility of decreasing the speed limit on Felters Road and stated that the Meiers would be allowed to address the Board if they arrived later in the meeting.

REPORT: HIGHWAY SUPERINTENDENT

In addition to his written report, Highway Superintendent Patrick Latting reported that he is seeking solutions to the problem with algae in the fuel. He stated that there is no local tester that can be used to analyze the fuel and that usually tests are sent to New Jersey and are very expensive. However, stated Mr. Latting, the Broome County Department of Weights and Measures took samples on April 7 and will be testing them free of charge to the Town.

Mr. Latting stated that his crew constructed 10 to 12 more barriers for road closure, as a measure of emergency preparedness, in the event of flooding and the necessity of road closure. He reported that members of the Conklin Volunteer Fire Department did a walk-through of the

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Highway Garage on March 22 and presented him with a plan to deal with hazards and safe evacuation in the event of a fire. Mr. Latting reported that everyone in his department plus the staff of the Water and Sewer Department attended a "Dig Safely New York" safety seminar.

Mr. Latting reported that the annual spring clean-up has been "busy and difficult," adding that his crew has been sweeping roads and replacing sod to repair damage caused by the snow plows. He added that this damage is town-wide, the result of a "tough winter." Supervisor Preston distributed copies of a letter from Bonnie Gates of Melody Lane asking for repairs of damage done to her lawn by the Highway Department. Mr. Latting stated that Melody Lane has already been addressed and the sod repaired. He added that his department "will repair it the best it can," meaning "mowable with a push mower." Mr. Latting stated that when the frost is out of the ground, damage is unavoidable.

Mr. Latting reported that the last bout of minor flooding caused minimal but widespread damage, leaving only one day before the weekend to get all of the repairs completed. He stated that his department worked hard and successfully completed all of the repairs in one day so that there was no damage left over the weekend.

Mr. Latting stated that he met with John Mastronardi of Griffiths Engineering to discuss riprap work and creek alignment that needs to be completed on Carlin Creek at Ketchum Road. He asked about using material from Millburn Drive but Mr. Finch stated that it is cheaper to purchase new material at the County bid pricing than to pay to haul material from Millburn Drive.

Mr. Bullock asked if Mr. Latting has a list of roads scheduled to be repaired in 2011 and Mr. Latting stated that he is "still planning." Attorney Cheryl Sacco reminded the Board that Broome County bid pricing can only be used for the purchase of goods, where New York State bid pricing can be used for the purchase of both goods and services.

PUBLIC COMMENTS (CONT.):

SPEED LIMIT ON FELTERS ROAD

Michael and Holly Meier stated that they moved to 221 Felters Road on February 4 and noted that there is no posted speed limit on their road, with the last speed limit sign located at the intersection of Felters Road and Ahern Road. They stated that cars travel Felters Road at an excessive speed and noted that there are many driveways and families with children in that section of Felters Road. Mr. and Mrs. Meier are asking that the speed limit be lowered to 30 miles per hour and that speed limit signs be installed.

Attorney Cheryl Sacco explained that the Town Board could pass a resolution petitioning Region 9 of the New York State Department of Transportation (DOT) to lower the speed limit to 30 miles per hour, adding that she could have this resolution prepared for the April 26 Town Board meeting. Mr. Minoia added that the DOT will conduct a study of the road and determine if the change in speed limit is warranted. The Meiers noted that 200 yards down the road from their home, the speed limit is posted as 30 miles per hour (in the Town of Binghamton), and Mrs. Meier recalls that the speed limit was formerly 30 miles per hour. Attorney Sacco stated that the Town will need reasons and rationales for the change in speed limit, which the Meiers will help provide. These include: five or six families with children in the area, new homes, hidden driveways, no shoulders on the road, and no street lights.

Mr. and Mrs. Meier also reported that someone has been dumping garbage on Felters Road. Highway Superintendent Patrick Latting stated that his crew will make sure it is cleaned up.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he has been conducting fire and safety inspections, and helping to prepare four cases for the April Planning Board meeting, including two businesses that appeared before the Planning Board in March and must

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come back this month. Mr. Jones added that Wayne's Welding will be appearing before the Planning Board with a proposal to construct a propane storage and fill facility. He stated that his office issued three building permits in March and has already issued five in April. Mr. Jones stated that he has also been working on the Community Rating System project, seeking a better flood insurance rating for the Town.

Mr. Minoia stated that there is a garbage problem on Gee Street, with an un-emptied dumpster that is frequented by animals. Mr. Jones will look into this situation.

Mr. Bullock asked about a garage on Stillwater Road which has a collapsed roof and absentee owners. Mr. Jones stated that this is a dangerous situation and a safety hazard and he will therefore put up a fence. He will call Attorney Sacco for advice about how to obtain reimbursement for the Town for the cost of the fence.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that Youth Baseball and Softball Opening Day will be held on April 30. He stated that there is nothing new with the Town Pool or Shawsville Cemetery and that everything is good with the Town Landfill.

Mr. Delamarter stated that the pump at Sewer Station 3 is being rebuilt and will be completed in about two weeks. He stated that the spare parts didn't work out. Mr. Delamarter stated that the bill is about \$6,000 for the work on the pump, but added that it will be adjusted to remove \$1,200-\$1,500 which was charged for a second worker, whom Mr. Delamarter stated was not needed. He stated that the sewer station is monitored with the computer system, so he knows immediately if there is a problem.

Mr. Bullock stated that the fence installed between Hobart Stone and Julius Rogers Park looks very nice. Mr. Finch commented that there is still mud in the park as a result of runoff of sludge from Hobart Stone.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

(Copies of all written reports are on file in the office of the Town Clerk and are available for public viewing during normal business hours.)

OLD BUSINESS:

MORRIS BOULEVARD SCHOOL CROSSING

Supervisor Preston stated that she discussed the safety issue at the Morris Boulevard school crossing with Town Engineers Dan Griffiths and John Mastronardi. To resolve the issue, the New York State DOT will supply the pipe and the Town of Conklin will install it.

WINTER PARKING REGULATIONS

Supervisor Preston reminded those present that the Winter Parking Regulations apply to everyone, including employees.

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BEROTA COURT DRAINAGE

Supervisor Preston stated that the drainage issues on Berota Court are an ongoing problem which needs to get finalized. Mr. Finch stated that the swale to the river needs to be cleaned out. Supervisor Preston stated that the Town has the right-of-ways needed to access this swale to clean it out.

PROPERTY APPRAISAL

Supervisor Preston stated that the Town-owned property across Conklin Road from the Town Hall was appraised at \$25,000. She added that she wants to see the deed restricted to forbid any business or building from being constructed on this property, keeping it a green space. Attorney Sacco will send a letter to the interested party.

CENSUS NUMBERS FOR CONKLIN

Supervisor Preston stated that the 2010 Census numbers for Conklin are “bad” and that the “Town was hit hard.” She explained that the 2010 Census shows that the Town of Conklin lost 499 people, where she had estimated only 300. She added that over 130 properties are now green space, which does not include those houses and businesses taken down by their owners. Supervisor Preston explained that this results in a loss of \$100,000 per year in sales tax revenue for the Town for the next ten years, adding that it will definitely impact the Town of Conklin Budget.

Supervisor Preston stated that one project that would help spur growth in Conklin would be to extend the sewer system to the south end of town, adding that she will meet with the Binghamton-Johnson City Joint Sewage Board to discuss this possibility.

NEW BUSINESS:

DEPARTMENT QUARTERLY BUDGET REVIEW

The department heads were required to present a written quarterly review of the budget for their departments to the Town Board. Supervisor Preston noted that each department should be at approximately 25% of its 2011 Budget expended at this point. The Code Officer broke his report down into the following line items with the percentage of the budget spent as of March 31, 2011: Safety Inspections (Code Book updates) – 50%; Safety Inspections – 10%; Demolition of Unsafe Buildings – 100%; Expenditures for Town Hall Operation – 20%. The Supervisor’s Office is at 23% expenditures. The Highway Department reported the following percentages of its budget spent: Highway Engineering – 0% used; General Repairs – Contractual – 1%; Improvement – Capital Outlay – 0%; Machinery Contractual – 36%; Snow Removal – Personnel Services – 64%; Snow Removal – Contractual – 73%; Snow Removal – Fuel Contractual – 77%; Landfill – Waste Contractual – 4%; Traffic Control – Contractual – 38%; and Garage – Contractual – 30%. The Town Clerk’s office is at 23% expenditures and the Dog Control Officer has spent 17% of her 2011 Budget.

TOWN JUSTICE ANNUAL REPORT

Town Justice J. Marshall Ayres presented his Annual Report for 2010. Judge Ayres stated that the Conklin Town Court processed 1,348 cases against 1055 defendants in 2010. He added that 37 of these cases were for DWI, which he added was a “sharp reduction in drunk driving cases in the Town.” Judge Ayres stated that the Court collected \$63,535.00 in fines, \$62,070.00 in surcharges, \$825.00 in Civil Fees, and \$3,627.50 in miscellaneous fees, resulting in a total of \$130,057.50 in total monies collected and forwarded to New York State. The Town of Conklin’s share of these fines was \$41,283.50, or 31.7% of collected fines, with New York State retaining the remaining 68.3%. The estimated budgeted revenue for the Court for 2010 was \$39,000, which the Court exceeded by \$2,283.50.

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Judge Ayres stated that the Town Court received two grants: one in the amount of \$509.98 for computer equipment and a second grant in the amount of \$4,640.00 for miscellaneous equipment, thus saving the taxpayers \$5,149.98. He explained that this equipment allowed the Town of Conklin Justice Court to be “one of the first all digital town and village courts in New York State.” This improvement has led to the Conklin Court hosting several meetings demonstrating this new records management system, as well as invitations to travel to other areas of New York State to demonstrate this paperless system. The Court will host the Broome County Clerks Association on April 21 for a demonstration, and has been invited to New York City Court as well. The Conklin Town Court has been honored in the spring edition of “The Magistrate,” as well as in a newsletter published by the Sixth Judicial District, regarding the all digital records management system.

Judge Ayres stated that anticipated expenses for 2010 were \$67,840.00. He stated that by consolidating personnel and postponing non-essential purchases, the Court was able to reduce expenses to \$58,366.27, thus saving the taxpayers \$9,473.73. Judge Ayres stated that combining this savings with the increased revenue generated, a contingency balance fund for the Justice Court of \$11,757.23 was generated, saving the taxpayers 17.3% of the 2010 Budget.

Judge Ayres stated that the Town of Conklin Justice Court has a strong record of being very fair in the dispensing of justice, adding that it is one of few in New York State that will accept partial payment for fines and fees.

On behalf of the Town Board, Mr. Finch thanked the Town Court for its hard work on behalf of the community.

Judge Ayres reported that the anticipated revenue for the Court for 2010 was \$39,000, which it exceeded, adding that he anticipates revenue for 2011 will be \$48,000, an increase of 23%. He stated that the Court processed 393 cases in the First Quarter of 2011, with only four DWI cases.

RESO 2011-64: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE
REIMBURSEMENT/MARCH 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies check #2368, account code A1220.4, in the amount of \$133.62 to Debra Preston for mileage reimbursement for March 2011.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Abstain. Motion carried: 4 – Yes, 1 – Abstain.

RESO 2011-65: RATIFY PAYMENT/U.S. POSTAL SERVICE/ANNUAL WATER
REPORT POSTAGE COST

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2370, account code SW8310.4, in the amount of \$353.56 to the U.S. Postal Service for postage cost for mailing of the Annual Water Report.

Seconded by Mr. Bullock.

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

RESO 2011-66: AUTHORIZE PAYMENT/BILL LIST/\$42,877.51

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$42,877.51:

General	\$22,860.17
Highway	14,284.27
Light Districts	380.07
Sewer District	856.50
Water District	<u>4,496.50</u>
Total	\$42,877.51

Seconded by Mr. Finch.

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

PROCUREMENT POLICY

Supervisor Preston distributed copies of the recently adopted Town of Conklin Procurement Policy.

2010 CONKLIN ROAD

Attorney Cheryl Sacco reported that court papers have been served upon the owner of 2010 Conklin Road.

CARLIN ROAD CROSSING/CP RAIL

Attorney Sacco stated that she, Supervisor Preston, and Highway Superintendent Patrick Latting met with representatives from CP Rail to discuss the condition of the Carlin Road railroad crossing. The crossing will be made passable with no cost to the Town.

560 CONKLIN ROAD

Mr. Minoia asked about the status of 560 Conklin Road, the former City Line Garage. Attorney Sacco stated that her office sent the person using the building a letter, but added that the claimant hasn't yet filed paperwork. She stated that this person claims that there is "no business" at that address and that he is merely using the space "for his own purpose."

Mr. Minoia asked about the process needed for getting this property assessed, since the railroad owns the land, and is assessed for it, but no one is assessed for the building. Ms. Sacco stated that a Mr. Knapp stated first that he had a mortgage on the building, and then stated that it was actually a lease, but has no proof of anything. She stated that the owner of record is the railroad company, so Mr. Knapp can't rent the building to anyone else, since he doesn't own it. Ms. Sacco added that he "may be a squatter." Mr. Minoia stated, "Someone owes taxes" on this property. Ms. Sacco stated that she spoke with Town Assessor John McDonald about contacting New York State, which is the agency that assesses railroads, to have the property reassessed, adding that Mr. McDonald had stated that this process is "difficult." Mr. Bullock stated that the Town should shut off the water supply to the building and Water and Sewer Superintendent Tom Delamarter stated that his department is trying to find the water hook-up to the building.

Mr. Minoia asked about assessments on flooded properties throughout the Town which have been abandoned by their owners. Supervisor Preston stated that each property is evaluated individually. She added that the question is: How much money will the Town of Conklin spend "up front" to take care of these properties, knowing that reimbursement takes a long time? She stated that the Town has an inventory of the remaining damaged properties in the Town, but added that the assessment is so low on the properties now that the owners don't care about them.

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CODE ISSUES/GEE STREET & CHERRY DRIVE

Supervisor Preston asked Code Officer Jones to have a report ready for the April 26 meeting regarding Code violations on Gee Street and on Cherry Drive.

PAVEMENT AT COMMUNITY CENTER

Mr. Francisco thanked the Highway Department for fixing the pothole at the Community Center with cold patch, adding that the driveway and parking lot need to be repaved with blacktop. He also told Mr. Latting that the signpost needs to be straightened at the entrance to the Town Hall, adding that it looks like one of the trucks may have hit it.

MUD ON JR BOULEVARD/HOBART STONE

Mr. Finch addressed the problem of mud on JR Boulevard and in Julius Rogers Park, particularly on the tennis courts and basketball court, which is caused by runoff of sludge from Hobart Stone. Parks Superintendent Tom Delamarter commented that many meetings have been held between Town representatives and representatives from Hobart Stone to discuss this issue, but “nothing is ever done” to resolve the problem. Code Officer Jones stated that he sent a letter to Mr. Hobart on March 30 suggesting some possible solutions to the problem. Supervisor Preston stated that Mr. Jones should call Dan Griffiths and John Mastronardi of Griffiths Engineering to look at the site and offer solutions. Mr. Jones stated that Mr. Mastronardi has already looked at the site with him. Mr. Jones stated that there is a crown in the road on JR Boulevard, adding that a ditch needs to be dug along the road to allow for better drainage, with sluice pipe installed at each driveway. Mr. Jones added that his March 30 letter to Mr. Hobart instructed him on the method of constructing a “construction entrance” to his business. Mr. Finch commented that the yard at Hobart Stone is two feet higher than JR Boulevard. Mr. Jones stated that Mr. Hobart periodically washes JR Boulevard. Supervisor Preston instructed Mr. Jones to contact Mr. Mastronardi of Griffiths Engineering and to have him either send a written report or attend the April 26 meeting with possible solutions to this problem. Mr. Minoia commented that Mr. Hobart has raised the grade of the yard at his business so much that the slurry from his stone operation runs into the road and the park, where it dries like cement. Supervisor Preston commented that the DEC (New York State Department of Environmental Conservation) has addressed issues with the creek in the area in the past.

ROAD PRESERVATION LEGISLATION

Supervisor Preston stated that Attorney Sacco will bring proposed Road Preservation legislation to the April 26 meeting for the Board to examine. Ms. Sacco stated that the Town of Dickinson adopted similar legislation, while the Town of Afton adopted it then later repealed it. The Town of Windsor considered adoption of this legislation but declined to do so.

TOWN AUDITOR AT APRIL 26 MEETING

Supervisor Preston reminded the Board that Cheryl DiStefano of Vieira and Associates, the Town Auditors, will be present at the April 26 meeting to present her report on the 2010 Audit.

DEAD TREES ON MAINES PROPERTY

Supervisor Preston asked Mr. Jones about the dead trees on the Maines Paper and Food property in the Corporate Park, noting that replacing dead trees had been part of the agreement during the permitting process. Mr. Jones replied that there is only one dead tree and Maines will take care of replacing it.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:30 P.M.

Respectfully submitted,
Sherrie L. Jacobs, Town Clerk

