

REGULAR TOWN BOARD MEETING

APRIL 22, 2014

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on April 22, 2014, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Dumian, Francisco, Finch (Jerry Minoia absent due to illness.)
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
	Public Works Superintendent	Tom Delamarter
	Water & Sewer Laborer	Nicholas Platt
	Water & Sewer Laborer	Colin Casey
	Planning Board	Dell Boyle
GUESTS:	Country Courier	Elizabeth Einstein Laurie Francisco Peter J. Motsavage Robert Ronk

MINUTES: APRIL 8, 2014 REGULAR TOWN BOARD MEETING

Mr. Dumian moved to approve the April 8, 2014 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

Town Attorney Cheryl Sacco stated that the Town received Memorandum Decision and Order RJI#2013-1456, adding that the Town won its lawsuit with All Around Excavating regarding awarding of the bids for the FEMA (Federal Emergency Management Agency) Buyout demolitions. Ms. Sacco went on to say that she is “nervous” about the Buyouts and the point the Town has reached in processing applications, adding that other municipalities are farther along with the process than the Town of Conklin. Mr. Bullock called for an Executive Session to discuss this issue.

Mr. Finch stated that he received notification that a meeting will be held in Albany on April 23 to determine which municipalities will be awarded the New York State Rising Community Grants, which include the \$3 million grant and the \$1.4 million grant, both of which the Town of Conklin has applied to receive.

PUBLIC COMMENTS:

None.

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REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

Highway Superintendent Brian Coddington stated that he wants to purchase a new loader, adding that replacement tires for the current loader would cost \$10,000. He stated that the Town would receive \$104,271 in trade-in. Mr. Coddington stated that he has obtained three bids, including one from Five-Star Equipment for a John Deere loader which is on New York State bid. He stated that the first payment on a five-year lease to purchase agreement would be due one year from the delivery date, with a cost of \$22,794.90 per month.

OLD BUSINESS:

UPDATE/BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD AGREEMENT

Mr. Finch stated that the Town Attorney is discussing a one year contract between the Town of Conklin and the Binghamton-Johnson City Joint Sewage Board. The Joint Board agreed to the one-year contract but the City of Binghamton, which owns 51% of the Joint Sewage Treatment Plant, refused. Mr. Bullock asked how much it would cost to build a small treatment plant in Conklin and Mr. Finch replied that it would cost \$12 million. Public Works Superintendent Tom Delamarter stated that the Town is locked into sending its sewage flow to the Joint Sewage Treatment Plant.

UPDATE/2011 FLOOD BUYOUT PROGRAM

Ms. Sacco asked what progress had been made on the Buyout applications, asking about money for the closings on the properties. She stated, "We're really behind," adding that FEMA has been allocating money to the municipalities for closings. "The other municipalities in the area are not borrowing money," she stated.

UPDATE/NEW YORK STATE RISING COMMUNITY GRANTS

Mr. Finch reiterated that the decision on awarding the New York State Rising Community Grants will be made on April 23. He stated that \$197 million is available from FEMA for grants, many to conduct feasibility studies.

DISCUSSION/WATER DEPARTMENT SALARIES

Mr. Delamarter stated that he would like to give his two employees, Nicholas Platt and Colin Casey, a pay rate increase of \$.50 per hour each. He discussed their responsibilities, particularly with regard to their oversight of the municipal water system, citing the consequences of any problems with the water supply. Mr. Delamarter stated that, if the chlorine or other chemicals in the water are not properly administered, and someone gets sick, his employees could be prosecuted and Homeland Security would be involved, thus stressing the need for good training and excellent service. He added that some Highway Department Laborers make more money per hour than his department, even though the Highway Laborers were hired at a later date, adding that this is "not fair."

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Mr. Bullock stated that “this should have been discussed at Budget time, not midstream.” Mr. Dumian stated that there are inconsistencies in pay rate within the Town, adding that the Highway Superintendent is paid “a ridiculously low rate.” Mr. Dumian stated that the pay increases should be given, adding, “Award people what they earn.” Mr. Francisco called for an Executive Session to discuss this issue further.

NEW BUSINESS:

**RESO 2014-63: ESTABLISH STANDARD WORKDAY FOR ELECTED OFFICIALS
FOR RETIREMENT REPORTING PURPOSES**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin establishes the following as standard workdays for elected officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body (see attached).

Seconded by Mr. Dumian.

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

**RESO 2014-64: APPROVE HIRING/LINDA L. WALSH/TEMPORARY PART-TIME
CLERK/PAY RATE OF \$12.00 PER HOUR**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of Linda L. Walsh as a temporary part-time clerk at a rate of pay of \$12.00 per hour.

Seconded by Mr. Francisco.

VOTE: Bullock – No, Dumian – Yes, Francisco – Yes, Finch – Abstain. Motion failed: 2 – Yes, 1 – No, 1 – Abstain.

There was discussion regarding the possible length of the part-time term, with a maximum being 90 days, and a suggestion of 30 days. There was further discussion as to whether this position would be split between the Supervisor’s office and the Code Officer’s office, and whether Ms. Walsh would have to take the Account Clerk Civil Service test. Assistant to the Supervisor Lisa Houston, who would have been Ms. Walsh’s direct supervisor, stated that the eligibility list from the Broome County Personnel Office is “on hold.” There was discussion regarding the proposed rate of pay, which Ms. Houston had understood to be a mandated \$12.00 per hour, set by Broome County. The Town of Conklin actually has the ability to set pay rates for its employees, and Ms. Houston apologized several times for her misunderstanding. Mr. Bullock stated that he accepted Ms. Houston’s apology, but added that he was not happy that it “took two weeks to get the information I wanted.” Mr. Dumian stated that the hiring process is flawed and should be changed, with pay rates discussed prior to the Board meetings at which a motion to hire would be entertained. Ms. Sacco added that the Board should approve salary and hiring before the Board meeting. Mr. Dumian stated that he felt the Board should discuss the correct process with Ms. Sacco. Mr. Bullock suggested that the Board research the possibility of utilizing an outside firm to handle payroll.

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RESO 2014-65: AUTHORIZE PAYMENT/BILL LIST/\$24,696.35

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 \$24,696.35:

General	\$15,049.73
Highway	3,792.06
Light Districts	376.42
Sewer Districts	724.53
Water District	<u>4,753.61</u>
Total	\$24,696.35

Seconded by Mr. Dumian.

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

RESO 2014-66: AUTHORIZE MODIFICATION OF STATED FROM AND TO BUDGET LINES AS OF APRIL 22, 2014

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 April 22, 2014 (see attached).

Seconded by Mr. Dumian.

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

RESO 2014-67: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenues (see attached).

Seconded by Mr. Francisco.

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

UPDATED COMPREHENSIVE PLAN

Mr. Bullock stated that he had advised Hal Cole, Chairman of the Comprehensive Plan Committee, of two corrections to the updated Comprehensive Plan – 1) the fact that there are seven, rather than five, employees in the Highway Department, and 2) the addition of the Community Center. Mr. Dumian called the updated Comprehensive Plan “very good,” and concurred that a large threat, identified in the plan, would be the Board’s “inability to work together.”

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BROOME COUNTY INFORMATION TECHNOLOGY OFFICE

Mr. Francisco stated that the Board members received a letter from the Broome County Information Technology Office offering to host the Town's records on its server, replacing the Town's IT vendor, BlueStorm Technology. Mr. Francisco stated that he has a "real concern" about turning the Town's records over to Broome County, adding that security is a concern because people could hack into the system. Ms. Sacco added that FOIL (Freedom of Information Law) requests could be more extensive and that confidential e-mails between attorney and client could be compromised. Mr. Bullock proposed that the Board send a letter to Broome County declining the offer.

TOWN-WIDE CLEAN-UP DAY

Town Clerk Sherrie Jacobs stated that a Town-wide Clean-up Day will be held from 9 A.M. until Noon on April 26, 2014. Garbage bags and gloves are available in her office for volunteers.

MOVING MOBILE DMV TO BOARD ROOM

Mr. Finch stated that the mobile DMV (New York State Department of Motor Vehicles) unit that is housed at the Town Hall every Tuesday from 10 A.M. until 3 P.M. needs more room, and proposed having the DMV utilize the Board room, adding that Broome County is willing to help pay for the cost of running a computer line into the Board room for the DMV to utilize.

RESO 2014-68: AUTHORIZE MOBILE DMV UNIT/USE BOARD ROOM

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the mobile DMV to utilize the Board room at the Conklin Town Hall.

Seconded by Mr. Dumian.

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

PURCHASE RESIDUAL CHLORINE ANALYZER/MUNICIPAL WATER SYSTEM

Mr. Delamarter stated that his department will purchase a residual chlorine analyzer for the Town's municipal water system, at a cost of \$3,500. The item is not on the New York State bid list. Ms. Sacco reminded Mr. Delamarter to follow the Town's Procurement Policy and he assured her that he is doing so.

PUBLIC COMMENTS:

BONDING FOR MONEY COLLECTORS

Robert Ronk asked if all of the personnel who collect money for the Town are bonded. Mr. Finch replied that the staff members that work in the Town Hall are all bonded. Mr. Ronk asked about the lifeguards at the Town Pool.

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WHITE GOODS & BRUSH PICK-UP

Highway Superintendent Brian Coddington stated that the annual White Goods and Brush Pick-up will take place April 28 through May 9, 2014.

RESO 2014-69: EXECUTIVE SESSION/LITIGATION & PERSONNEL ISSUES

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 6:30 P.M. to discuss litigation and personnel issues.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Dumian – 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 6:30 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Dumian, Mr. Francisco, Public Works Superintendent Tom Delamarter (a portion of the meeting) and Attorney Cheryl Sacco. Ms. Sacco 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 proposed, pending, or current litigation, and regarding the medical, financial, credit or employment history of particular persons or corporations, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of particular persons or corporations.

RESO 2014-70: 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 7:45 P.M.

Seconded by Mr. Francisco.

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

RESO 2014-71: AUTHORIZE SETTLEMENT/TAX CERTIORARI/INLAND PAPER BOARD CORPORATION

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the settlement of the tax certiorari with Inland Paper Board Corporation in those terms specifically discussed with Legal Counsel.

Seconded by Mr. Francisco.

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

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**RESO 2014-72: INCREASE HOURLY PAY RATE/WATER DEPARTMENT
LABORER/COLIN CASEY/\$.50 PER HOUR/EFFECTIVE IMMEDIATELY**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the increase in pay rate by \$.50 per hour for Water Department Laborer Colin Casey, effective immediately.

Seconded by Mr. Dumian.

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

**RESO 2014-73: INCREASE HOURLY PAY RATE/WATER DEPARTMENT
LABORER/NICHOLAS PLATT/\$.50 PER HOUR/EFFECTIVE IMMEDIATELY**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the increase in pay rate by \$.50 per hour for Water Department Laborer Nicholas Platt, effective immediately.

Seconded by Mr. Dumian.

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

There being no further business to come before the Board, Mr. Dumian motioned for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:47 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk