

REGULAR TOWN BOARD MEETING

APRIL 23, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on April 23, 2013, at the Conklin Town Hall. Mr. Finch, 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
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Public Works Superintendent	Tom Delamarter
	Highway Foreman	Stan Albrechta
GUESTS:	Country Courier	Elizabeth Einstein
		Bonnie Tolomei
		Angelo Tolomei
		Laurie Francisco
		Mike Gabello

MINUTES: APRIL 9, 2013 REGULAR TOWN BOARD MEETING

The Town Board decided to hold approval of the April 9, 2013 Regular Town Board Meeting minutes until the May 14, 2013 Town Board meeting.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the Broome County Clerk's office advertising the Passport Fair to be held at the Conklin Town Hall from 1 to 3 P.M. on May 7, 2013. He also acknowledged receipt of a letter from Coughlin & Gerhart, LLP, certifying that there are no outstanding claims against the Town except tax certiorari.

Mr. Finch acknowledged receipt of a letter from NYMIR (New York Municipal Insurance Reciprocal) stating the Town will receive \$7,000 less on payouts for the sewer pumps. He acknowledged receipt of a letter from Frank Evangelisti of the Broome County Planning Department regarding partnering with the County to try to obtain the 25% not covered by FEMA (Federal Emergency Management Agency) for the Flood Buyout Program. A request will be sent to Albany, asking why, if the damage caused by Hurricane Sandy downstate was covered 100%, the upstate area cannot receive the 25% needed for flood recovery.

Mr. Finch acknowledged receipt of a letter from the New York State Labor Department stating that the requirement for asbestos abatement in the flood demolition process has been removed. Town Attorney Cheryl Sacco stated that she has been in contact with Tom Abatti, our contact at SEMO (State Emergency Management Office), who stated that the agreement between the Town of Conklin and New York State has not yet been signed by the State representative. She stated that the Town is "on track" with the Buyout process.

PUBLIC COMMENTS:

None.

REPORTS:

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None.

OLD BUSINESS:

UPDATE/PROPOSED LOCAL LAW 1, 2013/ "ABOLISH POSITION OF ELECTED TOWN HIGHWAY SUPERINTENDENT AND CREATE POSITION OF APPOINTED TOWN HIGHWAY SUPERINTENDENT, SUBJECT TO MANDATORY REFERENDUM"

Ms. Sacco stated that the proposed Local Law 1, 2013, "Abolish the Position of Elected Town Highway Superintendent and Create the Position of Appointed Town Highway Superintendent, Subject to Mandatory Referendum," has been legally posted and published. She added that she contacted the Broome County Board of Elections and a Special Election will be held in July. Mr. Finch commented that this change, if approved, will save the Town money.

UPDATE/GRADING OF LOW-LYING AREAS TO PREVENT MOSQUITOES

Mr. Finch stated that the Town has received two bids on grading the area between Berota Court and the Susquehanna River to help drain the area and prevent creating breeding grounds for mosquito infestations. A pipe will be installed to empty into the river behind the old pump house at Schnurbusch Park and a flapper valve will be installed.

NEW BUSINESS:

WILCOX ROAD PROJECT

Wilcox Road will be closed May 15 and 16, 2013, so that repairs can be made to the culvert on the steep part of the hill. Town Clerk Sherrie Jacobs will draft a letter to send to the residents of Wilcox Road, the Susquehanna Valley Central School District, and to Broome County Emergency Services. Mr. Minoia commented that the Town Highway Department will do the work, taking out the old pipe and installing the new one.

HIGHWAY PAVING PROJECTS

Public Works Superintendent Tom Delamarter stated that Broome Bituminous will provide the blacktop material, hauling it in and laying it, for repaving the Carlin Road area and some of the streets behind the Little White Church, covered by the "CHIPS" (Consolidated Highway Improvement Program) funds. Woodcrest Way, Morris Boulevard, Leslie Avenue, and Carlin Road are not included in the repaving plans this year. Town of Conklin Highway Department workers will serve as flagmen for the project. Mr. Bullock commented that the intersection of Morris Boulevard and Woodcrest Way needs work. Highway Foreman Stan Albrechta stated that the Highway crew will be patching that area.

COMMUNITY CENTER & GROUNDS

Mr. Delamarter reported that there will be a meeting of the Veterans Memorial Committee on April 25, adding that the fill dirt has been delivered to the Memorial site. Mr. Bullock commented that the renters of the Community Center have been very happy with the venue. Ms. Jacobs commented that she has been receiving more inquiries regarding renting the facility.

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RITTER PROPERTY/CONKLIN ROAD

Code Officer Robert Jones reported that he has received several complaints and has written letters to Mr. Douglas Ritter regarding his property on Conklin Road, adding that he has been working with Mr. Ritter to try to get him to address these Code violations. Mr. Jones reported that the back steps have been rebuilt at the house on Conklin Road and the temporary tent/garage structure has been removed.

POOL & PARKS

Mr. Delamarter reported that the Conklin Town Pool will be open from 1 to 7 P.M., adding that the pool will open on June 8 and will only be open weekends until school is out for the summer vacation. Youth Commissioner Fran Bealo will close the park bathrooms in the evening.

Mr. Delamarter stated that it is costing the Town extra money to pay Park employees to dump the garbage from the garbage cans into the dumpsters after pavilion rental events on holidays and weekends. He suggested, moving forward from tonight's meeting, that the Town issue garbage bags along with pavilion rental permits and require renters to put their trash in the dumpsters. The Board agreed that this will be the new policy. Mr. Delamarter stated that the Water Department workers will open the bathrooms on the weekends, since one person from that department is always on call each weekend.

Mr. Delamarter stated that the Kiwanis-sponsored "Pitch, Hit, and Run" Tournament will be held on Opening Day, April 27. He stated that there will be no Opening Ceremony, but baseball and softball players will be introduced before each game begins. Mr. Delamarter stated that the fields will be lined on Friday, April 26.

RESO 2013-62: RATIFY PAYMENT/JEFF BUMP (NYCE TRUCKING)/PURCHASE/MISCELLANEOUS TOOLS/HIGHWAY GARAGE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5761, account code A5132.4, in the amount of \$340.00 to Jeff Bump of NYCE Trucking for the purchase of miscellaneous tools to be used in the Highway Garage.

Seconded by Mr. Bullock.

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

Mr. Finch stated that the Town was able to purchase \$2,000 worth of tools for \$340.

RESO 2013-63: AUTHORIZE PAYMENT/BILL LIST/\$44,162.50

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 \$44,162.50:

General	\$22,677.99
Highway	2,455.92

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2011 Flood Emergency	205.00
Light Districts	2,581.47
Sewer District	1,785.04
Water District	4,069.08
Non-Budget	<u>6,388.00</u>
Total	\$44,162.50

Seconded by Mr. Minoia.

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

RESO 2013-64: AUTHORIZE MODIFICATION OF STATED FROM AND TO BUDGET
LINES/AS OF APRIL 23, 2013

Mr. Minoia 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 23, 2013 (see attached).

Seconded by Mr. Francisco.

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

RESO 2013-65: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUES

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, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

Mr. Finch commented that the owner of Pride Manor Mobile Home Park has completely reimbursed the Town for the water service that was installed.

**RESO 2013-66: AUTHORIZE THE FILING OF A CERTIFICATE WITH
THE SECRETARY OF STATE, DESIGNATING THE SECRETARY OF
STATE AS AGENT FOR SERVICE OF A NOTICE OF CLAIM**

PRESENT: Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch

ABSENT: NONE

Offered By: **Mr. Bullock**

Seconded By: **Mr. Francisco**

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

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WHEREAS, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the "Act").

WHEREAS, Section Six (§6) of the Act amends the General Municipal Law by adding a new Section Fifty-Three (§53), effective June 15, 2013.

WHEREAS, New York General Municipal Law Section Fifty-Three, Subsection Two (§53(2)) requires that all public corporations, who are entitled to service of notice of claim as a condition precedent to commencement of an action or proceeding shall, file a certificate with the Secretary of State designating the Secretary as agent for service of a notice of claim.

WHEREAS, the Town of Conklin must file such certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law, Section Fifty-Three (53) took effect.

NOW, THEREFORE, the Town Board of the Town of Conklin, duly convened in regular session, does hereby resolve as follows:

Section 1. The Clerk of the Town of Conklin be and she hereby is directed and empowered to forward to the New York State Secretary of State a Certificate, pursuant to General Municipal Law section fifty-three (GML §53), designating the Secretary of State as agent for service of a notice of claim where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Town of Conklin, or any officer, appointee or employee.

Section 2. This Resolution shall take effect immediately.

Resolution Adopted: April 23, 2013

CERTIFICATION

I, Sherrie L. Jacobs, do hereby certify that I am the Town of Conklin Clerk 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 Town of Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on April 23, 2013. Said resolution was adopted by the following roll call vote:

Mr. Bullock	YES
Mr. Minoia	YES
Mr. Francisco	YES
Mr. Finch	YES

Dated: April 23, 2013

Sherrie L. Jacobs
Clerk of the Town of Conklin

Seal

Ms. Sacco explained that this allows a Notice of Claim to be filed with either the Secretary of State, who would notify the Town of Conklin of any such Claims, or with the Town Clerk. She explained that a Notice of Claim is a precursor to a lawsuit and must be filed within 90 days.

JOINT SEWER TREATMENT BOARD

Mr. Finch stated that he received a letter from the Binghamton-Johnson City Joint Sewage Treatment Board requesting a 30-year extension on the agreement between the Joint Board and the Town of Conklin. He stated that the Town must find out whether or not the City of

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Binghamton sewer system will be able to accept any more waste from the Town of Conklin before an agreement is reached. Ms. Sacco stated that Attorney Alan Pope is working with other outside users, such as the Town of Conklin, to present a united front in dealing with renegotiation of contracts with the Joint Board.

GENERATORS

Mr. Francisco asked if the Town received documentation regarding the controls on the newly acquired federal surplus generators and Mr. Delamarter replied that the information is in the instruction manuals. Mr. Francisco stated that the generators should have a similar plug for all sites/facilities. Mr. Delamarter stated that the 30 KW generator is used only at the sewer station near Julius Rogers Park.

Mr. Francisco stated that sample lights have been ordered for the Community Center.

SHARED SERVICES/JUSTICE OFFICE

Mr. Finch stated that the Town Justice in the Town of Binghamton is leaving office in June and added that he and Town of Binghamton Supervisor Tim Whitesell have been discussing the possibility of combining the Justice Offices of the two Towns in a shared services agreement. He stated that there is a difference between the two Courts in the way in which Dog Control appearance tickets are handled. Mr. Finch stated that the new Dog Control Officer, also a shared services position, is "doing a great job."

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 6:15 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk