

**REGULAR TOWN BOARD MEETING**

**APRIL 25, 2012**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on April 25, 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
Assistant to Supervisor	Lisa Houston
Highway Superintendent	Patrick Latting
Code Officer	Robert Jones
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
Dog Control Officer	Darlene Weidman
Substitute DCO	Kelly Wildoner

**GUESTS:**

<b>Country Courier</b>	Elizabeth Einstein
Pope, Schrader & Sacco	Alan Pope
Vieira & Associates	Chris Hutchings
Grantwriter	Ruth Lewis
	Laurie Francisco
	Roger Stafford
	Mario Masciarelli
	Joe Bartosik
	Dolly Stout

**MINUTES: APRIL 10, 2012 REGULAR TOWN BOARD MEETING**

Mr. Minoia stated that the April 10, 2012 Regular Town Board Meeting minutes should be corrected on page 2, line 7 from the bottom, to read, "Mr. Minoia asked about using property currently owned by the County and Ms. Miller stated that the County is 'looking at that.'"

Mr. Bullock moved to approve the April 10, 2012 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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



**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 1, 2012**  
**RESIDENCY REQUIREMENTS FOR DOG CONTROL OFFICER & SUBSTITUTE**  
**DOG CONTROL OFFICER**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Deputy Supervisor Finch opened the Public Hearing at 5:35 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 1, 2012, which changes the residency requirements for the Dog Control Officer and the Substitute Dog Control Officer. Attorney Cheryl Sacco explained that the

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change means that the Dog Control Officer and Substitute Dog Control Officer are not required to be residents of the Town of Conklin, as long as each is a resident of Broome County.

There being no further comments or questions, Mr. Finch closed the Public Hearing at 5:36 P.M.



**RESO 2012-73: ADOPT LOCAL LAW 1, 2012/ "DOG CONTROL OFFICER"**

**PRESENT:**

Supervisor -vacant  
Councilman Gary D. Bullock  
Councilman Charles Francisco  
Deputy Supervisor and Councilman James E. Finch  
Councilman Jerry Minoia

**ABSENT:**

**Offered By: Mr. Finch                      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**, a resolution was duly adopted by the Conklin Town Board for a public hearing to be held by said Board at the Conklin Town Hall, 1271 Conklin Road in said Town, on April 25, 2012 commencing at 5:35 P.M. to hear all interested parties on a proposed Local Law entitled "Dog Control Officer", and

**WHEREAS**, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on April 11, 2012, and posted on the Town Clerk's sign board on March 28, 2012, and

**WHEREAS**, said public hearing was duly held at the Conklin Town Hall at 5:35 o'clock P.M. on April 25, 2012, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQRA"), this local law is not an activity that meets the definition of an "Action" and thus no SEQRA review is necessary, and

**WHEREAS**, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

**NOW, THEREFORE**, the Conklin Town Board hereby declares that the adoption of said Local Law is not an activity that meets the definition of an "Action" and thus no SEQRA review is necessary, and

**NOW, THEREFORE**, the Conklin Town Board hereby adopts said Local Law as Local Law No. 1-2012 entitled "Dog Control Officer," a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town of Conklin, and to give due notice of the adoption of said Local Law to the Department of State.

**BE IT FURTHER RESOLVED** this resolution shall take effect immediately.

**CERTIFICATION**

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that

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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 April 25, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant	_____
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Deputy Supervisor and Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: April 25, 2012  
Town of Conklin Seal

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

**INDEMNITY AGREEMENT/ALAN POPE/CUSIMANO DOG CASE**

Alan Pope, of Pope, Schrader, and Sacco, LLP, provided background regarding the Indemnity Agreement proposed between the Town of Conklin and Thomas Cusimano. Mr. Pope stated that Mr. Cusimano, an attorney with Hinman, Howard, and Kattell, LLP, owns two dogs, which had elicited multiple charges for running at large and annoying behavior. He stated that the case was scheduled to be before Judge J. Marshall Ayres of the Town of Conklin Court but the defendant stated this was a conflict of interest and Judge Ayres was forced to recuse himself from the case. The case was then assigned to the Town of Chenango Court, which Mr. Pope stated was "reluctant to do anything." During the trial, stated Mr. Pope, an agreement was reached in which Mr. Cusimano pled guilty to one charge per dog. Controls were set in place, in which Mr. Cusimano agreed to keep the electronic fence on his property active, with the Conklin Dog Control Officer having the authority to inspect the fence periodically. Mr. Pope further stated that if either of the two dogs is off the Cusimanos' property, the dog(s) must be on leash and under adult control. Mr. Pope stated that the Town wanted insurance coverage to protect the Town for one year if further incidents occur but the Cusimanos' insurance carrier would not issue a certificate of liability for that purpose. The Town of Conklin is thus agreeing to accept instead this written indemnity agreement, which expires on October 10, 2012.

**RESO 2012-74: AUTHORIZE EXECUTION OF INDEMNITY AGREEMENT/CUSIMANO DOG CASE**

Mr. Bullock moved for the following resolution:

**WHEREAS**, three counts of dog running at large, two counts of dangerous dog, and two counts of dog chase/jump/harass were brought against Thomas Cusimano, a resident of the Town of Conklin, by the Town of Conklin;

**WHEREAS**, a plea agreement was reached, part of which included an indemnification agreement;

**WHEREAS**, at the advice of Outside Legal Counsel, it is in the best interest of the Town to enter into this agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Conklin in regular session duly convened as follows:

1. The Deputy Supervisor is hereby authorized to execute said Agreement on behalf of the Town; such agreement is attached.
2. This resolution shall take effect immediately.

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New

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York, HEREBY CERTIFY that the above resolution was duly adopted by the Town Board of the Town of Conklin on April 25, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 25<sup>th</sup> day of April, 2012.

Sherrie L. Jacobs, Town Clerk

**OLD BUSINESS:**

**RUTH LEWIS/GRANTWRITER/EXTENSION OF WATER SYSTEM**

Water and Sewer Superintendent Tom Delamarter introduced Ruth Lewis, grantwriter, whom he stated the Town may be interested in employing to pursue grants for possible extension of the Town's water system. Mr. Finch stated that he has a meeting set up for May 2 with Broome County Executive Debra Preston and Acting Commissioner of Public Works Daniel Schofield to discuss the possibility of an extension of the Town's water system.

Ms. Lewis stated that it is good that the population of Conklin is less than 10,000, since many grants are targeted for areas with smaller populations. She stated that it is good to develop the infrastructure, adding that the bulk of funding would come from the United States Department of Agriculture (USDA) Office of Rural Development, although other sources would be pursued. Ms. Lewis stated that each municipality is evaluated individually, adding that a small part of the total cost of developing the project will come from grants. Ms. Lewis stated that pre-development grants are available, which would help pay for the preliminary engineering report. She stated that there is a great deal of paperwork required for this, including audits, SEQRA (State Environmental Quality Review Act) report, etc. Ms. Lewis stated that the application would be submitted to Chris Serio in the Cortland office, who would review the application.

Ms. Lewis stated that, in order to qualify for a grant, the Town must also agree to take out a loan, for up to 40 years, with variable interest rates. She stated that the Town should break the project into phases, adding, "Think through carefully what you want." Ms. Lewis stated that she does not think the Town would qualify for HUD (Housing and Urban Development) money. She added that pursuit of the grants is a "long process." Ms. Lewis suggested that the Town talk with the Broome County Planning Department to see if it will handle the research and stated that the Town will need to determine whether or not it wants the County to do so. She stated that the Town should "do all of your homework." Ms. Lewis stated that a referendum will be required, so stakeholders should be involved in the process, and a master plan should be developed to determine how to finance the water system expansion project. She stated that letters of support from local politicians will be required. Ms. Lewis stated that her fee for services is a guaranteed half the fee, with the balance due only if the Town receives the grant. She stated that the Town is welcome to contact her if they would like to utilize her grant writing services.

**CORRESPONDENCE:**

Mr. Finch stated that he sent a letter to Broome County regarding the PILOT (Payment In Lieu Of Taxes) program, stating that the Town wants to pay a set fee to pay for the Landfill in the Corporate Park, rather than a percentage of the PILOT monies. He stated that he also sent a letter to Governor Cuomo seeking help obtaining grants to expand the water and sewer systems and to look into development of a packaging plant.

**PUBLIC COMMENTS:**

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**WATER EXPANSION GRANTS**

Mario Masciarelli commented that Ms. Lewis had earlier stated that the Town of Conklin has no “low-income housing,” asking if the two mobile home parks that will benefit from expansion of the water system, one park with 100 units and the second with 150 units, would qualify as low-income housing. Mr. Finch stated that it could be added to the data.

Mr. Francisco asked if the Census 2010 data is available to be added to the data used for grant applications. Mr. Finch replied that the Census 2010 data is being utilized, adding that the Town will lose \$93,000 in sales tax revenue for the next ten years. He stated that the Town lost 499 people after the 2006 Flood and will lose 210 people as a result of the September 2011 Flood. Mr. Francisco asked what the average income is in the area of the mobile home parks and Mr. Masciarelli, who owns Fountain Bleu Mobile Home Park, replied that most of the residents are either retirees and/or people with disabilities. Mr. Minoia stated that “low-income housing” refers to housing subsidized by the government, adding that it must fit into the correct bracket.

**REPORT: HIGHWAY DEPARTMENT**

Highway Superintendent Patrick Latting reported that municipal cleanup of white goods and brush is underway, adding that he needs a Board resolution asking for waiver of tipping fees by Broome County to allow the Town to dispose of the waste materials collected.

Mr. Latting stated that his department is cleaning up in preparation for United Community Day on April 28. He stated that the department is picking up brush and debris and has concentrated its efforts on the Buyout properties and has concentrated its efforts on the Terrace Drive well site and on Shipman Road and Miller Street. Mr. Latting stated that his department cleaned the creek near Julius Rogers Park to the Susquehanna River.

Mr. Finch stated that the Town Hall employees, the Highway Department, and the Parks Department all donated their time to help with the Town-wide cleanup on April 14. He noted that the new banners are being installed around Town.

Mr. Latting stated that he is researching the possibility of replacing the department’s backhoe. Mr. Finch stated that the Town will receive money back from dumping fees. He stated that the Town saved \$70,000 on the culvert pipe project on Stenson Road.

**REPORT: WATER AND SEWER DEPARTMENT**

Water and Sewer Superintendent Tom Delamarter stated that he wants to replace the 1994 truck used by his department with a new truck on the state bid pricing. No financing will be needed because there is money in the Water and Sewer Budget for this purchase. Mr. Delamarter stated that the lift gate, priced at \$2,721.75, might be available locally at a less expensive price, and he is researching this possibility. He stated that it will be approximately 16 to 20 weeks before the truck would be delivered.

**RESO 2012-75: APPROVE PURCHASE/2012 FORD TRUCK/WATER & SEWER  
DEPARTMENT/VAN BORTEL FORD/OSC PRICE/\$24,278.14/OR LESS IF CHEAPER  
TOMMY GATE IS AVAILABLE**

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin approves the purchase of a 2012 Ford truck for the Water and Sewer Department, to be purchased from Van Bortel Ford at the Office of the State Comptroller (OSC) state bid price of \$24,278.14, or less, if a cheaper Tommy Gate is available.

Seconded by Mr. Francisco.

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

### **OLD BUSINESS:**

#### **TOWN-WIDE CLEAN-UP**

Mr. Finch stated that the Town-wide clean-up held on April 14, 2012, was a “huge success,” adding that Conklin Road really looks much better. Another Clean-up Day is scheduled for May 19, from 9:00 A.M. until 2 P.M. Sam’s Club will send 20 or more members of its Spirit Club to help with the clean-up effort. Mr. Finch stated that there is a resident in Corbettsville who walks and cleans the roadside daily. He stated that Broome County has agreed to waive the tipping fees for the clean-up debris.

#### **UNITED COMMUNITY DAY**

Mr. Finch stated that the United Community Day, to be held April 28, will include a Grand Prize as well as individual prizes at individual businesses in Conklin. To be eligible to enter the drawing for the Grand Prize, individuals must get their “passports” signed or stamped at businesses throughout the Town. Among other highlights, the United Community Day will feature a Farmer’s Market, a car show, and entertainer Rich Wilson, all at the Floyd Maines Community Center. The newly formed Conklin Business Association has been very enthusiastic in its participation with this event, stated Mr. Finch.

Mr. Finch stated that an ad thanking the volunteers from the Clean-up Day will run in the **Country Courier**. The Conklin Beautification Corps is planning on planting flowers in planters at businesses and areas along Conklin Road, and at the Town Hall, Community Center, and at Schnurbusch Park. Mr. Finch stated that this means the Town will not have to hire someone to plant flowers, as it has in the past. He stated that the Town Board thanks all who have helped with the clean-up and beautification.

### **NEW BUSINESS:**

#### **OVERVIEW OF 2011 AUDIT/VIEIRA & ASSOCIATES**

Chris Hutchings of Vieira & Associates, CPAs, P.C., gave an overview of the 2011 Audit of the Town of Conklin. He started out by stating that there were no comments on the management letter, which he added is a very good thing, meaning that the Audit results were good. He stated that a physical inventory and tagging of items worth \$500 or more is being conducted and software installed, which will align the Town’s inventory with the inventory conducted by Industrial Appraisal Company.

Mr. Hutchings noted that on page 13 of the Audit, the Accounts Payable numbers were higher than anticipated because of repairs necessitated by the September 2011 Flood, adding that the reimbursement money from FEMA (Federal Emergency Management Agency) has already been

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accrued, making the Accounts Receivable numbers higher as well. He stated that on page 17, the “sale of property/compensation for loss” line was also higher due to the Flood emergency. Mr. Hutchings reiterated that the Town lost \$80,000 in sales tax revenue from the decreased population numbers reflected in the 2010 Census. He stated that the Fund Balance was increased by a net change of \$9,838, totaling \$528,225 as of December 31, 2011.

**RESO 2012-76: AUTHORIZE DEPUTY SUPERVISOR/APPLY FOR ONE-DAY  
WAIVER OF TIPPING FEES FOR DISPOSAL OF WASTES COLLECTED THROUGH  
CLEANUP EVENTS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Deputy Supervisor to apply for a one-day waiver of tipping fees for disposal of wastes collected through cleanup events.

Seconded by Mr. Francisco.

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

**RESO 2012-77: AUTHORIZE DEPUTY SUPERVISOR/SIGN LEASE  
CONTRACTS/OFFICE EQUIPMENT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Deputy Supervisor to sign lease contracts for the following:

1. BlueStorm Technologies – Hallway Copier, Xerox WorkCentre 4250/XFM Copier, Printer, Scanner, Fax – 5 Year lease for \$114.89 per month plus copies/prints at .0125 monthly, account code A1670.4
2. BlueStorm Technologies – Supervisor Assistant Office, Xerox WorkCentre 3550/X Copier, Printer, Scanner, Fax – 5 Year lease for \$97.05 per month plus overage of 2,000 prints at .019 monthly, account code A 1220.4
3. BlueStorm Technologies – Town Clerk Office, Xerox Phaser 6180MFP/Copier, Printer, Scanner, Fax – 5 Year lease for \$28.67 per month, plus prints at .02 first 200 black, .135 first 200 color. Monthly, account code A1410.4.

Seconded by Mr. Bullock.

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

**RESO 2012-78: RATIFY WIRE ACH PAYMENT/POSTAGE ON CALL/POSTAGE  
METER POSTAGE PURCHASE**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies a wire ACH payment, account code A1670.4, in the amount of \$1,000.00 to Postage on Call for purchase of postage for the postage meter.

Seconded by Mr. Bullock.

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

**RESO 2012-79: AUTHORIZE PAYMENT/BILL LIST/\$60,366.95**

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 \$60,366.95:

General	\$24,388.04
Highway	14,806.84
Flood Emergency	4,855.55
Light Districts	2,169.08
Sewer District	1,392.88
Water District	3,814.56
Non-Budget	<u>8,940.00</u>
<b>Total</b>	<b>\$60,366.95</b>

Seconded by Mr. Francisco.

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

**RESO 2012-80: ACCEPT RESIGNATION/CROSSING GUARD/DAWN M. PEASE/EFFECTIVE JULY 1, 2012**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Dawn M. Pease from the position of Crossing Guard, effective July 1, 2012.

Seconded by Mr. Francisco.

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

**RESO 2012-81: APPOINT SHARON A. PLATT/PERMANENT CROSSING GUARD/EFFECTIVE SEPTEMBER 1, 2012/PAY RATE \$31.80 PER DAY**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Sharon A. Platt to the position of Permanent Crossing Guard, effective September 1, 2012, at a pay rate of \$31.80 per day.

Seconded by Mr. Bullock.

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

**RESO 2012-82: APPROVE ADVERTISING/COUNTRY COURIER/TWO SUBSTITUTE CROSSING GUARDS, TO BEGIN WORK SEPTEMBER 2012**

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Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves advertising in the **Country Courier** for two Substitute Crossing Guards, to begin work in September 2012. Ads will run in July 2012.

Seconded by Mr. Bullock.

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

**MOVE AMERICAN LEGION MONUMENT TO COMMUNITY CENTER**

Attorney Cheryl Sacco commented that the Town Clerk's office found in the minutes from the April 22, 1985 Town Board meeting the donation of the monument from the American Legion. She added that there were no conditions set at the time of donation, meaning that the monument can be moved from its current location in Schnurbusch Park to the Maines Community Center grounds to be part of the new Veterans Memorial to be constructed at that site.

**AGREEMENT WITH TOWN OF KIRKWOOD/SHARED SERVICES/CODE OFFICER**

Mr. Finch stated that the Town of Kirkwood has agreed to a shared services agreement with the Town of Conklin, in which the Town of Kirkwood would pay the salary for 15 hours work per week plus 38% of health insurance costs for the Town of Conklin Code Officer, if the Town of Conklin Code Officer will work 15 hours per week in the Town of Kirkwood Code Office.

Mr. Bullock asked if Code Officer Robert Jones would have enough time to do this and still do his job in the Town of Conklin. Mr. Finch replied that it is not a permanent arrangement, but would renew month to month. He stated that the Town of Kirkwood Code Officer is suffering from cancer and is unable to work currently. Mr. Finch added that he would not want this agreement to become effective until after the FEMA Buyout application is completed. Mr. Minoia commented that Mr. Jones has "enough to do."

Attorney Sacco stated that this discussion is not related to the recent rescheduling of a Planning Board case because the Form 239 had not been received from Broome County Planning Department. She stated that Broome County Planning Department requires 30 days because of its work load, and recommended that Mr. Jones not schedule cases for the Town Planning Board unless the full 30 days is available for the Broome County Planning Board to return the Form 239 with its comments. Mr. Finch stated, "Let the process happen the way it should."

**DRAFT FRANCHISE AGREEMENT/TIME WARNER/CABLE TV**

Attorney Sacco distributed copies of a draft Franchise Agreement with Time Warner to provide Cable TV services, adding that she recommends that it be discussed in Executive Session at the May 8 Town Board meeting. She added that the current agreement expires in June 2012.

**RESO 2012-83: SCHEDULE PUBLIC HEARING/JUNE 12, 2012/7:05 P.M./ LOCAL LAW /CHANGES TO "PARKS" SECTION OF TOWN CODE/ALLOW DOG PARK**

Mr. Bullock moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing on June 12, 2012, at 7:05 P.M. to receive input regarding a proposed Local Law that would amend the "Parks" section of the Town Code to allow creation of a Dog Park.

Seconded by Mr. Minoia.

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

### **ZUMBA CLASSES AT COMMUNITY CENTER**

Mr. Francisco stated that the Conklin Seniors Club wants to have a paid, certified Zumba instructor teach a Zumba class once a week from 9:00 to 9:45 A.M. at the Maines Community Center, adding that the instructor has her own insurance, and that there are too many students in the class for it to be held at the Castle. Mr. Finch stated that the Seniors Club should be charged to use the Community Center. He added that it will be discussed further at the Community Center Committee meeting to be held on May 1 at 3 P.M.

### **ATTORNEY FEES/CONFLICT OF INTEREST**

Mr. Finch stated that he feels that, when there is a conflict of interest involving a Planning Board or Zoning Board of Appeals case, due to the Town Attorney Coughlin & Gerhart, LLP, representing both the Town and an applicant in a case, the Town should not have to incur the cost of hiring an outside attorney, since Coughlin & Gerhart is on retainer to the Town. Attorney Sacco stated that if the matter is one covered by the retainer, such as a Planning Board or Zoning Board of Appeals case, Coughlin & Gerhart will pay for the outside attorney from its retainer fee. If the matter is one not normally covered by the retainer, such as the Dog Indemnity case discussed earlier, the Town would pay the cost of hiring an outside attorney.

### **12 WOODCREST WAY**

To date, no bids have been received for the purchase of property located at 12 Woodcrest Way. Mr. Finch stated that if someone offers \$8,000, which is below the minimum bid price, the offer can be accepted. Bids must be returned by 4:00 P.M. on May 8, 2012. Attorney Sacco stated that the Town can state that the fair market value of the property is lower than the Town thought it would be, and thus can accept less than the \$10,000 plus \$2,000 refundable amount listed in the bid specifications.

Mr. Bullock asked, if no bids are received by May 8, what the timeline would be to demolish the building. Mr. Finch stated that the building at 12 Woodcrest Way should be demolished before the buildings in the FEMA Buyout Program. Mr. Francisco commented that the lot without the flood-damaged house would be worth more than it currently is with the house on it.

### **FLOOD BUYOUT PROGRAM**

Mr. Finch stated that he does not feel the Town can pay the local 12.5% portion of the Attorney's fees for the Flood Buyout Program. Attorney Sacco stated that she will talk to Managing Partner Mark Gorgos about this issue, adding that New York State has agreed to pay the state's 12.5% and the local 12.5% but only on water and sewer system repair or highway repair, not on Flood Buyout properties. FEMA pays 75% of the cost. Mr. Finch stated that the Town cannot afford to pay the local 12.5% for either the Attorney or the Town Engineer. Ms. Sacco stated that some properties cost more and some cost less to process than the flat rate per property established in

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December 2011. She added that the title insurance is handled by a private company and the fee is not negotiable.

Mr. Finch stated that the application paperwork is due from the Code office on May 5, adding that this is just the next step in the process and no approval has been given by FEMA for the Town of Conklin and no dollar amount set, so no promises are being made.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk