

REGULAR TOWN BOARD MEETING

MAY 8, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on May 8, 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
	Dog Control Officer	Darlene Weidman
	Planning Board	Chris Ostrowsky
	Planning Board	Dell Boyle
	Zoning Board of Appeals	Hal Cole

GUESTS:	Country Courier	Elizabeth Einstein
		Bonnie Tolomei
		Angelo Tolomei
		Sue Dean
		Jack Dean
		Bob Williams
		Elena Bowen
		Kenneth Bowen
		Laurie Francisco
		Dolly Stout
		Betty Dougher
		Brian Heller
		Nancy Bruetsch
		John Bruetsch
		Jon Van Deusen
		Mario Masciarelli
		Daniel Fitzsimmons
		Peter J. Motsavage
		Laurie Van Deusen

MINUTES: APRIL 25, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock stated that the April 25, 2012 Regular Town Board Meeting minutes should be corrected on page 5, line 12 from the bottom, to replace “Stenson Road” with “State Line Road.”

Mr. Francisco moved to approve the April 25, 2012 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

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Deputy Supervisor James Finch stated that he sent a letter to Governor Andrew Cuomo asking for the State's assistance in obtaining grant funding for expansion of the Town water and sewer systems and support of natural gas drilling. He added that he had a meeting with Broome County Executive Debra Preston, Town Engineer John Mastronardi, and Conklin Water and Sewer Superintendent Tom Delamarter to discuss ways in which Broome County could help with these goals. Mr. Finch stated that he received a phone call from the Governor's Office and obtained the name of an individual, Ellen McDonald from the Office of the State Comptroller, who could provide information to the Town regarding the obtaining of grants, adding that he gave this name to Town Attorney Cheryl Sacco. Ms. Sacco stated that she spoke with Ms. McDonald and learned that two sources of grant money, the Clean Water Fund and the Capitalization Grants for Drinking Water, would be the two most likely resources for the Town to utilize. She stated that these resources provide a procedure for obtaining a zero interest, short-term loan, and although no funds are currently available, the required steps of the process and the eligibility checklist are available for the Town's perusal. Mr. Finch stated that he has a second meeting with Broome County Executive Preston scheduled for 8:00 A.M. on May 10, 2012.

Mr. Finch stated that he sent a letter to Broome County requesting that the Town be allowed to pay a fixed fee of \$17,500 per year to the County to pay for the Town Landfill, instead of the variable fee now assessed. Mr. Finch explained that when the County took by eminent domain the land that is now the Corporate Park, the Landfill that was on site had to be moved to a different location in the Corporate Park, with the Town bearing the cost of the move. He further explained that when businesses move into the Corporate Park, the Broome County Industrial Development Agency, which owns the Corporate Park, offers a PILOT (Payment In Lieu Of Taxes) program of reduced taxes as an incentive. Mr. Finch stated that one-half of the monies received by the Town from the PILOT programs must go to Broome County to pay for the Landfill. This means, stated Mr. Finch, that if a business pays 25% of its taxes through the PILOT program, 12.5% stays with the Town and the other 12.5% must be paid to Broome County. When the business starts to pay 50% of its tax burden, 25% stays with the Town and the remaining 25% must be paid to Broome County. Mr. Finch explained that, because different businesses are paying at different rates, depending upon where they are in their PILOT program, the amount due to Broome County changes yearly and makes budgeting more difficult. He therefore thinks that a flat fee would make budgeting and money management easier and more effective.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 2, 2012,
"NOISE CONTROL"

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Deputy Supervisor Finch declared the Public Hearing open at 7:05 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 2, 2012, "Noise Control."

Betty Dougher, of Conklin Forks Road, asked if the proposed law regulates noises such as loud stereo systems, etc. Mr. Finch explained that the proposed law will cover all areas of the Town of Conklin and will establish an ambient noise level and will address situations that will exceed the ambient level, including natural gas drilling and compressor stations.

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Bob Williams, of Windsor, stated that the Town of Windsor adopted the same law that is being proposed for the Town of Conklin and added that it is working very well. He stated that there is a compression station at the intersection of Dunbar Road and Patterson Road which is “quieter than this Board meeting.” Mr. Finch added that a compressor station can be operational for 50 years or longer. He added that the proposed local law will allow for five decibels above the ambient level. Mr. Finch added that the DEC (New York State Department of Environmental Conservation) will be able to inspect sites to make sure the noise level regulations are enforced.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 7:10 P.M.

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Attorney Sacco stated that the Form 239 was received back from the Broome County Planning Department and the County determined that there would be no County-wide or inter-municipal impact from the proposed local law. She stated that Broome County did make some suggestions regarding the proposed law, including in Section 6, which defines terms. In Section 8, which deals with Maximum Permissible Continuous Sound Levels, Broome County stated that the Town needs a procedure to test whether a particular situation exceeds the default, or ambient, noise level, adding that the procedure should include a 48-hour test period, including a weekend day in the study. In Section 11, which allows the Town Clerk to issue a Temporary License to exceed the ambient level for up to a three-day continuous period of time, Broome County suggested that the Town consider limiting the number of these permits to be issued. The County also stated that allowable noise levels should be specified, such as not to exceed 80 decibels during the three-day period. Ms. Sacco noted that in the proposed local law, the Town Board would set limits for special conditions. In Section 12, dealing with Special Permits, Broome County suggested that the Town contain the noise source. The County questioned whether monitoring would be needed for variant noise and Ms. Sacco stated that the proposed law allows the Town Code Officer to inspect the sites. Broome County suggested that the proposed law consider new technology that may develop and Ms. Sacco stated that the proposed law contains language that allows for “continuous improvement,” but does not require an upgrade. Broome County also suggested that the 50-foot radius within which residents must be notified of a situation in which the ambient noise level will be exceeded be extended to a 1,000-foot radius. Ms. Sacco stated that she spoke with Town Engineer Dan Griffiths and he felt that a 1,000-foot radius would be “excessive.” Broome County also suggested adding distinctions that would keep projects out of noise-sensitive areas such as schools, churches, parks, residential areas, etc. Broome County also suggested that the Town regulate low-frequency noise levels. Ms. Sacco stated that the proposed law is a flexible law, with language that will adapt to specific situations as they arise, and therefore did not think any of the County’s suggestions were applicable or necessary to include. Mr. Finch commented that the proposed law does not supersede the current Town Code Noise Ordinance, which Ms. Sacco stated “works well for specific situations.”

SHORT-FORM EAF (SEQRA)

Ms. Sacco walked the Town Board through the Short-Form EAF (Environmental Assessment Form) for SEQRA (State Environmental Quality Review Act) for the proposed local law, “Noise Control.”

Question A: “Does the Action exceed any Type I threshold in 6 NYCRR, Part 617.4?” No.

Question B: “Will the Action receive Coordinated Review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?” No.

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Question C: "Could the Action result in any adverse effects associated with the following:

C1: "Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage, or flooding problems?" No.

C2: "Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?" No.

C3: "Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?" No.

C4: "A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?" No.

C5: "Growth, subsequent development, or related activities likely to be induced by the proposed action?" No.

C6: "Long term, short term, cumulative, or other effects not identified in C1-C5?" No.

C7: "Other impacts (including changes in use or either quantity or type of energy)?" No.

Question D: "Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?" No.

Question E: "Is there, or is there likely to be, controversy related to potential adverse environmental impacts?" No.

The determination is that the project will not result in any significant adverse environmental impacts.

RESO 2012-84: ADOPT LOCAL LAW 2, 2012/ "NOISE CONTROL"

PRESENT:

Supervisor -vacant

Councilman Gary D. Bullock

Councilman Charles Francisco

Deputy Supervisor and Councilman James E. Finch

Councilman Jerry Minoia

ABSENT:

Offered By: Mr. Bullock

Seconded By: Mr. Francisco

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 May 8, 2012 commencing at 7:05 p.m. to hear all interested parties on a proposed Local Law entitled "Noise Control", and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on April 25, 2012, and posted on the Town Clerk's sign board on March 29, 2012, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:05 o'clock P.M. on May 8, 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 an unlisted action; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination that the Project is an Unlisted action under 6 NYCRR 617.2; and further

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RESOLVED, that the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said Local Law No. 2; and further

RESOLVED, that, based upon on the information and analysis in the short environmental assessment form that the proposed action does not result in any significant adverse environmental impacts; and further

RESOLVED, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and further

RESOLVED, the Conklin Town Board hereby adopts said Local Law as Local Law No. 2-2012, entitled "Noise Control", 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 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 May 8, 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: May 8, 2012

Town of Conklin Seal

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

PUBLIC COMMENTS:

PROPOSED REZONING OF PARCEL ON POWERS ROAD/STANDING WATER

Brian Heller, of Powers Road, asked about the proposed re-zoning of a parcel on Powers Road, to be discussed at a Public Hearing at 7:30 P.M., and asked what was planned to mitigate the standing water on the site. Mr. Finch explained that a swale will be put in to mitigate the standing water. Mr. Heller stated that this was a good idea, adding that he is "all for growth" in the Town.

AMBIENT NOISE

Chris Ostrowsky, of Scofield Road, clarified that ambient noise is "what is there now." Ms. Sacco stated that Local Law 2 will determine how much a noise can exceed the ambient level both during the day and at night time.

UPDATE TO MASTER PLAN

Hal Cole, of Whiting Way, commented on Local Law 2 and the proposed re-zoning of a parcel on Powers Road, and asked if the Town Master Plan has been updated to reflect the move toward natural gas drilling and the need for more housing and for flood mitigation. Mr. Cole served on the original committee that drafted the current Master Plan. Ms. Sacco stated that the Board will

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be addressing this issue in the near future. Mr. Finch commented that possibly the original committee would re-form to update the Master Plan.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 3, 2012/ "REZONING A
PORTION OF A CERTAIN PROPERTY"

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch opened the Public Hearing at 7:30 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 3, 2012, "Rezoning a Portion of a Certain Property."

Ms. Sacco explained that the owner of 959 Powers Road, Jon F. Van Deusen, is seeking approval to rezone his parcel of land from Residential (R-15) to Industrial/Light Industrial. Mr. Finch suggested keeping part of the parcel as Residential, perhaps 17 or 18 lots, and re-zoning the remainder of the parcel Light Industrial (IL). The application is to re-zone the 10 acres in the northeast corner of the parcel from R-15 to IL (Light Industrial). Ms. Sacco stated that this is not spot zoning because the portions of the parcel that border existing Residential parcels will remain zoned R-15. The Town Planning Board, at its April 16, 2012 meeting, unanimously approved the re-zoning request and strongly recommends that the Town Board also approve it. The Form 239 from Broome County Planning Department finds no County-wide or inter-municipal significant impacts. No Broome County departments have an issue with the application for re-zoning. Ms. Sacco pointed out that Article 10 of the Town Code specifies what is or is not allowed in a Light Industrial zone, which she stated prohibits many things that are allowed in an area zoned Industrial. She added that the parcel in question is bordered currently by areas zoned either Industrial or Light Industrial, as well as R-15.

SHORT-FORM EAF (SEQRA)

Ms. Sacco walked the Town Board through the Short-Form EAF (Environmental Assessment Form) for SEQRA (State Environmental Quality Review Act) for the proposed local law, "Rezoning a Portion of a Certain Property."

Question A: "Does the Action exceed any Type I threshold in 6 NYCRR, Part 617.4?" No.

Question B: "Will the Action receive Coordinated Review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?" No.

Question C: "Could the Action result in any adverse effects associated with the following:

C1: "Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage, or flooding problems?" No.

C2: "Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?" No.

C3: "Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?" No.

C4: "A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?" No.

C5: "Growth, subsequent development, or related activities likely to be induced by the proposed action?" No.

C6: "Long term, short term, cumulative, or other effects not identified in C1-C5?" No.

C7: "Other impacts (including changes in use or either quantity or type of energy)?" No.

Question D: "Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?" No.

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entitled "Rezoning a Portion of a Certain Property," 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 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 May 8, 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: May 8, 2012

Town of Conklin Seal _____

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

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 reported that he contacted the Broome County Sheriff's Department to report illegal dumping in the metal recycling container at the Town Highway Garage. The person or persons dumped household garbage containing the person's or persons' name(s) and address.

Mr. Latting reported that his department is ahead of schedule with the Town-wide clean-up or brush and debris, adding that he is focusing his department's efforts on Buyout properties. His department also has been trimming trees, and completing drainage and blacktop work. Mr. Latting stated that the white goods and brush pick-up is completed, adding that he wanted everything cleaned up before the Community Garage Sales on May 12.

Mr. Latting reported that the FEMA projects Sites 1, 2, 3, 4, and 5 have been completed 100% by ZMK Construction Company, whom he stated did a "great job." He stated that he re-notified the local contractor who was awarded Site 6 on Ketchum Road, asking for a start date for that project. Ms. Sacco stated that her office will send a letter to the contractor emphasizing that "time is of the essence" in completing repairs at Site 6.

STATE LINE ROAD CULVERT

Mr. Latting stated that he needs approval from the Town Board to purchase 48-inch plastic pipe to use for the repair of the State Line Road culvert. He stated that this is a new product which is more cost effective than traditional corrugated pipe, and which handles a volume of water capacity which is 23% more than the traditional pipe. Mr. Finch added that the State Line Road

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project was estimated to cost \$137,000, but with changes to the way the culvert is being repaired, the actual cost will be less than \$40,000. Mr. Latting stated that the culvert is “near emergency conditions,” and added that New York State has approved the use of this new material and the plastic pipe is on New York State bid pricing. Mr. Francisco commented that the plastic pipe is becoming the industry standard. He asked how long it would take to make the repairs and Mr. Latting replied one week, adding that ZMK Construction will be doing the repair work. Mr. Latting explained that the corrugated pipe is a 60 inch diameter, while the plastic pipe replacement is only 48 inches in diameter. Mr. Minoia asked if it will be drilled and grouted, adding that there are load limits that have to be met to support the highway over the culvert. Mr. Latting explained that a grout tube is used.

**RESO 2012-86: AUTHORIZE HIGHWAY SUPERINTENDENT/PURCHASE 48-INCH
OD SNAP-TITE HDPE CULVERT LINER PIPE/NYS OGS CONTRACT/120 FOOT
LENGTH**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to purchase 48-inch OD Snap-Tite HDPE Culvert Liner Pipe in 120 foot length at New York State OGS Contract pricing.

Seconded by Mr. Bullock.

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

HIGHWAY DEPARTMENT BACKHOE

Mr. Latting stated that he needs the Board’s approval to solicit bids for the purchase of a new backhoe for his department, adding that he has checked the OGS State Bid Contract list and nothing is available from that venue. The backhoe the Highway Department currently owns is a 2004 model, which Mr. Latting stated has “been a good machine,” but added that it has seen high use. Mr. Finch commented that there is no use putting more money into the old machine. Mr. Latting stated that his department needs a heavier machine, and could possibly use the money saved on the State Line Road culvert project to use to purchase the backhoe. Mr. Francisco asked what the trade-in value would be and Mr. Finch stated that it should be at least \$25,000, adding that the Town needs more than the \$15,000 that was offered.

**RESO 2012-87: AUTHORIZE HIGHWAY SUPERINTENDENT/SOLICIT
BIDS/PURCHASE OF BACKHOE**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to solicit bids for the purchase of a new and unused 20,494 pound loader backhoe, with bids to be publicly opened and read at 2:00 P.M. on June 12, 2012, with requirement that the loader backhoe be delivered to the Town of Conklin on or before August 13, 2012.

Seconded by Mr. Francisco.

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

Mr. Finch thanked Mr. Latting and his department for their help with the Town clean-up efforts. Mr. Latting stated, “It makes a difference.” Mr. Finch stated that he and the Board are proud of the Highway Department.

REPORT: WATER & SEWER DEPARTMENT

Water and Sewer Superintendent Tom Delamarter was absent from the Board meeting but Mr.

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Finch stated that the Town is working on trying to run Town water to Pride Manor Mobile Home Park, adding that the Town of Kirkwood, which supplies water to the south end of Town, has agreed to the project. Mr. Finch added that a pressure test is needed, adding that the owner of the mobile home park will assume responsibilities for the cost of the hookup to the Town water system and for making sure all Town of Conklin requirements are met. He stated that the poor water quality of Pride Manor Mobile Home Park meets the criteria for the grants that were discussed earlier in the meeting.

Mr. Finch stated that the Water and Sewer Department personnel have been reading water meters for the quarterly billing.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his department spent the past three weeks working on the Town's FEMA (Federal Emergency Management Agency) application for the 70+ potential Buyout properties. He stated that the application is almost completed, with pictures taken and inspections completed. Mr. Jones stated that the properties are ranked from the most damaged to the least damaged.

Mr. Jones stated that he has also been conducting inspections of flood home repairs and new construction and has been issuing building permits. He noted that several homes in the Town have been raised to help prevent any future flooding impacts. Mr. Jones reported that the former True Value Hardware Store has a new owner and a new business will be opening at that site. Mr. Finch thanked the Code Office for all of the hard work involved with the FEMA application.

REPORT: DOG CONTROL OFFICER

Refer to written report.

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

12 WOODCREST WAY

Mr. Finch stated that the Town received one bid for the purchase of 12 Woodcrest Way in the amount of \$15,600 from Stuart Kasmarcik. Ms. Sacco stated that her office will send a letter to Mr. Kasmarcik explaining the stipulations for the conditions of sale, including the need to begin matching the outside of the building to the aesthetics of the neighborhood within 60 days of the date of closing and making the outside Code compliant within 90 days, in order to receive the \$2,000 rebate.

RESO 2012-88: ACCEPT BID/12 WOODCREST WAY/STUART KASMARCIK/\$15,600

Mr. Bullock moved for the following resolution:

Be it Resolved: that the Town Board of the Town of Conklin accepts a bid for the purchase of 12 Woodcrest Way in the amount of \$15,600 from Stuart Kasmarcik, with stipulations regarding the compliance of the exterior of the building to the Town Code.

Seconded by Mr. Francisco.

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

OLD BUSINESS:

UNITED COMMUNITY DAY

Mr. Finch stated that United Community Day was a “huge success,” with many great prizes given away by area businesses. He added that the Conklin Business Association is already planning to hold this event again in June 2013.

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TOWN-WIDE CLEANUP DAY SCHEDULED FOR MAY 19

Mr. Finch stated that the second Town-side Cleanup Day is scheduled for May 19, 2012, from 9 A.M. until 2 P.M., adding that the Broome County Landfill will accept debris from the Cleanup until June 11. Volunteers need to sign up with Town Clerk Sherrie Jacobs. Mr. Finch stated that a thank you to the volunteers will run in the **Country Courier**. May 19 is also the date of Robert's Run.

DOG PARK

Ms. Sacco stated that a Public Hearing should be scheduled in June to receive input regarding the proposed local law which would allow the establishment of a dog park in the Town. She stated that the proposed law has been sent to the Town Justice and to the Dog Control Officer, who are to reply by May 31 with any questions they may have regarding the proposed local law.

NEW BUSINESS:

RESO 2012-89: RATIFY PAYMENT/COMMUNITY CENTER FLOOD CONTENT REPLACEMENT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following checks and amounts, account code HA8760-4E, for the following Community Center Flood Content replacement:

Conklin Fair Committee, check #4095, Fair Paper Product Supplies, \$501.68
Conklin Fair Committee, check #4165, Cooking Equipment, \$750.50

Seconded by Mr. Francisco.

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

RESO 2012-90: RATIFY PAYMENT/UNITED COMMUNITY DAY

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following checks and amounts, account code A7550-4, for the following costs for United Community Day:

Doug Mosher, check #4153, broadcasting, \$100.00
Rich Wilson, check #4154, entertainment, \$300.00

Seconded by Mr. Bullock.

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

RESO 2012-91: RATIFY PAYMENT/CONKLIN YOUTH BOOSTER CLUB/PAYMENT DUE FROM DONATIONS IN MEMORY OF RUTH JOYNER FOR BASEBALL & SOFTBALL EQUIPMENT

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4150, account code A7310-402, in the amount of \$1,430.00 to the Conklin Youth Booster Club for payment due from donations given in memory of Ruth Joyner for baseball and softball equipment.

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Seconded by Mr. Francisco.

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

RESO 2012-92: RATIFY PAYMENT/SAM'S CLUB MEMBERSHIP

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4069, account code A1220.4, in the amount of \$35.00 to Sam's Club for a membership, with the amount later refunded and billed directly to the Town.

Seconded by Mr. Minoia.

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

Mr. Finch stated that if Sam's Club can get 20 members of its Spirit Club to volunteer for the May 19 Cleanup Day, Sam's Club will donate \$1,000 to the Town of Conklin.

RESO 2012-93: RATIFY PAYMENT/TRAVELERS FLOOD INSURANCE/TERRACE DRIVE WELL INSURANCE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4151, account code SW8310.4, in the amount of \$2,849.00 to Travelers Flood Insurance for insurance on the Terrace Drive well.

Seconded by Mr. Francisco.

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

RESO 2012-94: AUTHORIZE PAYMENT/BILL LIST/\$110,998.42

Mr. Minoia 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 \$110,998.42:

General	\$ 24,817.16
Highway	6,210.38
Flood Emergency	75,655.40
Water District 6	4,117.29
Water District	<u>198.19</u>
Total	\$110,998.42

Seconded by Mr. Finch.

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

RESO 2012-95: AUTHORIZE PROPOSAL/PROFESSIONAL SERVICES/BLUESTORM TECHNOLOGIES/WEBPAGE/\$5,500

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the proposal of professional services from BlueStorm Technologies, with services to include the design, programming, development, special features, and training of a new interactive webpage, totaling \$5,500.00, account code A1989-200, Computer Equipment. Proposal falls into the Professional

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and Technical Services category per the Town of Conklin's Procurement Policy, reference page 5 of paragraph 5 a(3).

Seconded by Mr. Francisco.

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

Town Clerk Sherrie Jacobs discussed the new website and the benefits it will afford for the residents to keep informed, as well as businesses and visitors seeking information about the Town of Conklin.

RESO 2012-96: AUTHORIZE BUDGET LINE TRANSFER/FROM A9797-6 (DEBT SERVICE) TO A1989-200 (COMPUTER EQUIPMENT)/\$4,000/TO INCREASE COMPUTER EQUIPMENT BUDGET FOR NEW WEBPAGE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a Budget line transfer from A9797-6 (Debt Service) to A1989-200 (Computer Equipment) in the amount of \$4,000.00 to increase the Computer Equipment Budget for the new webpage.

Seconded by Mr. Francisco.

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

FORMER CITY LINE GARAGE SITE

Mr. Minoia asked about the property which is the site of the former City Line Garage, which he stated has garbage and a tractor-trailer sitting on it. CP Rail owns the property, but the ownership of the building located on the property is questionable. No tax map I.D. number exists for this parcel. Mr. Finch stated that the building is unsafe. Code Officer Jones will look at the building. Mr. Finch stated that the railroad company wants a site for a new signal tower and added that the Town may be able to negotiate with the railroad company to help it find a site for the tower if the issue of this parcel of land can be resolved. Mr. Minoia stated that he doesn't want it to cost the taxpayers any money. Mr. Jones stated that the building may need to be boarded up. Mr. Minoia commented that it is the first building one sees upon entering the Town of Conklin, calling it "the gateway to Conklin."

RESO 2012-97: EXECUTIVE SESSION/LITIGATION

Mr. Bullock moved to close the Regular Town Board Meeting at 8:35 P.M. and move into Executive Session to discuss litigation.

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 8:35 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 proposed, pending, or current litigation.

RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Finch declared the Executive Session closed and re-opened the Regular Town Board Meeting at 9:08 P.M.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

RESO 2012-98: RESCIND RESO 2005-163: AGREEMENT WITH CONKLIN FAIR COMMITTEE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rescinds Resolution 2005-163, which set up agreements with the Conklin Fair Committee, including the use of Town facilities such as park grounds, electric service, water and sewer at no cost; use of Town employees during regular working hours to help set up for the event, and provision of liability coverage for the Conklin Fair Committee and its members for the event dates only. Part of the agreement included the Conklin Fair Committee providing the Town Board with a written financial report annually.

Seconded by Mr. Finch.

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

Attorney Sacco explained that the Conklin Fair Committee, Inc., is a 501(c) 3, and, as such, the New York State Constitution prohibits a municipality from gifting funds and/or services to such an entity.

COMMUNITY CENTER COMMITTEE MEETING UPDATE

Mr. Finch gave an update from the recent Community Center Committee meeting, noting that discussion had been held at that meeting regarding fees for rental of the Community Center by groups for the purpose of fundraising. A fee of \$125 per day was suggested for groups holding fundraisers at the facility.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 9:25 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk