

REGULAR TOWN BOARD MEETING
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added that he has treated the fuel for the algae issue, but added that this is not the bigger issue with the fuel. Mr. Latting stated that he contacted Dan Clemens, a specialist on algae who is employed by Giammarino Construction, who explained that there is a type of bacteria that clings to the inside of the fuel tank. The tank was drained, steam-cleaned several times, flushed, vacuumed, and then the fuel was restored to the tank. Mr. Latting stated that in addition to treating the tank, all of the equipment was also chemically treated to kill the bacteria. Supervisor Preston asked how long the problem will remain solved, and Mr. Latting stated that there is no way of knowing that, but added that the tank has been in place for ten years and this is the first time this issue has arisen. He added that the problem had been getting worse, with fuel filters on the trucks only averaging 400-500 miles before needing to be changed. Mr. Latting stated that Mr. Clemens is "very confident of the fix."

Mr. Latting reported that the three nights of heavy thunderstorms April 25 through 27 had caused moderate damage town-wide. He added that pages 2 and 3 of his report reflect the repair work that was completed by his department and the amounts and types of material used. Mr. Latting added that he has chosen to rent a second backhoe to use to keep up on the needed repairs, adding that the very wet spring, following a very difficult winter, has created the need for many repairs throughout the town.

Mr. Latting reported that he was recently made aware by Attorney Cheryl Sacco of permits required by the DEC (New York State Department of Environmental Conservation) regarding tires and their storage. He reported that he submitted a letter to the DEC summarizing the Town's collection dates and method of hauling tires. Mr. Latting stated that there are two permits required by the DEC pertaining to tires. He stated that the 360 Permit allows the Town to store used tires at the Highway Garage, but only for a period of two weeks. Mr. Latting stated that the 364 permit pertains to the transportation of used tires, adding that the DEC does not have a problem issuing this permit as long as Town equipment and employees are used for the transportation of used tires and residents are not required to pay a fee to take used tires to the Highway Garage.

Mr. Latting reported that the past two days, his crew has been pumping water at Schnurbusch Park, noting that the water levels are dropping.

RESO 2011-72: AUTHORIZE HIGHWAY SUPERINTENDENT/ENTER OGS
CONTRACT/2011-2012/SALT FOR SNOW REMOVAL

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to enter a contract with OGS (New York State Office of Government Services) to supply salt for snow removal for the 2011-2012 season.

Seconded by Mr. Francisco.

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

Mr. Latting stated that he used 1,500 tons of salt during the 2010-2011 season.

Supervisor Preston stated that Mr. Latting submitted an estimate of \$82,357 to Emergency Services for the Town's man-hours and equipment and materials.

Mr. Finch asked if the two week limitation for used tire storage set by the DEC is caused by concern about mosquitoes and the diseases they carry, and Mr. Latting stated that he believes that to be part of the reason for the limitation. "It's not a new law," added Supervisor Preston. Mr. Latting added that the Town is currently storing less than 1,000 tires, which meets the criteria set by the DEC, and so is in compliance. He added that the DEC will inform its three local DEC officers that the Town of Conklin is in compliance with the standards set by the DEC.

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REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that four cases will be presented to the Town Planning Board at its May 16 meeting. He reported that in the past week he has issued three demolition permits, two for garages, and one for a house, all three of which were damaged by heavy snow.

Mr. Jones reported that Maines Paper and Food Service has submitted plans for two additions to its facility on Darden Way, adding that Maines wants to add 20,000 square feet to its current facility. Mr. Jones stated that he is in the process of reviewing the plans and will probably issue a permit "very shortly." He added that these additions were approved when the Special Use Permit was issued for the initial building. Supervisor Preston asked if Maines is not required to appear before the Planning Board for a review of these new plans. She stated that she believes this requirement was one of the original conditions of the Special Use Permit.

Supervisor Preston stated that she has copies of two letters sent by the Code Office, one on April 10 and the second on May 11, 2011, to Rodney Tompkins of Cherry Drive regarding clean-up of his property.

Supervisor Preston asked Attorney Cheryl Sacco to provide an update on the meeting held between Ms. Sacco, Mr. Jones, and Supervisor Preston regarding the Planning Board. She stated that the process being used for Planning Board cases was clarified. Ms. Sacco stated that a concern had been raised about the Broome County Form 239 Review submissions and confirmed that Mr. Jones is submitting these 239 Review requests 30 days in advance, as Broome County requires. She stated that one of the cases in question was a preliminary sketch discussion, in which the parties involved meet to discuss the requirements of the project, and added that these do not require a 239 Review. Ms. Sacco stated that she and Mr. Jones discussed the preparation of agendas for the Planning Board meetings and the need to make sure everything is prepared for the meeting, adding that her office has promised to review agenda items with a three-day turnaround, to make sure everything that needs to be addressed prior to the meeting has been addressed. She added that they have "a good plan moving forward" and added that she "thinks the meeting went well."

Supervisor Preston asked that if Board members have issues they want Mr. Jones to investigate, that they put their requests in writing so that Mr. Jones has a working list of concerns to address.

Mr. Finch asked if the costs of the three demolitions are going to be paid by the property owners and Mr. Jones confirmed that this is the case. Mr. Finch asked about an update on the former Conklin Auto building and Mr. Jones stated that he contacted the property owner and informed him of the need to clean up the area, adding that if the property owner does not comply, the Town can clean up the site and bill the property owner for the cost. Supervisor Preston asked if the property owner had come to Conklin to meet with Mr. Jones, as the Town had requested, and Mr. Jones stated that the property owner has not yet done so. Supervisor Preston also commented that she had a copy of a letter sent to Douglas Ritter regarding his property located at 1539 Conklin Road.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

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(Copies of all written reports are available for public perusal in the office of the Town Clerk during normal working hours.)

OLD BUSINESS:

None.

NEW BUSINESS:

DISCUSSION/POTENTIAL NEW PARK

Supervisor Preston stated that the DEC (New York State Department of Environmental Conservation) has approved the disturbance of dirt on the riverbank of the Susquehanna River on property owned by Robert Sullivan. Supervisor Preston stated that this property abuts property already owned by the Town, and added that Mr. Sullivan would like to donate the property in question to the Town of Conklin, adding that the owner will complete grading and install a driveway, which would allow people to access the river for fishing. Mr. Sullivan requests that the Town Board name the property "Sullivan Park." Mr. Finch stated that Mr. Sullivan is "doing all the work and it won't cost us" (the Town) "a thing." Supervisor Preston stated, "We might have to put a couple of picnic tables down there, but as far as the excavating and all that, he's doing it." She added that Mr. Sullivan contacted the DEC and "can't go into the river but he can bank it up."

Mr. Bullock asked why the river bank was being excavated and Supervisor Preston stated that it will allow people to walk down to the river or maybe launch a small boat. Mr. Finch stated that as long as Mr. Sullivan does not dig into the river, he is in compliance with the DEC.

Supervisor Preston asked the Board whether or not they want to accept the donation of the property from Mr. Sullivan. Mr. Bullock stated, "At this time, I don't see how we can do it." Citing the loss of 500 residents, as stated in the 2010 Census, and other expenses the Town faces, Mr. Bullock stated that he doesn't "see where we can take on any more projects like this." He added, "I know it's free, but it's going to cost us in the long run down the line. Somebody's going to have to maintain it, and pick up garbage. I don't think it's necessary." Mr. Finch stated, "We mow our own property. What's the difference with mowing another 20 or 30 feet over?" "We haven't mowed that property in years," stated Mr. Bullock.

When asked his opinion, Mr. Minoia stated, "In a way, I feel like Gary (Bullock) does, as far as the maintaining it goes." He added, "I guess I don't have a problem with it if it isn't going to cost us anything, and it's deeded as a gift to the Town. If we were putting this up and it would cost us funds out of our budget, I'd say no." Mr. Finch stated that he thinks all of the Board members would agree with that position. "None of the excavation work is costing us a penny," stated Mr. Francisco. He added that the adjacent property is considerably higher, adding that in the event of flooding, only the Sullivan property would be flooded. "I don't see where it's going to be a problem," stated Mr. Francisco. Mr. Bullock asked if Mr. Sullivan is going to expand the existing driveway and Supervisor Preston stated that Mr. Sullivan is widening the driveway. Mr. Finch stated that Mr. Sullivan is planning on bringing stone in for the driveway, adding that the Town must agree to put up a sign that says "Sullivan's Park." He added, "I don't have a problem with it, as long as we aren't going to spend any money, but I don't think we should do anything more to improve it than is already being done. If you want to put in a pavilion or picnic tables later on, I think you should do that after this year. I don't think we should spend any money on it this year." Mr. Finch added that maybe there is a New York State grant that will become available to help improve the park in the future.

Supervisor Preston stated that she will meet with Mr. Sullivan and Parks Superintendent Tom Delamarter to explain that the Town cannot spend any money this year on the potential park. "If he wants to put money into it he can," stated Mr. Finch. "If he wants to deed it over and name it 'Sullivan's Park,' I don't think any of us have a problem with it," he added. Supervisor Preston and Mr. Finch agreed that it was "a nice gesture" on the part of Mr. Sullivan to offer to donate the property to the Town. Mr. Francisco stated that this will alleviate the issue with trying to

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install a river access on the property behind the Town Hall, which met with opposition from some of the neighbors when it was suggested in the past. Mr. Bullock asked if there would be any improvements made in 2012 and Mr. Finch stated that it depends upon the budget for that year. Supervisor Preston stated that maybe a couple of picnic tables would be put on the property.

RESO 2011-73: ACCEPT PROPERTY DONATION FROM ROBERT SULLIVAN/959 CONKLIN ROAD/AT NO COST TO TOWN OF CONKLIN/TO BE NAMED "SULLIVAN'S PARK"/WITH NO IMPROVEMENTS TO BE MADE IN 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the property donation of 959 Conklin Road from Mr. Robert Sullivan, at no cost to the Town, with the stipulation that the land be named "Sullivan's Park," and with no improvements to be made to the property by the Town in 2011.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, based on no cost to the Town; Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

RESO 2011-74: AUTHORIZE HIRING/STEVEN J. RATHBUN/SUMMER LABORER/TOWN PARKS/20 HOURS PER WEEK/PAY RATE \$8.50 PER HOUR

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the hiring of Steven J. Rathbun to the position of Summer Laborer to work in Town of Conklin parks for 20 hours per week at a pay rate of \$8.50 per hour.

Seconded by Mr. Bullock.

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

RESO 2011-75: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE REIMBURSEMENT/APRIL 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2452, account code A1220.4, in the amount of \$133.62 to Debra Preston for mileage reimbursement for April 2011.

Seconded by Mr. Francisco.

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

Supervisor Preston stated that the mileage was "a little high" this month because she drove to Bradford County, Pennsylvania, to look at the gas well that exploded. A trip by Board members and other Town employees to observe this site is scheduled for June 9.

RESO 2011-76: AUTHORIZE PAYMENT/BILL LIST/\$28,421.34

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 \$28,421.34:

General

\$20,806.85

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Highway	\$ 2,492.04
Sewer District	4,671.00
Water District	<u>451.45</u>
Total	\$28,421.34

Seconded by Mr. Finch.

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

NEW CELL PHONE PLAN

Supervisor Preston stated that she enrolled the Town in a new cell phone plan, effective June 1, 2011, which should save the Town approximately \$50.00 per month on cell phones used by Town employees in the performance of their duties.

PROPERTY ACROSS ROUTE 7 FROM TOWN HALL

Supervisor Preston stated that a letter was sent to Mr. and Mrs. James Slavitsky regarding possible purchase by them of the Town-owned property located across Route 7 from the Town Hall.

NYMIR REFUND

Supervisor Preston stated that the Town received a refund of \$2,743.59 from NYMIR (New York Municipal Insurance Reciprocal), adding that this is the third year for the refund, which was supposed to be the final year to receive this. She added that the agreement has been extended, so the Town may receive a refund in 2012.

RESO 2011-77: EXECUTIVE SESSION/LITIGATION

Mr. Francisco moved to close the Regular Town Board Meeting and move into Executive Session at 7:38 P.M. to discuss litigation.

Seconded by Mr. Minoia.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 7:38 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Cheryl Sacco. Darlene Weidman, Dog Control Officer, was present for part of the Executive Session, and Robert Jones, Code Officer, was present for a different part of the Executive Session. Supervisor Preston 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.

RESO 2011-78: 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 8:39 P.M.

Seconded by Mr. Minoia.

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

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RESO 2011-79: AUTHORIZE HIRING OF LEGAL SERVICES FOR A SPECIFIC
MATTER

PRESENT:

Supervisor Debra A. Preston
Councilman Gary D. Bullock
Councilman Charles Francisco
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, the Town Board has retained Coughlin & Gerhart LLP to provide its general legal services; and

WHEREAS, a retainer agreement was executed, pursuant to authorization by the Town Board; in which the proposed services and fee structure are outlined; and

WHEREAS, Coughlin & Gerhart LLP has a conflict with the defendant in a specific litigation matter, and as such cannot represent either party to the matter;

WHEREAS, the Town Board deems it necessary to secure other legal counsel in a litigation matter;

NOW, THEREFORE, this 10th day of May, 2011, **BE IT RESOLVED** by the Town Board of the Town of Conklin, as follows:

RESOLVED, that Alan Pope, Esq., is hereby retained effective immediately to prosecute a dangerous dog and dog running at large matter captioned **The People vs. Thomas Cusimano, Jr.**

RESOLVED, that the hourly rate on this matter is \$165.

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 NY on May 10, 2011. Said resolution was adopted by the following roll call vote:

Supervisor Debra A. Preston	Yes
Councilman Gary D. Bullock	Yes
Councilman Charles Francisco	Yes
Councilman James E. Finch	No
Councilman Jerry Minoia	Yes

Dated: May 10, 2011
Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 8:42 P.M.

Respectfully submitted,
Sherrie L. Jacobs, Town Clerk

