

REGULAR TOWN BOARD MEETING

MAY 14, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on May 14, 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
	Town Justice	J. Marshall Ayres
	Public Works Superintendent	Tom Delamarter
	Code Officer	Robert Jones
	Deputy Highway Superintendent	Mike Mott
	Highway Department Foreman	Stan Albrechta
	Planning Board	Dell Boyle

GUESTS:	Country Courier	Elizabeth Einstein
	Girl Scout Troop 964	Rebecca Mayglothling
	Vieira & Associates, CPAs	Nicole Mayer
		Laurie Francisco
		Dolly Stout
		Bonnie Tolomei
		Angelo Tolomei
		Ron Miner
		Mike Gabello
		John Colley
		Tom Edmister
		Bob Ronk
		Pat Ronk
		Gary F. Blaisure
		Dennis Harder
		Louis Rosenberg
		Gail Kumpan
		Peter J. Motsavage

MINUTES: APRIL 9, 2013 REGULAR TOWN BOARD MEETING

Mr. Minoia moved to approve the April 9, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

MINUTES: APRIL 23, 2013 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the April 23, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING

MAY 14, 2013

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

NEW BUSINESS:

2012 ANNUAL AUDIT REPORT

Nicole Mayer of Vieira and Associates, CPAs, P.C., reported on the 2012 Annual Audit of the Town of Conklin. She stated that the Management Letter had “no findings, no audit adjustment, and no difficulties in obtaining the necessary information,” adding that the Town received an “unmodified” or clean audit and that the Town had “a good year.”

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PUBLIC HEARING

**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW, 2013/
“ABOLISH POSITION OF ELECTED TOWN HIGHWAY SUPERINTENDENT &
CREATE APPOINTED TOWN HIGHWAY SUPERINTENDENT, SUBJECT TO
MANDATORY REFERENDUM”**

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Finch opened the Public Hearing and asked those present to speak either for, or in opposition to, the proposed local law, “Abolish the Position of Elected Town Highway Superintendent and Create Appointed Town Highway Superintendent, Subject to Mandatory Referendum.” Mr. Finch stated that the Towns of Union, Chenango, the Village of Johnson City, and the City of Binghamton have all moved from elected to appointed Highway Superintendents. He stated that the Town Board took the money from the former elected Highway Superintendent’s salary and used it to improve the pay scale for remaining Town employees, whom he stated made “fast food wages.” (The elected Highway Superintendent resigned just after the November 2012 Election to take another position with Broome County.) Mr. Finch stated that one advantage to having an appointed Highway Superintendent, which could become a Public Works Superintendent, with oversight of Highway, Parks, Water, Sewer, Cemetery, and Landfill, is the ability to trade workers and equipment between departments with ease. Town Counsel Cheryl Sacco stated that the mandatory referendum vote would take place on Tuesday, July 23, 2013, if the Town Board votes tonight to approve the proposed law going to referendum.

John Colley of Millburn Drive asked if a Public Works Superintendent would be an elected position. Mr. Finch explained that the Public Works Superintendent would be an appointed position. Mr. Colley stated, “I am not comfortable with losing the right to vote.” Mr. Finch replied, “You still elect the Town Board” (which would appoint the Highway Superintendent or a Public Works Superintendent). Mr. Finch added that this move “is better financially for the Town.” Mr. Colley stated the position should be “elected not appointed.” Mr. Finch stated that there are no requirements for an elected official in terms of training, education, qualifications, or work schedule (every elected official by law determines his or her own work hours). Mr. Colley stated that he fears a “snowball effect,” asking, “What’s next? Will the Town Clerk be appointed instead of elected?” Mr. Finch stated that the Board is trying to “run the Town as a business not a political machine.”

REGULAR TOWN BOARD MEETING

MAY 14, 2013

Louis Rosenberg stated that he is “in favor of saving money, but the position should be elected.” He added that the Town of Kirkwood has a Public Works Superintendent which is an elected position. He stated that the Town residents should have input.

Tom Edmister stated that he is “not for an appointed Highway Superintendent,” adding that “the taxpayers/residents elect the Highway Superintendent, Town Board members, and Town Supervisor and there might be too much or too little turnover and it may be hard for the Town Supervisor to be responsible for the Highway Department,” because he or she may not know Highway Law. Mr. Finch stated that the “Board does what’s best for the Town.” He added that the current Public Works Superintendent is costing the Town “no more money than before.” Mr. Finch reiterated that currently the Public Works Superintendent is responsible for the Highway Department, Water and Sewer Departments, Parks, Landfill, Shawsville Cemetery, and FEMA work. He stated that the authority is “not given to any one individual,” but is split between Public Works Superintendent Tom Delamarter and Deputy Highway Superintendent Mike Mott.

Ms. Sacco stated that “elected officials do not have to hold specific hours of work.” Mr. Edmister asked about the vacant seat of the fourth Councilperson. Mr. Finch stated that no one was appointed to fill the vacant seat in order to “save the Town money,” adding that the Town is “still paying \$100,000 per year for the 2006 Flood.” He added that New York State has recently agreed to pay the 25% of the FEMA (Federal Emergency Management Agency) costs for the 2011 Flood which are not covered under the federal payout. Mr. Finch went on to explain that the 2010 Census showed the Town of Conklin having 493 less people than in 2000, which he explained will cut the Town’s share of sales tax revenue for the next ten years, a loss estimated to be \$103,000 per year for ten years. Mr. Edmister stated, “Don’t wait for the sales tax.” Mr. Finch stated that the Town Board was able to increase the hourly wage of the Highway Department from \$12 per hour to \$15-\$16 per hour. He added that the Town has been paying the Binghamton-Johnson City Joint Sewage Treatment Board \$43,000 per quarter, but the Joint Board has recently demanded \$59,000 per quarter, leaving the Town short \$15,000 per quarter in its budget for this expense. Mr. Finch stated that 50% of the residents of the Town of Conklin are over age 50, many with limited income. Mr. Edmister stated that he would “still prefer to vote.”

Mr. Bob Ronk of Corbettsville stated that he is opposed to the proposed law, adding that the residents are “losing too many voting rights.” He added that if the Town Board has given out the money budgeted for the Highway Superintendent, the Board will have to find this money for the 2014 Budget, adding he “would rather pay a little more in taxes and be able to vote.”

There being no more questions or public comments, Mr. Finch declared the Public Hearing closed at 7:30 P.M.

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Mr. Bullock stated that he is not in favor of the proposed local law, adding that he has heard talk of the Board becoming a “dictatorship,” which is “taking away the rights of the people.” He added that “no one is for this.” Mr. Minoia stated that he believes the same way Mr. Bullock does, adding that “the people should decide.” Mr. Francisco stated that he can “see good on both viewpoints,” adding that “if no one is for this, we should respect the wishes of the people.” Mr. Finch stated that he believes this change to an appointed position to be a good decision and added that approving the proposed resolution would “take the decision to the people” through the mandatory referendum.

REGULAR TOWN BOARD MEETING
MAY 14, 2013

Ms. Sacco explained that since there was no motion or second on the proposed resolution, it was declared No Action and the position of Highway Superintendent will appear on the ballot in the November 2013 Election.

PUBLIC COMMENTS:

OPEN COUNCIL SEAT AND HIGHWAY SUPERINTENDENT

Mr. Edmister asked if the vacant Council seat will remain open until the November Election, and Mr. Finch replied, "The Board has no obligation to fill the Town Board seat."

Mr. Rosenberg stated that he "wants to see the cost savings of an appointed Highway Superintendent." Mr. Bullock asked if "the money is still there for the Highway Superintendent" (in the 2013 Budget), adding that Assistant to the Supervisor Lisa Houston had told him that it was still there. Mr. Finch stated that this money is not available for 2013, but reminded Mr. Bullock that the Town Board will fashion a new budget for 2014. "How long have you served on the Board?" Mr. Finch asked Mr. Bullock.

Mr. Colley asked if all the Towns previously mentioned have appointed rather than elected Highway Supervisors, and Mr. Finch replied "Yes, they are Public Works Superintendents."

CORRESPONDENCE;

Mr. Finch acknowledged receipt of a letter from the Joint Sewage Board requiring the increase in the quarterly payment to \$59,000 from \$43,000. "What happens if we don't pay the extra charge?" asked Mr. Bullock. "We won't," replied Mr. Finch. Mr. Finch added that the Town is looking at a new 30-year contract with the Joint Board wants the Town to sign. He added that the Town cannot use the Joint Sewage Treatment Plant if the City of Binghamton will not accept more waste from the Town of Conklin, which it has not agreed to do. Mr. Finch stated that the Towns of Dickinson, Kirkwood, and Conklin have refused to pay the increase. He added that the Town has received an engineering grant to study the possibility of building a treatment plant in the southern end of the Town of Conklin. Mr. Francisco asked, "Are the numbers true?" Mr. Finch replied that the contract allows the Joint Board to "raise the price at their discretion." Mr. Finch stated that it will cost \$60 million to repair the sewage treatment plant from damage caused by the 2011 Flood, adding that "they want the outside users to fund the repairs."

RESO 2013-67: RATIFY SCHEDULING PUBLIC HEARING/MAY 28, 2013/5:35
P.M./TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW/ "AMEND
SECTION 8-2 AND SET DATE FOR THE BOARD OF ASSESSMENT REVIEW TO
MEET"

Mr. Bullock moved for the following resolution:

Be It Resolved: the Town Board of the Town of Conklin ratifies the scheduling of a Public Hearing at 5:35 P.M. on May 28, 2013, to receive input regarding a proposed local law, "Amend Section 8-2 and Set Date for the Board of Assessment Review to Meet."

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING

MAY 14, 2013

APPRAISAL PRICES

Ms. Sacco asked if the appraisal on the FEMA properties was awarded to Mr. Congdon at \$1250 per parcel or \$1750, and Mr. Finch replied, "Not more than \$1250."

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Public Works Superintendent Tom Delamarter stated that the Highway Department is ready for summer and that the plows have been winterized. He stated that his crew has been working on grounds for the Veterans Memorial. Mr. Delamarter stated that Wilcox Road will be closed May 15 and 16 so that the culvert pipe can be replaced. He stated that \$4,600 was gained from recycling of old metal water meters. Mr. Delamarter noted that there has been less theft with the new security cameras in place, and one person was caught dumping illegally and will be prosecuted.

REPORT: WATER AND SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom Delamarter reported that the Annual Water Quality Report for the Towns of Conklin and Kirkwood (which supplies water for District 6) will now be on the website instead of being mailed, which will save the Town \$500. He stated that the Susquehanna River Basin Report has been completed and the DEC (New York State Department of Environmental Conservation) Report has been approved.

Mr. Delamarter stated that the flanges made for the sewer pumps needed to be reworked and the new version will be here on May 16. He stated that there is an ongoing problem at Sewer Station 5, in the Julius Rogers area, which was recently pumped out and revealed a rake, mops, and other debris. He stated that another notice to residents of what can and cannot be put in the sewer lines is needed. Mr. Delamarter stated that it is not an issue from the Corporate Park, but from the neighborhood near the Julius Rogers Park.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he has been working on the demolition contract with Town Engineer John Mastronardi. He stated that New York State has issued a variance so that there will be no asbestos abatement fee, which he stated will save \$4,000 per house. Mr. Jones explained that each site constructed prior to 1974 will be considered as the whole site being contaminated, and air monitoring will take place and demolition workers will wear protective gear. He stated that it will cost \$400 per house to bury all of the contaminated debris. Mr. Jones stated that the First Quarter Report has been submitted to SEMO (State Emergency Management Office).

Mr. Jones reported that he has been overseeing three large projects: the Conklin Forks United Methodist Church expansion, the Salt Distribution facility, and construction of a modular home

REGULAR TOWN BOARD MEETING
MAY 14, 2013

on Murphy Road. He stated that he has also been conducting safety inspections and has issued five building permits last month.

OLD BUSINESS:

RE-BONDING TOWN HALL

Mr. Finch stated that the re-bonding the Town Hall will be finalized on May 28, adding that the Town will be paying 2% less in interest, which provides a savings of \$52,668. The Town still owes \$700,000 on the construction of the new Town Hall, which was built in 2002.

AGENDA 21

Mr. Finch explained that Agenda 21 is a bid by the New York State government to grab land away from residents and create one World Government and One Bank, with only appointed officials. He stated that he is in favor of home rule, which he stated Agenda 21 would override. Mr. Francisco read excerpts from the proposed resolution, which Mr. Finch stated would stop the forward motion of Agenda 21. Mr. Francisco stated that the Agenda 21 had “no defined ideas, just a bunch of words.”

RESO 2013-68: OPPOSE AGENDA 21

Mr. Francisco moved for the following resolution:

WHEREAS, the United Nations held an earth summit in 1992, created a program known as Agenda 21, and coined a term called “sustainable development;” and

WHEREAS, Governor Cuomo has developed Regional Sustainability plans designed to implement “Agenda 21” concepts and undermine local authority; and

WHEREAS, these regional sustainability plans undermine the property rights of Town of Conklin residents by exposing our town to regulation mandated by unelected regional administrations; and

WHEREAS, “Agenda 21” was not designed to help the environment but to utilize environmental issues as a rule to undermine the authority of the United States Constitution and our state and local governments; and

WHEREAS, these regional sustainability plans have characterized towns like Conklin as “urban sprawl” and desire us to abandon our rural lifestyle and property for densely populated urban center; and

WHEREAS, these regional sustainability plans promote “environmental justice” where rural residents are criticized for ownership of rural lands and for their use of water, energy, and resources; and

NOW, BE IT RESOLVED that the Town Board of the Town of Conklin adopts this resolution in full support of protecting the environment of our Town including our river, streams, and air by conserving resources, recycling and local land use laws; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Conklin is not willing to have unelected officials infringe on our liberties and weaken the property rights of residents of the Town of Conklin; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Conklin believes in “home rule” and the autonomy of town government; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Conklin rejects the concept of “regional government” and the implementation of Agenda 21 principles; and

BE IT FURTHER RESOLVED that we call on Governor Cuomo to abandon these regional plans which bypass the state, county, city, and town governments and work all

REGULAR TOWN BOARD MEETING
MAY 14, 2013

environmental issues through our duly elected State, County, City, and Town elected officials;
and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Broome County Planning Department and Legislature, our elected State officials and Governor Cuomo.

Seconded by Mr. Bullock.

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

GRADING AT SCHNURBUSCH PARK

Mr. Finch stated that the grading to improve drainage in Schnurbusch Park has been completed except for the area behind Berota Court. He added that Mrs. Corey will not sign the necessary right-of-way, so progress on the project has been halted.

NEW BUSINESS:

TIME WARNER CABLE AGREEMENT

Mr. Finch stated that no contract agreement has been reached yet with Time Warner Cable, and it may need to go to arbitration.

TRAFFIC ON ROUTE 7A

Mr. Finch stated that he has received many complaints regarding the traffic on Route 7A caused by JiMay's Flea Market. He stated that the owner of JiMay's has agreed to move the ticket booth further into the lot to get more cars off the road, and to rent space from the neighboring farm for 50 to 100 cars to park.

PARK PAVILION RENTAL FEES

The Town Board is discussing the possibility to raise the fees to rent pavilions in Schnurbusch Park and Conklin Forks Park to cover the rising cost of septic and garbage. There was also discussion of creating resident and non-resident pricing structure. Town Clerk Sherrie Jacobs, who handles park pavilion rentals, suggested that people may be angry if the Board changes pricing mid-season. The Board will hold over further discussion of this item until the May 28 Town Board meeting.

THE "CLOUD" DATA STORAGE

Mr. Finch stated that the Town Board is discussing the possibility of using "Cloud" computing and data storage with the Town's technology provider, BlueStorm. More research will be done on this issue.

**RESO 2013-69: CANCEL REGULAR TOWN BOARD MEETINGS/6-11-2013, 7-9-2013,
AND 8-13-2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels the Regular Town Board Meetings scheduled for June 11, July 9, and August 13, 2013.

REGULAR TOWN BOARD MEETING

MAY 14, 2013

Seconded by Mr. Francisco.

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

Mr. Finch stated that there will be only one Regular Town Board Meeting per month for June, July, and August, held at 5:30 P.M. on the fourth Tuesday of the month.

RESO 2013-70: RATIFY PAYMENT/COMMISSIONER OF LABOR/FLOOD BUYOUT PROGRAM PETITION FOR ASBESTOS VARIANCE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5815, account code HA8760.4, in the amount of \$350.00 to the Commissioner of Labor for Flood Buyout Program petition for an Asbestos Variance.

Seconded by Mr. Francisco.

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

RESO 2013-71: AUTHORIZE PAYMENT/BILL LIST/\$160,368.38

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 \$160,368.38:

General	\$ 17,376.46
Highway	2,218.30
Flood Emergency	97,167.58
Light Districts	313.99
Sewer Districts	35,893.26
Water District	<u>7,398.79</u>
TOTAL	\$160,368.38

Seconded by Mr. Francisco.

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

FLOOD INSURANCE

Mr. Finch asked Mr. Minoia if there is any update on the Town-wide flood insurance and Mr. Minoia stated that there is no update.

BIRDHOUSES DONATED BY GIRL SCOUT TROOP 964

Mr. Finch stated that Girl Scout Troop 964 has donated birdhouses to the Town to use in the various Town parks and properties and he thanked the Girl Scouts for their efforts. He stated that he would like to get the names of the Scouts so that he can have Certificates of Appreciation prepared.

REGULAR TOWN BOARD MEETING
MAY 14, 2013

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 8:29 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk