

REGULAR TOWN BOARD MEETING

MAY 24, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on May 24, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:

Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Code Officer	Robert Jones
Highway Superintendent	Patrick Latting
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
Substitute DCO	Kelly Wildoner
Zoning Board of Appeals	Dell Boyle

GUESTS:

Country Courier	Elizabeth Einstein
Country Courier (intern)	Lisa Kashinsky
Apartment Bldg. Owner	Rosmarie Morewedge
	Ruth Joyner
	Dolly Stout
	John Colley
	Laurie Francisco
	Dennis Kachmar
	Bret Pearsall
	Michael Frys
	Randy Holder
	Cindy Holder
	Bob Sullivan
	Rick Penny
	Daniel Fitzsimmons
	Tom Kelly
	Jean Turock
	Peter J. Motsavage
	Bill Yelverton

MINUTES: MAY 10, 2011 REGULAR TOWN BOARD MEETING

Supervisor Preston stated that the May 10, 2011 Regular Town Board Meeting minutes should be corrected on page 6, line 19 from the top, to replace "\$2,743.59" with "\$3,743.59."

Mr. Bullock moved that the May 10, 2011 Regular Town Board Meeting minutes be approved as corrected.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of correspondence from Birtchy's Co., Inc., applying to the Alcoholic Beverage Control Board for permission to install an Off Track Betting terminal in its facility.

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**ABC APPLICATION/BIRTCHY'S CO., INC./MINOR ALTERATION TO
INTERIOR/APPLICATION FOR OFF TRACK BETTING TERMINAL/NO
OPPOSITION**

Supervisor Preston acknowledged receipt of an application from Katherine B. Birtch, Secretary-Treasurer of Birtchy's Co., Inc., requesting approval of a minor alteration to the interior of the facility to install an Off Track Betting terminal.

No opposition was voiced.

PUBLIC COMMENTS:

LOGGING NEAR CHOW GARDENS

Michael Frys of 949 Conklin Road asked about the logging that is being done on Alta Road and River Boulevard near the CHOW gardens, inquiring whether or not this action has been approved by the Town Board. He stated that he watches bald eagles fly through his yard and wondered why the trees are being removed, adding that "a mud hole is left." Highway Superintendent Patrick Latting replied that River Boulevard and Lawrence Avenue cause "huge ongoing" road maintenance issues for the Town Highway Department because of low traffic on those roads and debris from the trees. Mr. Latting added that many of the trees that are being logged are dying anyway, adding that his department is only removing trees from the inside radius and that clean-up efforts will continue to make the area smoothly-graded and mowable.

NEW LIGHT AT COMMUNITY CENTER ENTRANCE

Mr. Frys stated that the newly installed light at the entrance to the Maines Community Center "lights up the inside" of his house, adding that the new light is "brighter than normal" streetlights. Mr. Francisco will research possible shields for the light or perhaps a switch so that it can be turned on and off.

SULLIVAN PARK

Mr. Frys asked about the newly proposed Sullivan Park, asking if it is legal. He stated that the excavators have made a "big hole in the riverbank, like a hole in a flood wall." Mr. Frys stated that the property on which Sullivan Park would be located has been "under water many times already." Mr. Finch stated that "River Management has looked at this." Supervisor Preston stated that the DEC (New York State Department of Environmental Conservation) has looked at the site three times.

Bob Sullivan of 1140 Conklin Road owns the property which will be Sullivan Park. He plans to install a boat launch and then donate the property to the Town of Conklin. He stated that he met with three DEC representatives to discuss river elevations and was told that there is "no flooding potential." He stated that the DEC is "comfortable" with the silt fences and other precautions which he has taken.

Jean Turock of Woodcrest Way stated that she spoke to three DEC officials – Larry Lepak from the Kirkwood office, Joe Dlugolenski from the Cortland office, and Eric Templeton, DEC Law Enforcement Officer. Mrs. Turock stated that she was told by the DEC that the permit for the excavation was given by the DEC, but that it was not requested by the property owner, Mr. Sullivan, but rather was requested by the Town of Conklin, which does not yet own the property. She stated that the DEC official with whom she spoke stated that this is "highly unusual." Mrs. Turock asked if the Town Engineers had been consulted and whether or not there are any water violations and whether or not the silt is being contained. Mrs. Turock stated that Mr. Lepak told her that an administrative permit has been issued and that the excavation would cause "no effluvial flooding." However, she noted, there were severe ice jams on the Susquehanna River in 1978 and in 1981, adding that the DEC had been contacted at that time and had stated that there was "nothing that could be done, but the river bank will hold" the water.

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Mr. Finch stated that Code Officer Robert Jones called the DEC for information, to see if there was anything that the Town needed to do to be in compliance, not to apply for a permit. He added that the DEC asked for a meeting and he, Mr. Jones, Mr. Sullivan, Officer Templeton from the DEC, and Parks Superintendent Tom Delamarter met at the site of the proposed boat launch, and added that the DEC stated that no problems were found and the site is in compliance with regulations. Mr. Finch stated that the Town has met twice with DEC officials. He stated that there was concern expressed regarding the protection of the riverbank through seeding and stabilization, which Mr. Sullivan addressed through the installation of silt fences and hay.

12 WOODCREST WAY

Jean Turock asked about the abandoned house located at 12 Woodcrest Way, inquiring when it will be demolished. Supervisor Preston explained that the property was owned by an out-of-area bank, which the Town had been unable to contact. She stated that it has now been three years of unpaid property taxes and Broome County will be able to auction the property off at its annual tax sale in October. Ownership of the property will be turned over to the Town of Conklin and the building will be demolished. Ms. Turock stated that boards have been removed from the abandoned house and Supervisor Preston stated that Code Officer Robert Jones will look into this situation. She added that the property will be seeded.

WATER BEHIND BEROTA COURT

Mr. Dennis Kachmar of 33 Berota Court spoke about the water that is flooding Schnurbusch Park and his back yard, as well as the yards of his neighbors. He stated that Carlin Creek cannot channel the runoff water to the Susquehanna River. Supervisor Preston stated that the Town has purchased the needed pipe and flapper gate, adding that the “current storms are out of the norm.” Mr. Kachmar replied that he has been dealing with this problem for the past 22 years that he has lived at his current address.

Mr. Kachmar stated that the pipe that runs from the Little League field in Schnurbusch Park to the Town Pool is too small. Supervisor Preston asked Highway Superintendent Patrick Latting when the pipe and flapper gate can be installed. Mr. Latting replied that he is assembling the materials and will schedule the installation of the pipe and gate. Mr. Kachmar suggested the installation of a six foot berm from the nearby Conklin Presbyterian Church to the river. Attorney Cheryl Sacco stated that the Town would need to consult the Town Engineer, adding that such an action “might cause problems for others.”

Mr. Kachmar stated, “The Town of Conklin is taxing me on land I can’t use.” He added that the Town Engineer should consult the EAF (Environmental Assessment Form) which was completed for the Corporate Park, adding that the “Corporate Park blocked one drainage area.” Mr. Finch stated that beavers build dams on private property near the park and that also causes the water to back up.

Bret Pearsall of 1193 Conklin Road also owns property that is affected by the flooding. Mr. Pearsall stated that he works for the Department of Environmental Health and Safety at Binghamton University and distributed copies of Section 302.2 of the 2010 Property Maintenance Code of New York State, adding that the Town of Conklin is in violation of this code, which addresses, among other things, the issue of stagnant water. Mr. Pearsall stated, “It’s called accountability.” “Who would you cite? The residents?” asked Attorney Sacco. “No, the Town of Conklin should be cited. They are responsible,” replied Mr. Pearsall.

Supervisor Preston replied, “We take it seriously,” referring to the water behind the Berota Court area. She added that Dan Pierce, who was the previous owner of Mr. Pearsall’s property, built a road and took out a pipe, which she stated added to the flooding problem. Mr. Pearsall replied, “The flooding is coming from the park, not from the river.” He asked if the Town could install a berm to protect his and others’ properties in the area. Attorney Cheryl Sacco stated that this action could have consequences for other property owners. Supervisor Preston stated that she will be “getting the Town Engineer involved,” adding that the Town has been pumping water out of the park. Mr. Pearsall replied, “My neighbors have been spending money to pump out water.”

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Randy Holder of Berota Court stated that the “water is farther back than it used to come before the wetland [in Schnurbusch Park] was filled in.” He added that the water now “stays for months” and provides a breeding ground for mosquitoes. Mr. Finch stated that it has been a very wet spring and “there is no place for the water to go.” Mr. Holder stated that he is concerned about the possibility of West Nile Virus, which is carried by mosquitoes, and asked if the area could be sprayed to get rid of the mosquitoes.

Cindy Holder, also of 29 Berota Court, asked if a berm could be installed and the damage caused to the back yards in that area be repaired by the Town. She added that a drainage system in their back yard has been damaged by all of the flooding. Mrs. Holder stated that the flooding has been much worse since the wetlands were filled in.

DRAINAGE ISSUES/CORBETTSVILLE

Rick Penny of 23 Corbettsville Road stated that he has lived at that address for the past 31 years, and in that time, never had more than a couple of inches of water in his basement. However, since the drainage on nearby Banta Road has been changed, he stated, he has had three and one-half feet of water in his basement from the nearby Snake Creek. Mr. Penny stated, “New York State says that FEMA [Federal Emergency Management Agency] made a mistake” (in changing the drainage on Banta Road). He added that the railroad bridge in the area was “not considered” and it is now plugged with debris. Mr. Penny stated that he has spoken with the New York State Department of Environmental Conservation (DEC), who stated that the New York State Department of Transportation (DOT) is responsible, and then spoke with the DOT representatives, who stated that the Town of Conklin is responsible for correcting the problem.

Mr. Penny stated that boulders have washed into the creek, raising the water levels in the creek. He stated that the creek needs to be cleaned out to alleviate the problem. Attorney Sacco stated that she will investigate the situation and will contact the DOT, the DEC, and CP Rail. Mr. Penny stated that there is too much water flowing down the creek, adding that the issue changed three years ago when changes were made to the drainage on Banta Road. He added that there is erosion from Banta Road and from the area of the railroad bridge. Supervisor Preston stated that New York State “must do something.”

SULLIVAN PARK/BOAT LAUNCH

Mr. Bill Yelverton of 1299 Conklin Road addressed the topic of the proposed Sullivan Park and boat launch, stating that he is “okay with the boat launch” but adding that originally there was a boat launch on his property and he is aware of the permitting process, having gone through it personally, and that he “wants to make sure properties are safe.” He added that the DEC has made some mistakes, adding that Parks Superintendent Tom Delamarter was told by the DEC that the water from the river would remain below the mean high water mark. Mr. Yelverton stated that there has been no permitting process on this project and asked how the mean high water mark was calculated. He stated that he contacted the DEC in Albany and asked for crest data, which is available for the past 89 years. Mr. Yelverton asked which number was used to calculate the mean high water mark. Mr. Finch replied that the DEC sent a river specialist from Albany to take readings on the Susquehanna River prior to progress being made on the Sullivan Park project. Mr. Yelverton stated that one cannot “put in or take anything out of the river.” He added, “Maybe it’s ok, but I don’t think it’s ok.” He stressed the need to protect both the water and the properties.

DRAINAGE/MILLBURN DRIVE

Mr. John Colley of Millburn Drive stated that in 2006, the DEC pumped out water from Millburn Drive, adding that “the water is bad again” in that area. He added that he was told by the DEC that the Town of Conklin “must ask for help.” Mr. Colley stated that Larry Lepak from the Kirkwood sub-office of the DEC stated that the DEC “would consider” pumping this area out again. Code Officer Robert Jones has taken some pictures of the area in question, adding that he has been attempting to persuade the Conklin Volunteer Fire Department to pump out the area.

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Supervisor Preston instructed Mr. Jones to contact the DEC about the possibility of pumping out the area on Millburn Drive.

DOG COMPLAINT/FITZSIMMONS

Mr. Daniel Fitzsimmons of 7 Roxbury Street complained that his neighbor, Bob Sullivan, allows his dog to run at large, in violation of the Town's leash law, adding that his autistic son is "terrified" of this dog. He stated that his son "should be able to enjoy his property." Mr. Fitzsimmons stated that he has contacted the Dog Control Officer but has had no satisfaction for his complaints. Supervisor Preston stated that the DCO does not believe that the dog in question is Mr. Sullivan's dog, but rather is a similar-looking dog that also lives in the same neighborhood and which has been picked up several times for running at large. "Oh, it's Sullivan's dog," stated Mr. Fitzsimmons. "He thinks he's above the law."

TRIP TO GAS DRILLING WELL/TOWANDA, PENNSYLVANIA

Mr. Finch confirmed that some members of the Town Board and Town employees are going to visit the site of a gas drilling well in the Towanda, Pennsylvania, area on June 9, meeting at the Town Hall at 8:30 A.M.

REPORTS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

RESO 2011-80: APPROVE HIRE & SALARIES/LIFEGUARDS/2011 SEASON

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring and salaries of the following lifeguards for the Conklin Pool for the 2011 season:

<u>Proposed Lifeguard Salaries</u>	<u>2010</u>	<u>2011</u>
Bensley, Meaghan M.	7.25	7.25
Godbout, Elizabeth A.	7.25	7.25
Hoskins, Stephen N.	7.50	7.50
Lyke, Jennifer	7.50	7.50
Lyke, Tyler		7.25
Martir, Alexander	7.50	7.50
McGuigan, Kathryn A.	7.25	7.25
Morgan, Olivia C.	7.25	7.25
Mullins, Alicia M.	Pool Manager	10.25
Mullins, Kelsey	Asst. Manager	8.25
Olsen, Hope		7.25
Scanlon, Sarah		7.25
Sutton, Andrew	7.25	7.25

Seconded by Mr. Minoia.

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

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RESO 2011-81: APPROVE HIRING/MICHAEL ROOD/PARKS
DEPARTMENT/SEASONAL PART-TIME EMPLOYEE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of Michael Rood to the position of seasonal part-time employee in the Parks Department at a salary rate of \$7.25 per hour.

Seconded by Mr. Francisco.

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

RESO 2011-82: RATIFY PAYMENT/U.S. POSTAL SERVICE/2ND QUARTER WATER
& SEWER BILLING POSTAGE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2558, account code SW8310.4, in the amount of \$261.00 to the U.S. Postal Service for 2nd Quarter Water and Sewer billing postage.

Seconded by Mr. Finch.

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

RESO 2011-83: AUTHORIZE BUDGET LINE MODIFICATION/UNDER
ESTIMATE/DEMOLITION OF MEMMO HOUSE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the following budget line modification due to underestimate of the cost of demolition of the building owned by Thomas Memmo at 986 Conklin Road:

From A-1990-4	Contingency Contractual	-\$3,012.00
To A-3650-4	Demo of Unsafe Buildings	+\$3,012.00

Seconded by Mr. Francisco.

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

Supervisor Preston stated that Mr. Gorick of Gorick Construction had not included the cost of tipping fees for asbestos in his estimate for the demolition of the building

RESO 2011-84: AUTHORIZE PAYMENT/BILL LIST/\$43,412.11

Mr. Finch 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 \$43,412.11:

General	\$34,297.43
Highway	2,871.43
Light Districts	380.93
Sewer District	514.29
Water District	910.65
Water District 6	<u>4,437.38</u>
Total	\$43,412.11

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Seconded by Mr. Francisco.

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

RESO 2011-85: AUTHORIZE PAYMENT/NYSEG/MAY 2011 BILLING/VARIOUS LIGHTING DISTRICTS

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment in the amount of \$5,629.31 to NYSEG (New York State Electric and Gas Corporation) for May 2011 billing for various lighting districts.

Seconded by Mr. Finch.

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

SPEED STUDY/FELTERS ROAD

Supervisor Preston stated that she received correspondence from Broome County acknowledging the request by the Town for the New York State Department of Transportation to conduct a speed study on Felters Road.

UPDATE/CARLIN CREEK-CAROL COURT AREA

Mr. Minoia, noting that there had been much discussion of high water and drainage issues at tonight's meeting, asked if there is an update on plans for improving drainage in the Carlin Creek-Carol Court area. Supervisor Preston stated that the Town is waiting for an update on the grant procured through Congressman Maurice Hinchey's office, noting that the paperwork for the grant has been submitted. It was noted that Richard Woidt conducted a study and made recommendations for water drainage on the opposite side of the railroad tracks. Mr. Minoia commented that there is only so much that the Town can do, as the ground saturation this year is worse than it was even in 2006, when Conklin experienced the devastating 500-year flood.

“SAFE ROUTES TO SCHOOL” SAFETY ISSUE

Mr. Francisco reported that he and Highway Superintendent Patrick Latting met with Mr. Thomas Burns regarding the safety issue in the area of Morris Boulevard and Route 7 that is part of the “Safe Routes to School” project. Mr. Burns, who owns the property in question, agrees that there is a safety hazard but he is concerned about the permanent easement on his property. Mr. Burns wants a temporary easement first, then a permanent easement that is conveyed with the deed. Mr. Francisco stated that further research is needed regarding blacktop fill. Attorney Sacco stated that the Town Engineer should be involved and stated that she will call Town Engineer Dan Griffiths of Griffiths Engineering.

CLEANING CONTRACT/TOWN HALL

Mr. Finch asked when the contract with the company that cleans the Town Hall is due to expire. Supervisor Preston stated that it will expire soon. Code Officer Robert Jones stated that the cleaning company cleaned the windows and did “a poor job.” Supervisor Preston stated that she will research options for a cleaning company.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 8:12 P.M.

Respectfully submitted,

Sherrie L. Jacobs, Town Clerk

