

REGULAR TOWN BOARD MEETING

MAY 28, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on May 28, 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
	Code Officer	Robert Jones
	Public Works Superintendent	Tom Delamarter
GUESTS:	Country Courier	Elizabeth Einstein
		Laurie Francisco
		Mike Gabello

MINUTES: MAY 14, 2013 REGULAR TOWN BOARD MEETING

The Town Board decided to hold over approval of the May 14, 2013 Regular Town Board Meeting minutes until the June 25 meeting.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the Binghamton-Johnson City Joint Sewage Board, from Broome County regarding the potential Road Use Agreement, from a resident regarding grass and building repairs issues, and from Robert Page regarding the Veterans Memorial.

OLD BUSINESS:

TOWN HALL BOND UPDATE

Mr. Finch stated that the Town will save more than \$14,000 per year with the new bond for the Town Hall construction. The new rate is 1.69%, compared with the original rate in 2002 of 4.65%.

WILCOX ROAD PROJECT

Mr. Finch reported that the Town saved \$72,345 of the budgeted amount on the Wilcox Road culvert replacement project. He stated that a similar project on State Line Road cost only \$45,000 instead of the projected \$137,000.

VETERANS MEMORIAL

Mr. Finch reported that the Veterans Memorial project has is foundation installed to crusher run level. He stated that he is very pleased with the progress, adding that Robert Page, chief proponent and fundraiser for the Memorial, has raised \$14,200 through sale of candy bars and 50-50 raffles. Mr. Finch stated that Broome County Executive Debra Preston was able to procure an additional \$14,900 from a County Veterans Fund to put toward the Veterans Memorial.

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WHEREAS, said public hearing was duly held at the Conklin Town Hall at 5:35 o'clock P.M. on May 28, 2013, 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"), adoption of this local law does not constitute an action as defined and can be considered without further regard to SEQRA; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination that this local law is not an action which requires environmental review; 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. 1-2013 entitled a Local Law "Amending Section 8-2 and Setting the Date for the Board of Assessment Review to Meet," a copy of which is attached hereto and made a part hereof, and

RESOLVED, that upon the approval of the Local Law, that 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 28, 2013. Said resolution was adopted by the following roll call vote:

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

Dated: May 28, 2013

Town of Conklin Seal

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

PUBLIC COMMENTS:

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TOWN BOARD MINUTES & AGENDA

Mr. Michael Gabello asked that the Town Board meeting minutes and agenda be posted to the Town website “in a more timely manner.” Town Clerk Sherrie Jacobs informed Mr. Gabello that she is meeting all of the legal requirements for posting. The Open Meetings Law requires that minutes be available in the Town Clerk’s office 14 days after a meeting is held. There is no requirement to post minutes to the website; this is merely “a courtesy which Ms. Jacobs offers her constituents.” Likewise, the minutes are not required by law to be approved by the Town Board nor to include more detail than the basic information of who moved and seconded motions and what motions were approved, as stated by Attorney Cheryl Sacco. Mr. Gabello stated that the agenda must be posted 24 hours before the meeting, and Ms. Jacobs informed him that the wording of the law is “as is practicable” to post, also verified by the Town Attorney. The Town is in full compliance with the law.

REPORTS: None.

NEW BUSINESS:

ROAD USE AGREEMENT OFFER FROM BROOME COUNTY

Mr. Finch stated that the Town received an offer from Broome County to participate with its Road Preservation Agreement. He stated that the Town already has a Road Use Agreement which is better than the one being offered by Broome County, but felt that the Town would benefit from “using the best of both agreements.” Broome County will pay the \$7,800 in engineering fees for Delta Engineering, which is developing the County’s Road Use Agreement. The Town will send a letter to Broome County Executive Debra Preston stating that the Town is interested in the “Delta concept” and accepting the payment of \$7,800 in fees, then a draft of a local law will be created and a Public Hearing will be held. Mr. Minoia asked who will police the Road Use Agreement for the Town and Mr. Finch replied that it will be the job of the Code Officer. Mr. Bullock stated that Broome County should have had this in place for the Hardie Road Salt Distribution Project. He asked if the Town would be locked in to the County’s Road Use Agreement and Mr. Finch stated that the Town’s current agreement can supersede the County agreement.

RESO 2013-73: ACKNOWLEDGE INTEREST IN DELTA CONCEPT FOR BROOME COUNTY ROAD PRESERVATION AGREEMENT AND ACCEPT \$7,800 FROM THE COUNTY FOR ENGINEERING COSTS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin acknowledges interest in the “Delta concept” for the Broome County Road Preservation Agreement and accepts \$7,800 from Broome County for engineering costs associated with the development of said agreement.

Seconded by Mr. Francisco.

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

Mr. Minoia asked if a weight limit would be imposed on the roads to protect them. Ms. Sacco stated that in Pennsylvania, there is a 10-ton weight limit, but the New York State limit is higher than the weight of the water trucks that would be used if hydrofracturing for natural gas is permitted.

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CONCERTS IN THE PARK

Mr. Finch stated that Concerts in the Park will begin on June 19 at 6:30 P.M. with “The Shambles.” He added that the Conklin Fair Committee will be present to sell refreshments.

MAY 24, 2013 MEETING/BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

Mr. Finch reported on the May 24, 2013 meeting with representatives from the Binghamton-Johnson City Joint Sewage Board. He stated that the Joint Board wants an increase in payments of 32.7% from outside users, which would mean an increase of \$14,000 per quarter for the Town of Conklin. Mr. Finch stated that he is working with the Joint Board, asking if there is FEMA (Federal Emergency Management Agency) money available to the Joint Board for repairs to the sewer treatment plant. He stated that the Joint Board is trying to pass the remainder of costs of repairs to the treatment plant on to outside users. Mr. Finch stated that the Town should not sign a 30 year agreement, as requested by the Joint Board. Mr. Francisco agreed that 30 years is “too long.”

Mr. Finch stated that the City of Binghamton has agreed to accept additional flow from the Town of Conklin but states that there is an infiltration of contaminants, which the Board speculated could be diesel fuel from CP Rail. Mr. Finch stated that the Town Board will need to raise the sewer rates \$2 per 1,000 gallons for residential, small business, and commercial users. He added that there are 600 jobs at Frito-Lay which will leave the area if the sewer rates become too high and the company re-locates out of the area.

Mr. Finch stated that the next meeting will be held in two weeks, adding that the Joint Board is making some changes and wants a representative for the outside users. Mr. Bullock asked if there is money for a sewer treatment plant in Conklin and Mr. Finch replied that “everyone is looking.” Mr. Finch added that he has a meeting scheduled with the Association of Towns, which wants to work together with Senator Thomas Libous to try to address this issue.

Mr. Finch stated that there are 242 residential sewer users in the Town of Conklin (approximately 25%), with another 10% comprised of small businesses, and 60% comprised of Corporate Park businesses. Mr. Minoia asked if CP Rail pays the Town for water usage and Mr. Finch replied that CP Rail does not pay for water usage. Mr. Bullock stated that the railroad may get its water from the City of Binghamton.

RESO 2013-74: HIRE LIFEGUARDS/CONKLIN POOL/2013

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin hires the following lifeguards at the listed hourly rates for the summer 2013 season at the Conklin Pool:

Bensley, Meaghan M.	\$7.25
Blackman, Madelyn	\$7.25
Brown, Alicia A.	\$7.25
Eldred, Melanie A.	\$7.25
Lyke, Jennifer E.	\$7.50
Lyke, Tyler F.	\$7.25
Morgan, Olivia C. (Assistant Manager)	\$7.75
Mullins, Kelsey E. (Manage)	\$10.00
Petroski, Andrew R.	\$7.25
Robinson, Troy M.	\$7.25
Storti, Adam	\$7.25

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Beiber, Rebekka	\$7.25
Cavanaugh, Matthew	\$7.25
Gregory, Lindsay	\$7.25
Steinbrecher Lindsey	\$7.25
Stroman, Kashawn	\$7.25
Lehtonen, Ryan	\$7.25
Yezzi, Sarah	\$7.25
Morgan, Gregory P.	\$7.25
Auguste, Rasheed	\$7.25

Seconded by Mr. Francisco.

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

Mr. Finch stated that no raises were given except to the new Assistant Manager. The pool will open June 8, 2013, and will be open only weekends until school is recessed for the summer.

RESO 2013-75: 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 #5890, account code SW8310.4, in the amount of \$303.60 to the U.S. Postal Service for postage for 2nd Quarter Water and Sewer billing.

Seconded by Mr. Bullock.

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

RESO 2013-76: RATIFY PAYMENT/UNIVERSAL PARTS/MISCELLANEOUS EQUIPMENT PART

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5826, account code DA5130.4, in the amount of \$28.00 to Universal Parts for a miscellaneous equipment part.

Seconded by Mr. Francisco.

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

RESO 2013-77: RATIFY PAYMENT/JOSEPH ROBERTS/DBA ROBERTSTONE/STONE/WILCOX ROAD PROJECT & INVENTORY

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5902, account codes DA5112-2-203 and DA5110-4, in the amount of \$1,220.00 to Joseph

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Roberts, d/b/a/ Robertstone, for a miscellaneous lot of stone for the Wilcox Road project and for inventory.

Seconded by Mr. Francisco.

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

RESO 2013-78: RESCIND RESO 2013-31/AWARD BOB CONGDON/COMMERCIAL APPRAISAL/FEMA FLOOD BUYOUT PROPERTIES/\$1,250 PER PARCEL

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rescinds RESO 2013-31, “Award Bob Congdon/Commercial Appraisal/FEMA Flood Buyout Properties/\$1,250 Per Parcel.”

Seconded by Mr. Francisco.

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

Mr. Finch stated that these appraisals are on three properties which are potentially part of the FEMA Buyout Program.

RESO 2013-79: AWARD BID/BOB CONGDON/APPRAISAL/FEMA FLOOD BUYOUT COMMERCIAL PROPERTIES/\$1,750 PER PARCEL

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the bid to Bob Congdon for appraisal of the FEMA Flood Buyout commercial properties at a cost of \$1,750.00 per parcel.

Seconded by Mr. Francisco.

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

Ms. Sacco stated that the bid documents were misread originally and that the price contained in these documents was \$1,750 per parcel. Mr. Finch stated that this will be an additional cost of \$1,500.

RESO 2013-80: ACCEPT RECEIPT OF \$15,000 FROM NYSEFC DPG PROJECT 19376/SEWER ENGINEERING STUDY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the receipt of \$15,000.00, account code A3089, from NYSEFC DPG Project 19376, Sewer Engineering Study.

Seconded by Mr. Francisco.

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

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RESO 2013-81: AUTHORIZE PAYMENT/BILL LIST/\$47,855.69

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 \$47,855.69:

General	\$33,187.38
Highway	3,679.14
2011 Flood Emergency	1,209.04
Light Districts	1,763.13
Sewer District	737.32
Water District	1,531.68
Non-Budget	<u>5,748.00</u>
Total	\$47,855.69

Seconded by Mr. Francisco.

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

TIME WARNER CABLE AGREEMENT

Mr. Finch asked Ms. Sacco if the tentative agreement from Time Warner Cable has been received and she replied that no agreement has been received, adding that the Public Service Commission (PSC) can be asked to arbitrate if necessary. Mr. Finch stated that he will e-mail David Whalen at Time Warner Cable to see if he can get any information about the status of the agreement.

FLOOD DOORS/COMMUNITY CENTER

Mr. Bullock asked for an update on the flood doors for the Maines Community Center and Mr. Finch replied that the doors have been ordered. Mr. Finch stated that the flood doors will cost \$15,000 installed and are four feet high, which was the height the flood water reached at the Community Center in the 2006 Flood.

FENCE AT SHAWSVILLE CEMETERY

Mr. Bullock asked what will be done with the fence at Shawsville Cemetery, which was damaged when a tree owned by Broome County fell on the fence. Mr. Finch stated that the County has refused to pay for the damages, so it is a matter of how much money to spend on repairs and where to get the money to make the repairs. Public Works Superintendent Tom Delamarter stated that the Town Highway Department could tear down the damaged fence, adding that it will cost \$15,000 to replace it with used fencing, so that it would blend in with the existing undamaged fencing. Mr. Francisco, who is also President of the Conklin Cemetery Association, stated that some fencing is to be removed at the Conklin Cemetery and could be given to the Town of Conklin for repairs at the Shawsville Cemetery. Mr. Bullock asked if it would be legal to do so. Mr. Finch stated that Mr. Francisco would have to write a letter, as President of the Conklin Cemetery Association, donating the fencing to the Town of Conklin. Ms. Sacco stated that the value of the manpower used to remove the fence would also have to be calculated, adding that the Town can legally accept this as a gift.

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CODE ISSUES

Mr. Bullock asked about a property at the intersection of Carlin Road and Rosewood Drive, which he states is in violation of the Town grass law, adding that the owners do not mow the back yard. He asked that Code Officer Robert Jones enforce the grass law with these property owners.

Mr. Bullock also asked about the grass at the house on Shaw Road owned by Christine Macan. Mr. Jones stated that he has sent Ms. Macan a letter giving her five days in which to get the grass mowed to be in compliance with the law. If it is not mowed, he will get three price estimates, have the grass mowed, and it will be billed back on the property taxes at the end of the year, which means the Town has to wait eight months to recoup the cost of the mowing. He stated that he has received no response to his letter from Ms. Macan.

Mr. Bullock also asked about a property on June Street owned by Steve Muscolo. Mr. Jones stated that this property has been mowed. Mr. Bullock also mentioned that there has been dumping of garbage on Shipman Road again. Mr. Jones will look into this problem.

Mr. Minoia asked Mr. Jones about Slater's Taxi Company and Mr. Jones replied that this business will come before the Town Planning Board at its June meeting. Mr. Minoia also asked about the glass company on Kabanek Road, which he added is "not zoned Commercial." The question was raised as to whether or not this is a home business.

Mr. Bullock asked about the "daily garage sale" at the property on Conklin Road owned by the Coniglios. Mr. Jones stated that he will "watch it for two more weeks" then discuss the law with the property owners.

Mr. Francisco asked about the green space on Conklin Road at the site of the former Conklin Sports Park. Mr. Finch stated that Mr. Jones is working with the owners on bringing this property into compliance. He added that it is now back on the tax rolls, as it is being leased by Legends as a driving range.

Mr. Minoia stated that he gets "complaints every week" regarding the property at 560 Conklin Road, owned by CP Rail. Mr. Finch stated that the railroad company has been contacted but does not respond.

FLAGPOLE LIGHT AT COMMUNITY CENTER

Mr. Francisco asked about the light for the new flagpole at the Community Center and Mr. Finch replied that a solar light has been ordered.

REPAIRS TO CONCRETE AT CASTLE

Mr. Francisco asked about the repairs needed in the concrete on the front of the Castle and Mr. Finch stated that he is looking into this issue. It was noted that the Castle needs to be repainted and Mr. Finch commented that the paint contains lead and must be sandblasted. Mr. Bullock stated that it should be power-washed.

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CAR SHOW/COMMUNITY CENTER FEES

Mr. Finch stated that the Iroquois Car Club will hold its car show at the Maines Community Center on June 16, 2013. He stated that he met with Ed Shelp from the Car Club and added that the Club's demands "keep increasing." Mr. Finch stated that it cost \$200 to mow the grass on the property still owned by Maines Paper and Food Service in preparation for the car show. He stated that the Car Club had asked the Town to close the commonly used entrance to the dog park for the day, because it was too close to the Car Club's chicken barbecue to be held the day of the car show. The Town refused to do so, and so the chicken barbecue was cancelled. Mr. Finch stated that the rental contract is for the building and the grounds. Mr. Bullock stated that the contract should be revised so that the building and the grounds are rented separately. Ms. Sacco stated that the Town could charge a second security deposit for the dumpsters and could take the cost of cleaning the building following an event out of the amount of the deposit that is refunded. Mr. Francisco stated that there should be an extra fee if an event exceeds the legal number of people allowed in the building.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 6:40 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk