

REGULAR TOWN BOARD MEETING

JUNE 25, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on June 25, 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
	Code Officer	Robert Jones
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta
	Highway Department Worker	Brian Coddington
	Planning Board	Dell Boyle
	Planning Board	Christopher Ostrowsky

GUESTS:	Country Courier	Elizabeth Einstein
		Mike Gabello
		Laurie Francisco
		Judy Kelly
		Tom Kelly
		Nancy Coddington
		Gail Kumpan

MINUTES: MAY 14, 2013 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the May 14, 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: MAY 28, 2013 REGULAR TOWN BOARD MEETING

Mr. Minoia moved to approve the May 28, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of a letter from the Little White Church inviting the Town Board members, Zoning Board of Appeals members, and Planning Board members to an appreciation breakfast at 10 A.M. on September 21, 2013.

Mr. Finch acknowledged receipt of a letter from the City of Binghamton regarding the sewer system. The City stated that it has been billing CP Rail for water and sewer usage for the building at 959 Conklin Road for the past 20 years, adding that it has a dedicated line to Holmes Crossing and the building in question is not part of the Town of Conklin. However, the City also accused the Town of Conklin of infiltration of pollutants into the sewer line. The Town states

REGULAR TOWN BOARD MEETING

JUNE 25, 2013

that this is caused by CP Rail. Mr. Finch pointed out that the City of Binghamton owns 56% of the Joint Sewage Treatment Plant. A meeting will be held on July 13 with drawings of the disputed area to be presented.

Mr. Finch acknowledged receipt of a letter from Shumaker Consulting and Engineering regarding the Environmental Protection Agency (EPA)'s requirement that a new test well be drilled at the Town Landfill, which will cost the Town an additional \$16,000 per year. Public Works Superintendent Tom Delamarter stated that the Town is requesting that the EPA let it use an already existing second, currently unused, test well on the site.

Mr. Finch acknowledged receipt of a letter from the Association of Towns scheduling a meeting for the second week in July to discuss the increase in rates being demanded of outside users by the Binghamton-Johnson City Joint Sewage Board.

Mr. Finch acknowledged receipt of a letter from Chuck Francisco, President of the Conklin Cemetery Association, offering to donate fencing from the Conklin Cemetery to be used to repair the fence at Shawsville Cemetery. Mr. Finch stated that this will save the Town money and he asked who will remove the fence. Mr. Francisco replied that the Town of Conklin will remove the fence, adding that it is a Legacy fence worth approximately \$1,500, which would be a gift for the Town. Town Attorney Cheryl Sacco read excerpts from Mr. Francisco's letter, including, "Scope of work, remove the fencing needed and the posts, fill in the holes in that area. It is not the responsibility of the Town of Conklin to repair any vegetation, trees, or shrubs from the area of the existing fence. The Conklin Cemetery Association does not expect any reimbursement from the Town of Conklin nor will there be any fee towards the Conklin Cemetery Association."

**RESO 2013-82: ACCEPT GIFT/LEGACY FENCING VALUED AT APPROXIMATELY
\$1,500/CONKLIN CEMETERY ASSOCIATION**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts as a gift Legacy fencing valued at approximately \$1,500 from the Conklin Cemetery Association.

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Minoia - Yes, Francisco – Abstain, Finch – Yes. Motion carried: 3-Yes, 1 – Abstain.

Mr. Finch thanked Mr. Francisco on behalf of the Town.

Mr. Finch acknowledged receipt of correspondence stating that "the Town of Conklin was recently voted the best-tasting water in Broome County, in a contest hosted at a Binghamton Mets Baseball Game at NYSEG Stadium." The letter went on to say that "Conklin's water will now be judged at the regional level, with hopes to be selected as one of ten finalists to compete in the New York State Drinking Water Taste Test at the New York State Fair."

PUBLIC COMMENTS:

PROPERTY RIGHTS DAY

Christopher Ostrowsky and Dell Boyle presented a petition with 24 names requesting that the Town of Conklin proclaim July 22, 2013 as "Property Rights Day" to celebrate property ownership and its attendant rights. Mr. Finch explained that property owners must abide by Town Code and Planning laws, but otherwise are entitled to do what they wish on their

REGULAR TOWN BOARD MEETING

JUNE 25, 2013

properties. A proclamation was presented for Mr. Finch to sign if the Board chooses to establish "Property Rights Day."

RESO 2013-83: PROCLAIM JULY 22, 2013 "PROPERTY RIGHTS DAY" IN TOWN OF CONKLIN

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin proclaims July 22, 2013, as "Property Rights Day" in the Town of Conklin, and "encourages all men and women in the Town of Conklin to celebrate their right to own property."

Seconded by Mr. Bullock.

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

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

Refer to written report.

REPORT: WATER AND SEWER DEPARTMENT

Refer to written report. Mr. Minoia asked about the water meter at the property on Conklin Road owned by CP Rail (959 Conklin Road). Mr. Finch stated that the water meter is not turned on. Mr. Minoia commented, "It's not fair." Mr. Finch stated, "You can't fight the railroad. We (the Town) can't get them to tear down the building." He added that CP Rail "put up a signal tower in spite of a Stop Work Order" from the Town. Attorney Sacco stated that the railroad is federally exempted, although she stated that there is a procedure for filing a complaint, which she will research.

REPORT: CODE OFFICER

Refer to written report. Mr. Finch asked Code Officer Robert Jones if there is any news of a rumored second 2011 Flood Buyout from FEMA (Federal Emergency Management Agency) and Mr. Jones replied, "Nothing concrete." He added that three more people want to be added to the Buyout. Mr. Finch stated that FEMA may say "no more buyouts" if the Town floods severely again. He stated that there is "nothing in writing" that assures that New York State will pay the 25% of the costs not covered by FEMA. Ms. Sacco stated that she had heard that "the 25% will not be available until after closings."

Mr. Bullock stated that he has received numerous complaints about unmowed grass in the Town, adding that it is a Town-wide situation.

GRANTS AND WATER BILLS

Mr. Finch stated that the Town is owed \$39,000 in delinquent water bills and added that a letter was sent to property owners with delinquent bills advising them that unless the bills were paid within 30 days, their water would be shut off. He stated that many property owners are paying the delinquent bills as a result.

REGULAR TOWN BOARD MEETING

JUNE 25, 2013

Mr. Finch stated that the Town is working on grants for the generators at the Highway Department and Sewer Station, and on two other grants. He stated that he inquired into the status of the \$5,000,000 grant to be given to upstate municipalities to balance the amount given to victims of Hurricane Sandy and was informed that “the state and federal governments are working on it.”

**RESO 2013-84: RATIFY AUTHORIZATION/LETTER OF INTENT/HAZARD
MITIGATION GRANT PROGRAM/SEMO/HMGP-4085/2011 FLOOD BUYOUT
PROGRAM**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin was severely affected by Hurricane Irene and other severe weather events;

WHEREAS, the Town of Conklin desires to, among other things, (1) ensure the continuity of critical services by reducing the risk of damage and loss of function from flooding and other hazards, (2) protect and enhance the reliability and resilience of transportation, communications or energy infrastructure through traditional and innovative mitigation measures, and (3) implement permanent back-up power systems to ensure continuity of power during and after a disaster;

WHEREAS, the Federal Emergency Management Agency and New York State are making funds available to communities through the Hazard Mitigation Grant Program to develop and update Hazard Mitigation Plans and to carry out Hazard Mitigation Projects;

WHEREAS, interested applicants must use the letter-of-intents available online at <http://www.nysandyhelp.ny.gov/content/hazard-mitigation-grant-program-hmgp-0> to register for the current grant cycle, and must apply before July 5, 2013;

WHEREAS, application to the grant program is neither binding upon the Town of Conklin, nor a guarantee of funds from FEMA or New York State; and

WHEREAS, if the Town of Conklin receives funding through the Hazard Mitigation Grant Program, it may be responsible for up to twenty-five percent (25%) of the total cost of any approved project or plan;

NOW THEREFORE, BE IT RESOLVED as follows by the Town Board of the Town of Conklin in regular session duly convened:

1. The Supervisor is hereby authorized to apply for funds from FEMA and New York State relating to the Hazard Mitigation Grant Program.
2. This resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on the 25th day of June, 2013. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 25th day of June, 2013.

Sherrie L. Jacobs, Town Clerk

REGULAR TOWN BOARD MEETING
JUNE 25, 2013

OLD BUSINESS:

TIME WARNER CABLE FRANCHISE AGREEMENT UPDATE

Attorney Sacco stated that she has contacted Time Warner Cable again and has received a draft Cable Franchise Agreement, which she will bring to the July 23 Town Board meeting. Mr. Finch stated that Gratsinger Road residents want to be included in the Cable Agreement, adding that if Time Warner agrees to provide service to Gratsinger Road, the Town will add two years to the length of the agreement. Time Warner Cable wants a 15-year agreement, which the Town is not willing to accept. Ms. Sacco stated that the Town wants “gross revenue” defined and the extra services it has requested.

NEW BUSINESS:

RESO 2013-85: AUTHORIZE ADOPTION/BROOME COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN

Mr. Francisco moved for the following resolution:

WHEREAS, all of Broome County has exposure to natural hazards that increase the risk to life, property, environment and the County’s economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Broome County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Broome County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the **Town of Conklin**:

- 1) Adopts in its entirety, the Broome County Multi-Jurisdictional All-Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Seconded by Mr. Minoia.

PASSED AND ADOPTED on this 25th day of June, 2013, by the following vote:

AYES: Bullock, Minoia, Francisco, Finch

REGULAR TOWN BOARD MEETING

JUNE 25, 2013

NOES: ABSENT: ABSTAIN:

ATTEST Sherrie L. Jacobs, Conklin Town Clerk

James E. Finch, Town Supervisor

RESO 2013-86: AUTHORIZE TOWN SUPERVISOR/ENTER CONTRACT/SHUMAKER ENGINEERING/TASK ORDER #4/US EPA/FOURTH FIVE-YEAR CORRECTIVE ACTION PLAN

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to enter into a contract with Shumaker Engineering for Task Order #4, U. S. EPA (Environmental Protection Agency) Fourth Five-Year Review Corrective Action Plan, Section II, A-C, for \$6,420.00, Paragraph 2.D and Attachment A for \$9,670.00, and time and material costs for any additional costs, estimated total cost of \$16,090.00, account code A8160.4.

Seconded by Mr. Francisco.

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

RESO 2013-87: AUTHORIZE RE-APPOINTMENT /JOHN H. MCDONALD/TOWN OF CONKLIN TAX ASSESSOR/6 YEAR TERM/10-01-2013 – 09-30-2019

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the re-appointment of John H. McDonald to the position of Town of Conklin Tax Assessor for a six-year term beginning October 1, 2013, and ending September 30, 2019.

Seconded by Mr. Bullock.

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

RESO 2013-88: AUTHORIZE TOWN SUPERVISOR/ENTER NEW CONTRACT/ASSESSMENT AND APPRAISAL ASSOCIATES, INC./THREE YEAR TERM/10-01-2013 – 9-30-2016/\$29,400 ANNUALLY

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to enter into a new contract with Assessment and Appraisal Associates, Inc., to cover the three-year term from October 1, 2013, through September 30, 2016, for the cost of \$29,400.00 annually, account code A1355-4-403.

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING

JUNE 25, 2013

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

RESO 2013-89: RATIFY AUTHORIZATION/TOWN SUPERVISOR/ENTER AGREEMENT/2013 CONKLIN-KIRKWOOD SUMMER FUN PROGRAM

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies authorization for the Town Supervisor to enter an agreement with the Town of Kirkwood for the 2013 Conklin-Kirkwood Summer Fun Program.

Seconded by Mr. Francisco.

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

BACK-UP POWER GRANT

Mr. Finch stated that the Hazard Mitigation Grant Program under SEMO, with which the Board approved the Town's participation earlier in this meeting, also includes implementation of permanent back-up power systems to ensure continuity of power during and after a disaster, with permanent back-up wiring to be with the Town's generators.

RESO 2013-90: RATIFY ACH PAYMENT/PITNEY BOWES/\$1,000/METERED POSTAGE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an ACH payment, account code A1670.4, in the amount of \$1,000.00 to Pitney Bowes for metered postage.

Seconded by Mr. Bullock.

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

RESO 2013-91: RATIFY PAYMENT/STEVE SHIMER/EQUINOX BROADCASTING/\$100/COMMUNITY DAY CELEBRATION

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5957, account code A7550.4, in the amount of \$100.00 to Steve Shimer/Equinox Broadcasting for the Community Day Celebration.

Seconded by Mr. Bullock.

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

RESO 2013-92: RATIFY PAYMENT/MLD BUILDERS/PARTIAL PAYMENT/JUSTICE SECURITY CONSTRUCTION GRANT PROJECT

Mr. Minoia moved for the following resolution:

REGULAR TOWN BOARD MEETING
JUEN 25, 2013

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5941, account code A1110-2-201, in the amount of \$9,000.00 to MLD Builders for a partial payment for the Justice Security Construction Grant Project.

Seconded by Mr. Francisco.

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

RESO 2013-93: RATIFY PAYMENT/ASSESSMENT REVIEW BOARD SERVICES

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 A1355.4-401, to the members of the Board of Assessment Review for services rendered:

William Brodsky	Check #5942	\$175.00
Harold Cole	Check #5943	\$175.00
Mark Dedrick	Check #5944	\$225.00
Karen Twining	Check #5945	\$150.00

Seconded by Mr. Francisco.

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

RESO 2013-94: AUTHORIZE HIRE/JOSEPH A. PETROSKI/TEMPORARY LABORER/EFFECTIVE 6-3-2013/PAY RATE \$7.25 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 Joseph A. Petroski to the position of Temporary Laborer, effective June 3, 2013, at a pay rate of \$7.25 per hour.

Seconded by Mr. Minoia.

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

Public Works Superintendent Tom Delamarter commented that Mr. Petroski's last day of work will be July 2, 2013.

RESO 2013-95: AUTHORIZE PAYMENT/PRE-APPROVED BILL LIST/\$114,429.12

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved Bill List in the total amount of \$114,429.12:

General	\$ 10,164.13
Highway	5,383.53
Fire Protection	77.25
Flood Emergency	53,287.36

REGULAR TOWN BOARD MEETING
JUNE 25, 2013

Sewer District	45,101.72
Water District	365.13
Non-Budget	<u>50.00</u>
Total	\$114,429.12

Seconded by Mr. Francisco.

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

RESO 2013-96: AUTHORIZE PAYMENT/BILL LIST/\$56,209.80

Mr. Francisco 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 \$56,209.80:

General	\$15,635.09
Highway	4,845.94
Flood Emergency	28,906.88
Sewer District	626.73
Water District	2,461.16
Non-Budget	<u>3,734.00</u>
Total	\$56,209.80

Seconded by Mr. Bullock.

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

PROPOSED LOCAL LAW 2, 2013/ “ABOLISH POSITION OF ELECTED TOWN HIGHWAY SUPERINTENDENT AND CREATE AN APPOINTED TOWN HIGHWAY SUPERINTENDENT POSITION, SUBJECT TO MANDATORY REFERENDUM”

Ms. Sacco introduced proposed Local Law 2, 2013, “Abolish the Position of Elected Town Highway Superintendent and Create an Appointed Town Highway Superintendent Position, Subject to Mandatory Referendum.” She stated that, if approved by the Board, this referendum would appear on the ballot in the November 2013 General Election. Mr. Bullock commented that he received many complaints from residents after a similar proposal was stopped by some members of the Town Board from being allowed to go to referendum earlier this year. Ms. Sacco stated that a Public Hearing would need to be held on July 23.

Mr. Minoia stated that he was told by someone at the Broome County Board of Elections that the Town Board was appointing a Town Board member to fill the seat left vacant when Mr. Finch was elected to the position of Town Supervisor, adding that he was unaware of any such move by the Board. Mr. Finch stated that there are no such plans for an appointment.

RESO 2013-97: SCHEDULE PUBLIC HEARING/PROPOSED LOCAL LAW 2, 2013/JULY 23, 2013/5:35 P.M.

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:35 P.M. on July 23, 2013, to receive input regarding proposed Local Law 2, 2013, “Abolish the Position of Elected Town Highway Superintendent and Create an Appointed Town Highway

REGULAR TOWN BOARD MEETING
JUNE 25, 2013

Superintendent Position, Subject to Mandatory Referendum.”

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Minoia – No, Francisco – Yes, Finch – Yes. Motion carried: 3 – Yes, 1 – No.

SLATER’S TAXI SERVICE

Mr. Minoia stated that Mr. William Slater is running a taxi service from his property, even though it has not yet been approved by the Town Planning Board. Code Officer Robert Jones stated that Mr. Slater will appear before the Planning Board at its July meeting. Mr. Bullock directed Mr. Jones to issue a Stop Work Order until Mr. Slater has appeared before the Planning Board and had his business approved, adding that he has no approval from Broome County Planning Board Form 239.

CONKLIN KIWANIS/THE FIRST TO SAY THANK YOU

Mr. Francisco stated that he attended The First To Say Thank You program honoring high school graduates who are entering military service. The program was sponsored by the Conklin Kiwanis Club and held at Susquehanna Valley High School. Mr. Francisco stated that it was a wonderful program. Mr. Finch stated that a letter should be sent from the Town Board to the Conklin Kiwanis Club thanking them for organizing this program.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:29 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

