

REGULAR TOWN BOARD MEETING

JUNE 28, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on June 28, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

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|-----------------|---|--|
| PRESENT: | Town Board | Bullock, Minoia, Francisco, Finch, Preston |
| | Town Counsel | Robert McKertich |
| | Town Clerk | Sherrie L. Jacobs |
| | Assistant to Supervisor | Lisa Houston |
| | Highway Superintendent | Patrick Latting |
| | Code Officer | Robert Jones |
| | Water & Sewer Superintendent/ Parks Superintendent | Tom Delamarter |
| | Dog Control Officer | Darlene Weidman |
| | Substitute DCO | Kelly Wildoner |
| GUESTS: | Country Courier | Elizabeth Einstein John Colley Laurie Francisco Alfred F. Bryan, Sr. Robert Sullivan Robin Bailey Peter J. Motsavage |

MINUTES: MAY 24, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco made a motion to approve the May 24, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Finch.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of a letter from Mr. Willis Platt regarding the sign for “Sullivan Park.” She also acknowledged receipt of reports from the Supervisor’s office, the Town Clerk, the Code Officer, the Highway Superintendent, the Water and Sewer Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

None.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that FEMA (Federal Emergency Management Agency) reimbursement for repairs for damage caused by drainage issues has been approved. He stated that both he and his department are “ready for the kick-off meeting” with FEMA representatives. Mr. Latting stated that the residents have been “very understanding” as his department makes needed repairs. He stated that since the heavy storms on April 25-26, his department has been “behind schedule” in making these repairs. Mr. Latting stated that the “CHIPS” (Consolidated Highway Improvement Program) funds received will be used to stone and oil four miles of roads, which he added will be completed by July 31, 2011. Mr. Latting stated that 100 loads of brush have been removed from the Highway garage. He stated that the roads owned by the Town of Conklin have been mowed once, with a second mowing scheduled for the near future.

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RESO 2011-86: AUTHORIZE EXECUTION BY HIGHWAY SUPERINTENDENT OF MEMORANDUM OF UNDERSTANDING WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Supervisor Preston moved for the following resolution:

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) has reinstated a Memorandum of Understanding (“MOU”) relating to certain DEC activities commonly conducted by municipal highway departments/ departments of public works in situations where individual permits are not required (the “Projects”), and

WHEREAS, the Highway Superintendent of the Town of Conklin (the “Town”) has recommended to the Conklin Town Board that entering into such MOU will minimize paperwork and processing time relating to such Projects,

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

1. Patrick K. Latting, Highway Superintendent of the Town of Conklin be and hereby is authorized to execute said MOU on behalf of the Town.
2. A certified copy of this resolution shall be attached to said MOU.
3. This resolution shall take effect immediately.

CERTIFICATE OF TOWN CLERK

I, 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 June 28, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 28th day of June, 2011.

Sherrie L. Jacobs, Town Clerk

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously. No SEQR (State Environmental Quality Review) is needed for this action.

RESO 2011-87: AUTHORIZE HIGHWAY SUPERINTENDENT AND ALL DEPARTMENT HEADS TO SEND SURPLUS EQUIPMENT TO BROOME COUNTY AUCTION, TO BE HELD SEPTEMBER 24, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent and all department heads to send surplus equipment to the Broome County Auction, to be held September 24, 2011.

Seconded by Mr. Francisco.

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

Mr. Latting commented that maybe the Highway Department’s old roller will be sent to the Broome County Auction.

Continuing his report, Mr. Latting stated that developer Christopher Ostrowsky wants the Town of Conklin to formally accept the road into the cul de sac of his housing development. Supervisor Preston stated that Town Engineer Dan Griffiths will need to inspect this road to make sure it is consistent with Town of Conklin specifications and codes. She stated that Mr. Ostrowsky should contact Town Attorney Cheryl Sacco.

RESO 2011-88: ACCEPT HIGHWAY SUPERINTENDENT PROPOSAL FOR ROAD REPAIR UTILIZING “CHIPS” FUNDING

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin accepts the Highway Superintendent's proposal for road repair utilizing "CHIPS" (Consolidated Highway Improvement Program) funding.

Seconded by Mr. Bullock.

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

Mr. Francisco asked if the problem of tires being illegally dropped at the Highway Garage at night by residents can be stopped and Mr. Latting stated that this problem could only be stopped by locking the gates at the Highway Garage. He added that it is illegal for the Town to store tires on site, according to DEC (New York State Department of Environmental Conservation) guidelines. Mr. Minoia asked if Broome County will waive the tipping fees to dispose of the tires at the Broome County Landfill and Mr. Latting replied that Broome County only waives the tipping fees for a short, specified time period each spring. He added that the recommendation from the DEC was for the Town to rent a trailer body and store the dropped off tires in it. Mr. Minoia suggested installation of a security camera at the Highway Garage. Mr. Latting stated that he has also had problems with residents putting garbage in the metal dumpster and with metal being stolen from the metal dumpster.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter stated that the Town Landfill received a good report from Shumaker Consulting and Engineering's annual inspection, adding that the Landfill meets all DEC and EPA (Environmental Protection Agency) requirements. He added that the 2010 quarterly testing showed no excess contaminations.

Mr. Delamarter stated that the rebuilt pump at one of the sewer stations has been re-installed and is working well. He stated that the problem with the "soft start" computer program at the sewer stations has also been resolved.

Mr. Delamarter reported that the annual water report has been approved by the Broome County Health Department and by the DEC and has been published. He stated that the Susquehanna River Basin Report has also been completed and approved by the DEC. Mr. Delamarter reported that the quarterly water meter readings were completed and the bills mailed to residents. He stated that repairs have been completed on the software at the well, with the Town's insurance paying the total cost of repairs of \$13,000.

Mr. Delamarter reported that Shawsville Cemetery was mowed in time for Memorial Day, and added that two burials have taken place at the cemetery since the last Town Board meeting. He stated that the Town Pool was inspected and is open for public use. Mr. Delamarter reported that Supervisor Preston and Mr. Finch attended Opening Day festivities for the Town softball and baseball program. He also reported that the Buyout properties have been mowed.

Mr. Delamarter reported that the drainage pipe on the property owned by Mr. Mark Vosbury, adjacent to Schnurbusch Park, is partially plugged again by beavers, and added that he is checking this situation weekly.

Supervisor Preston stated that the Town is waiting for an emergency permit from the DEC to allow the drainage work to be completed to relieve the drainage issues on Berota Court. Mr. Delamarter thanked the Conklin Volunteer Fire Department for its help with installation of the new flag at Schnurbusch Park, and with washing the sewer pump. He also thanked the Highway Department for making repairs.

Mr. Delamarter asked what could be done about the water at Julius Rogers Park, calling it a "swamp." He stated that the old fence had to be removed by hand because the ground is so wet. Supervisor Preston instructed Code Officer Robert Jones to contact Town Counsel Cheryl Sacco regarding this problem, which she stated is caused by water draining from Hobart Stone, which is adjacent to Julius Rogers Park.

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REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his office issued seven building permits last month, including two large additions to the Maines Paper & Food facility on Darden Way. He stated that the Zoning Board of Appeals May meeting was cancelled, however, the Planning Board met and reviewed five cases: Mity Forms, which is moving its cyclonic vacuum to the other side of its building; Cleaner Supply, which is changing its SWIPP (Surface Water Intake Protection Program) plan; Big Dipper 2, which was approved and is now open; Wayne's Welding, which was approved for a propane fill station; and Silverado, a food business on Conklin Road, which was also approved.

Mr. Jones stated that he has received numerous complaints regarding the abandoned house located at 12 Woodcrest Way. Mr. Jones plans to patch the holes that would allow access to the flood-damaged building, but Supervisor Preston stated that this building is Broome County's responsibility, and no Town of Conklin money or labor should be expended upon it. She instructed Mr. Jones to contact Kevin Keough at the Broome County Department of Real Property and Tax Service.

Supervisor Preston stated that the DEC will not pump the stagnant water on Millburn Drive, noting that the instance in 2006 when the DEC removed excess water was an exception. She stated that the paperwork has all been submitted to Congressman Maurice Hinchey's office for the grant to fund improvements to the drainage on Carol Court and David Drive, adding that the Town is awaiting receipt of the grant money before it can move forward with this project.

Supervisor Preston asked what the hours of operation will be for the Silverado food company, and Mr. Jones replied that it will be "almost 24/7, with trucks leaving early and returning late" in the day. He added that Silverado delivers to locations in New York, New Jersey, and Pennsylvania. Mr. Jones stated that he is not certain that hours of operation were set by the Planning Board. He added that the tires, which had been a concern on the property, have been removed and the dumpster emptied.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

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

OLD BUSINESS:

None.

NEW BUSINESS:

2012 BUDGET

Supervisor Preston stated that she met with the department heads on June 30 to begin the 2012 Budget process. Budget requests from each department are due back to Lisa Houston, Secretary to the Supervisor, by July 15, 2011.

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ANNUAL EMPLOYEE BENEFITS STATEMENT

Supervisor Preston stated that the Annual Employee Benefits Statements were distributed to Town employees this month.

RESO 2011-89: CANCEL REGULAR TOWN BOARD MEETINGS/JULY 12 AND AUGUST 9, 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels its Regular Town Board Meetings scheduled for July 12 and August 9, 2011.

Seconded by Mr. Finch.

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

Regular Town Board Meetings will be held July 26 and August 23, 2011.

RESO 2011-90: RATIFY PAYMENT/DEBRA A. PRESTON/MILEAGE REIMBURSEMENT/MAY 6-MAY 25, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2611, account code A1220.4, in the amount of \$104.04 to Debra A. Preston for mileage reimbursement for the period May 6 through May 25, 2011.

Seconded by Mr. Francisco.

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

RESO 2011-91: RATIFY PAYMENT/BOARD OF ASSESSMENT REVIEW

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the following listed checks, account code A1355.401, in the amounts listed, for the members of the Board of Assessment Review:

| <u>Check #</u> | <u>Name</u> | <u>Amount</u> |
|----------------|---------------------------|---------------|
| 2612 | William Brodsky – Member | \$175.00 |
| 2613 | Mark Dedrick – Chairman | \$225.00 |
| 2617 | Paul Preston – Member | \$175.00 |
| 2618 | Karen Twining – Secretary | \$150.00 |

Seconded by Mr. Finch.

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

RESO 2011-92: RATIFY PAYMENT/THE HARTFORD GROUP/2ND QUARTER DISABILITY INSURANCE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2693, account codes A9055.8, DA9055.8, and SW9055.8, in the amount of \$279.99 to The Hartford Group for 2nd Quarter Disability Insurance payment.

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Seconded by Mr. Minoia.

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

RESO 2011-93: RATIFY ACH WIRE PAYMENT/POSTAGE ON CALL/POSTAGE METER PURCHASE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of ACH wire payment, account codes A1670.4, A1335.4, and SW8310.4, in the amount of \$1,000.00 to Postage on Call for postage meter purchase.

Seconded by Mr. Finch.

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

RESO 2011-94: AUTHORIZE PRE-APPROVED PAYMENTS/BILL LIST/\$107,727.31

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the pre-approved payments of the following Bill List in the total amount of \$107,727.31:

| | |
|-----------------|---------------------|
| General | \$ 38,422.56 |
| Highway | 11,606.91 |
| Light Districts | 323.90 |
| Sewer Districts | 54,465.20 |
| Water District | <u>2,908.74</u> |
| Total | \$107,727.31 |

Seconded by Mr. Finch.

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

RESO 2011-95: AUTHORIZE PAYMENT/BILL LIST/\$48,680.34

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 \$48,680.34:

| | |
|-----------------|--------------------|
| General | \$17,645.94 |
| Highway | 14,724.85 |
| Light Districts | 1,651.26 |
| Sewer Districts | 11,672.81 |
| Water Districts | <u>2,985.48</u> |
| Total | \$48,680.34 |

Seconded by Mr. Francisco.

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

RESO 2011-96: AUTHORIZE HIRING/LIFEGUARDS/EFFECTIVE JUNE 3, 2011/JOSHUA ELLIOTT/MELANIE ELDRED/KRISTAL BUCK/JOSHUA ROGERS

Mr. Bullock moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes the hiring of the following Lifeguards for the Town Pool, effective June 3, 2011:

| | |
|----------------|-----------------|
| Joshua Elliott | \$7.25 per hour |
| Melanie Eldred | \$7.25 per hour |
| Kristal Buck | \$7.25 per hour |
| Joshua Rogers | \$7.50 per hour |

Seconded by Mr. Francisco.

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

LOTUS AVENUE WATER MAIN BREAK

Mr. Bullock asked if the area at the site of the water main break on Lotus Avenue has been re-seeded yet and Mr. Delamarter stated that this re-seeding has not been completed yet.

REQUEST BY CONKLIN ROTARY CLUB TO USE FORMER GO-KART TRACK/COMMUNITY CENTER/CHALK ART CONTEST/TOWN FAIR

Mr. Francisco stated that the Conklin Rotary Club would like to use the former go-kart track at the Maines Community Center as a location at which to offer a free chalk art contest on Saturday, September 10, during the 2011 Conklin Fair. Supervisor Preston gave the Rotary Club permission to use the former go-kart track, but noted that the fence needs to be repaired before the Fair.

STREET LIGHT AT ENTRANCE TO COMMUNITY CENTER

Mr. Francisco stated that he has been working with NYSEG (New York State Electric and Gas Corporation) to reduce the amount of light that enters the windows of the house across Conklin Road from the newly-installed street light at the entrance to the Maines Community Center. He added that NYSEG helped as much as it possibly could, including using reflective tape, but reminded those present that the street light was installed for safety reasons.

LETTER FROM WILLIS PLATT/SULLIVAN PARK

Mr. Finch addressed the request made by Mr. Willis Platt in his letter regarding the proposed “Sullivan Park.” Mr. Platt is requesting that the small wishing well and tool shed, which were originally part of “Springer’s Miniature Golf Course,” be kept intact, and a line added to the sign which would say “Sullivan Park” to read “Original Site of Springer’s Miniature Golf Course.” Supervisor Preston stated that Mr. Jones, Mr. Delamarter, and Mr. Robert Sullivan, who currently owns the property and wants to gift it to the Town, will look at the site to make sure everything is in compliance, with the goal of the gift of the property being accepted by the Town Board at the July 26 meeting. She added that Attorney Cheryl Sacco will make sure the DEC has approved the finished site.

EMERGENCY PURCHASE ORDERS

Supervisor Preston explained that emergency Purchase Orders occur when the Purchase Order is completed after the invoice has been received, for example, in the case of emergency repairs to a sewer station, which cannot wait to go through the normal process of issuing Purchase Orders. She asked that department heads make sure the dates of service are reflected on the invoices.

RESO 2011-97: EXECUTIVE SESSION/LITIGATION

Mr. Finch moved to close the Regular Town Board Meeting and move into Executive Session at 7:55 P.M. to discuss litigation.

Seconded by Mr. Minoia.

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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 7:55 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Robert McKertich. 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 2011-98: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:26 P.M.

Seconded by Mr. Bullock.

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

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Finch.

The meeting adjourned at 8:28 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk