

REGULAR TOWN BOARD MEETING
JULY 14, 2015

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on July 14, 2015, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members	Bullock, Boyle, Dumian, Finch (Mr. Francisco – Excused)
Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Brian Coddington
Assistant to Supervisor	Lisa Houston
Public Works Superintendent	Tom DeLamarter
Code Officer	Ron Lake
Administrative Assistant	Mary Plonski

GUESTS: Country Courier	Elizabeth Einstein Chris Robinson Tom Kelly Judy Kelly John Colley Brian McManamon Linda McManamon
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MINUTES: JUNE 9, 2015 REGULAR TOWN BOARD MEETING

Mr. Dumian moved to approve the June 9, 2015 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Boyle.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the Governor’s office regarding the New York State Rising Community Grant program, from Tom Magee regarding the Stillwater Road Drainage Project, and from both ZMK Construction Company and from Gary Dyer Excavating.

PUBLIC COMMENTS:

QUARRY ON MONTROSE DRIVE

Property owner Chris Robinson stated that she had given a survey of her property, located next to the new quarry on Montrose Drive, to Code Officer Ron Lake. Mrs. Robinson stated that the quarry is encroaching upon her property and that the DEC (New York State Department of Environmental Conservation) had been notified.

REPORT: TOWN CLERK

Refer to written report.

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REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Brian Coddington reported that his department delivered 28 loads of brush to Boland's and 15 loads of compost to the CHOW gardens. He stated that millings have been installed on all Town roads that have been recently blacktopped, and that mowing and trimming have taken place, as well as repairs to the vehicles. Mr. Coddington stated that he is looking for a new backhoe for the Town.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom DeLamarter reported that all is well with his department. He stated that there are several softball tournaments scheduled as well as a baseball camp, adding that the tournament sponsors will be paying their own employees to pick up trash, etc., so there will be no extra expense to the Town. Mr. DeLamarter stated that the pool is running very well, with the manager doing a very good job.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Ron Lake reported that his office has issued 72 building permits. Mr. Bullock questioned the number of hours worked by Code Office personnel, and whether or not the Town is within the amount budgeted for that office. Mr. Finch stated that the Town is "under budget" for that office. Mr. Lake stated that there are a lot of fire inspections remaining to be completed, because they were "never done" in the past. Mr. Dumian asked how many is "a lot." Mr. Lake also stated that fees are higher than last year and reminded the Board that the Town does not pay for health care benefits for either him or for John Rudy, who was hired to perform fire and safety inspections.

Mr. Lake stated that the property owned by Doug Ritter on Barbara Avenue is a "red flag," adding that Engineer Gary Whistle will complete the engineering drawings for the renovations. He stated that Stuart Kasmarcik is working on renovations on the building he recently purchased. Mr. Lake stated that the building located at 809 Conklin Road was placarded by his office as an unsafe structure, adding that other adjacent buildings are owned by Broome County. He stated that he has been dealing with the issue of chickens in an area zoned Residential in several places in the Town, adding that one chicken owner is appealing to the Zoning Board of Appeals for permission to keep his/her chickens. Mr. Lake stated that the Planning Board will be reviewing an application for permission to operate a produce stand in the northern end of Town.

Mr. Lake stated that the Zoning Board of Appeals will also be reviewing the application from the owner of 144 Stillwater Road, requesting permission to put a camper on his property temporarily. The house at that location was destroyed during the 2006 Flood, but the owner retains ownership of the property. Mr. Dumian commented that this is private property and that the property owner is a taxpayer and should be able to do what he wants with his property, within reason. Town Attorney Cheryl Sacco stated that the Town could change the zoning to accommodate this request. Mr. Lake suggested having a Recreational Zone that overlays the parcels, and issuing a camper permit. No permanent buildings would be allowed. It was noted that Broome County took ownership of some of the parcels in that area because of unpaid taxes and will sell them at auction. Ms. Sacco stated that Mr. Lake should inform Broome County Real Property Tax Service that the structures must be elevated if any are built on these parcels, because they are in the flood zone.

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REPORT: SUPERVISOR'S OFFICE

Refer to written report.

OLD BUSINESS:

UPDATE/NYS RISING COMMUNITY GRANT PROGRAM

Ms. Sacco stated that the vetting process for both Griffiths Engineering and for Dan Griffiths has been completed, adding that she utilized the West Law Company. Ms. Sacco stated that this means that the Supervisor can now sign the Business Integrity Report.

RESO 2015-113: AUTHORIZE SUPERVISOR/SIGN TOWN OF CONKLIN
SUBRECIPIENT AGREEMENT & MEET STANDARDS OF BUSINESS INTEGRITY
REPORT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to sign the Town of Conklin subrecipient agreement and to agree to meet the standards of the Business Integrity Report.

Seconded by Mr. Dumian.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

Mr. Finch stated that the construction of an evacuation route would be the next Rising Community Grant project, followed by the proposed affordable housing project. Town Clerk Sherrie Jacobs added that she had worked with Tom Magee from the Rising Community Grant Committee for publicity for the proposal review, which she stated has been completed, with no queries or comments received from the public.

UPDATE/FLOOD BUYOUT

Mr. Finch explained that the problem with the lot owned by William Slater is that the bid specifications for demolition were written by parcel number, but the agreement with the contractors was written by address, and there are two separate addresses for the same tax map parcel. Therefore, the extra buildings on the second address, although located on the same parcel as the recently demolished building, were not included in the demolition bid for this parcel. Mr. Finch stated that ZMK Construction Company has given a quote of \$23,200 to demolish the remaining structures, while Gorick Construction Company, which demolished the other structure on this parcel, has given a quote of \$26,000, with no repercussions for failure to remove the extra buildings originally. Mr. Finch stated that FEMA (Federal Emergency Management Agency) is supposed to pay \$23,200 to the Town of Conklin for Buyout Program money awarded but not used, but when asked by Mr. Dumian if the Town is guaranteed this money, Ms. Sacco stated that there is “no guarantee.” Mr. Dumian then asked, “Is FEMA on the hook for the cost of demolition, or the Town because it executed the contract?” Ms. Sacco replied that the Town owns the property now, and must demolish the buildings in order to be in compliance with the agreement with FEMA, adding that FEMA could ask for reimbursement of all costs – purchase price, legal fees, etc. – if the property is not brought into compliance.

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**RESO 2015-114: ACCEPT ZMK CONSTRUCTION COMPANY
QUOTE/\$23,200/DEMOLITION OF 772-776 CONKLIN ROAD**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the quote from ZMK Construction Company of \$23, 200 for the demolition of structures located at 772-776 Conklin Road, Tax Map #161.12-1-27.

Seconded by Mr. Boyle.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – No, Finch – Yes. Motion carried: 3 - Yes, 1 – No.

UPDATE/AIR TESTING/TOWN HALL & CASTLE

Mr. Finch stated that the air quality has been retested in both the Castle and in the Town Hall by Link Environmental and no dust or mold spores were detected.

FUNDS ALLOCATION/JOINT SEWAGE BOARD

Mr. Finch stated that Code Officer Ron Lake and Attorney Alan Pope had sent a letter to the Binghamton-Johnson City Joint Sewage Board requesting refund of an overpayment made to the Joint Board. He stated that the Town received a check for \$42,247.80.

NEW BUSINESS:

ROOF REPAIR/COMMUNITY CENTER

Mr. Finch stated that the Town has obtained a quote for \$12,500 for material for repairs to the roof of the Community Center, adding that the Town could ask for bids for labor only. He reminded the Board that prevailing wage must be paid and asked if the Board wants to advertise in the **Country Courier**. The response was that the Town should get three quotes and have competitive bidding. Mr. Finch suggested the Board consider a metal roof for the building. Mr. Dumian stated that the Town cannot split labor and materials, with Ms. Sacco adding that doing so may void any warranties offered by the contractor. She stated that the Town's procurement policy would need to be examined to see if it allows "piggybacking" with other municipalities for bid prices.

WATER & SEWER EXTENSION/CARLIN ROAD

Mr. Finch stated that Griffiths Engineering has provided the Town with an estimate of \$410,000 to install the water and sewer extension on Carlin Road. He added that there are no grant funds available through the Rising Community Grant Program for water and sewer installation. The water and sewer extension is planned to support the affordable housing project proposed for the Corporate Park. Mr. Finch stated that this project is median and lower income housing, some of which would be subsidized housing.

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GRANT WRITERS

Mr. Finch stated that the deadline for the grant for water and sewer extensions is July 30, 2015. He stated that he checked to see if any of the grant writers employed by Broome County would be available, but none are available. He stated that rates vary from \$60 to \$90 to \$100 per hour plus a percentage of the grant money gained.

RESO 2015-115: EXTEND TEMPORARY POSITION/ANOTHER 90 DAYS/JOHN RUDY/BUILDING INSPECTOR-PART-TIME

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin extends the temporary position for another 90 days for John Rudy, Building Inspector – Part-Time, effective July 13, 2015, at a pay rate of \$18.00 per hour, for the purpose of completing pending electrical and safety inspections. No benefits are included.

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

RESO 2015-116: RATIFY ACH WIRE TRANSFER/PITNEY BOWES/REPLENISH POSTAGE METER

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of an ACH wire transfer, account code A1670.4, in the amount of \$500.00 to Pitney Bowes to replenish the postage meter on June 26, 2015.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

RESO 2015-117: RATIFY PAYMENT/MATTHEWS AUTO/PRE-APPROVED NYS BID/RESO 2014-186/VAN FOR WATER & SEWER DEPARTMENT

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #9449, account codes SW, SW6, and SS1, in the amount of \$23,163.00 to Matthews Auto for payment for a van for the Water and Sewer Department, per pre-approved New York State Bid price on RESO 2014-186.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

RESO 2015-118: ACCEPT DONATION/BLUECHIP SOFTBALL/DONATION FOR FIELD USE

Mr. Bullock moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$250.00, check #1587, account code A2705, from Bluechip Softball for use of the ball fields at Schnurbusch Park.

Seconded by Mr. Dumian.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

RESO 2015-119: ACCEPT DONATION/DEANNA MORGAN/DONATION FOR FIELD USE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$250.00, check #133, account code A2705, from Deanna Morgan for use of the ball fields at Schnurbusch Park.

Seconded by Mr. Boyle.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

RESO 2015-120: AUTHORIZE PAYMENT/PRE-APPROVED BILL LIST/\$69,996.86

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-authorized Bill List in the total amount of \$69,996.86:

General	\$19,761.21
Highway	3,186.20
2011 Flood Emergency Fund	536.87
Light Districts	2,092.58
Sewer District	1,517.36
Water District	13,652.64
Non-Budget	<u>29,250.00</u>
Total	\$69,996.86

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

RESO 2015-121: AUTHORIZE PAYMENT/BILL LIST/\$88,074.35

Mr. Boyle 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 \$88,074.35:

General	\$37,544.31
Highway	15,605.63
2011 Flood Emergency Fund	28,150.00
Light Districts	295.35
Sewer District	548.02
Water District	1,524.04

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Non-Budget	<u>4,407.00</u>
Total	\$88,074.35

Seconded by Mr. Dumian.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

PUBLIC COMMENTS:

HIGHWAY ISSUE/EDISON AVENUE/MCMANAMON

Brian McManamon of Binghamton addressed the Board regarding his concerns regarding highway and drainage conditions near his mother's house, located at 47 Edison Avenue. Mr. McManamon stated that the road has "no maintenance" and that the "ditches need work." He stated that the runoff water has "ruined the property," distributing photographs to the Board to prove his point. He stated that he has received "no response" from the Town Highway Department to his request for installation of a drainage pipe.

Highway Superintendent Brian Coddington stated that the driveway at 48 Edison Avenue, across the street from Mrs. McManamon's house, is creating the problem, adding that water drains from above and runs down toward her house. Mr. McManamon stated that the pictures depict water running in the cellar window of his mother's house. Mr. Finch stated that the Town will look at the issue and will meet with Mr. Coddington.

RESO 2015-122: SCHEDULE PUBLIC HEARING/AUGUST 11, 2015/ 6:05 P.M./PROPOSED LOCAL LAW/ "ANIMALS"

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 6:05 P.M. on August 11, 2015, to receive input regarding a proposed Local Law, "Animals," that would amend the Town Code to allow seizure of unlicensed dogs.

Seconded by Mr. Dumian.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

RESO 2015-123: AUTHORIZE SUPERVISOR/SIGN AGREEMENT/TOWN OF KIRKWOOD WATER PURCHASE/PAY QUARTERLY INSTEAD OF TWICE PER YEAR

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to sign an agreement with the Town of Kirkwood for purchase of water allowing payment to be made quarterly instead of twice per year.

Seconded by Mr. Dumian.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

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USE OF PROPERTY OBTAINED THROUGH FEMA BUYOUT PROGRAM

Ms. Sacco stated that FEMA has done a “turnaround” regarding what uses are and are not allowed on property obtained by the Town through the FEMA Buyout Program. She stated that the properties still cannot have buildings constructed on them, but the Town will now have sale and lease ability concerning these properties. Ms. Sacco stated that there are many “hoops to jump through.” She stated that each property would be subject to FEMA approval regarding any sale or lease, adding that deed restrictions would be required.

TIME WARNER CABLE FRANCHISE

Ms. Sacco stated that the agreement proposed by Time Warner Cable is different from the one offered by the Town. She stated that the gross revenue estimate has changed, the term is set at ten years, and the drop lines were removed. Ms. Sacco suggested that the Town make the changes that the Town requested originally and send the revised agreement back to Time Warner Cable. There was consensus from Mr. Boyle, Mr. Bullock, and Mr. Dumian that this is the best step to take next.

DEADLINES

Mr. Bullock asked about a timeline for repair of the roof at the Community Center and Mr. Finch replied that Mr. Boyle had patched the leaks in the roof as a temporary fix.

Mr. Finch reiterated that the deadline for the grant application for water and sewer extension is July 31, 2015.

USES OF FEMA BUYOUT PROPERTIES

Mr. Boyle stated that Ms. Sacco should set up rules and regulations for uses for the properties obtained through the FEMA Buyout Program, so that there is consistency within the Town. Mr. Finch replied that the process is “not at that point yet.” Ms. Sacco stated that she cannot write the regulations, as they will be “controlled by SEMO” (New York State Emergency Management Office). She stated that the procedure will be that a resident would be required to submit a letter to the Board asking for a particular use of a particular parcel. If the Town Board approves the request, it would be sent to SEMO for its approval. She stated that the applications will be “situation specific.” Mr. Dumian asked who will pay the legal costs of this process. Mr. Bullock asked if any other local municipalities have addressed this situation and Mr. Finch replied that the Town of Union has done so. Ms. Sacco stated that the Board must decide if it will sell or lease the properties. Mr. Boyle stated that he “will not let this stagnate.” Ms. Sacco will develop a process to propose to the Board.

SECESSION OF TOWN OF CONKLIN FROM NEW YORK STATE

Mr. Dumian stated that he has been “approached fifteen times in two weeks” regarding Mr. Finch’s statement that the Town of Conklin should secede from New York State. He stated that this statement does not reflect the opinion of the Town Board and should not come from the Town Hall, since it is Mr. Finch’s private opinion.

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AFFORDABLE HOUSING

Mr. Dumian stated that he is 100% in favor of affordable senior housing, but 100% against low-income subsidized housing. Mr. Finch stated that if the low-income subsidized housing is removed from the plan for the Corporate Park, “the Town won’t get the loan.”

CONKLIN FAIR

Town Clerk Sherrie Jacobs reminded those present that the Conklin Fair starts Thursday, July 16, with a parade at 6:00 P.M. and ends on Saturday, July 18, with fireworks at 10:00 P.M.

NEW BACKHOE/HIGHWAY DEPARTMENT

Mr. Finch stated that there is an opportunity to trade in the current Highway Department backhoe for a new model from Five Star Equipment, utilizing New York State bid pricing. He stated that it would cost approximately \$38,000 and that the interest rate would be decreased from 3.5% to 3%. Mr. Bullock stated that the Town should buy the new backhoe. Mr. Finch stated that the upgrade would come with a new warranty.

RESO 2015-124: APPROVE PURCHASE/NEW BACKHOE/FIVE STAR EQUIPMENT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the purchase of a new backhoe from Five Star Equipment.

Seconded by Mr. Boyle.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Finch – Yes. Motion passed unanimously.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Dumian. The meeting adjourned at 7:29 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk