

REGULAR TOWN BOARD MEETING
JULY 22, 2014

Vehicles article #140-17 of the current Conklin Town Code. Mrs. Kelly is upset because a large vehicle, that she believes was once a Doran Systems vehicle that has now been registered legally as a recreational vehicle, is parked on Carol Court. She said that the vehicle does not look like the typical recreational vehicle. She said she is not “anti” RVs and there are many neighbors who have RVs who are very considerate with how they park and house the vehicles. Because the neighborhood is residential she is requesting that the Town Board take action on this matter. She has been researching online how some other communities handle large vehicles parked in residential areas. She suggests the Town code be amended to restrict the length of time that this type of vehicle can be parked on the street without being moved and consider modifications as to where the vehicle can be placed—maybe along side the house instead of in front while remaining a certain distance from the property lines. She said these were just a few suggestions that would help maintain the integrity of a residential neighborhood. She concluded by saying that she has the support of many of the neighbors on Carol Court and Sharon Drive.

Supervisor Finch told her the best thing to do was to submit a petition stating her position with the suggestions in writing.

Mrs. Kelly said she had attended a zoning board meeting and it had not been necessary for that applicant to put things in writing.

Mr. Finch replied that he wanted to see signatures from her neighbors. He felt that if someone on Woodcrest Way signed the petition, it did not pertain to her neighborhood.

Councilman Jerry Minoia said he understood her concerns but believed the Board could run into problems by placing stipulations on registered motor vehicles. He said he was not an expert on the issue, but the owner of the RV has paid fees to register the vehicle and in his experience when the Town has tried to restrict the parking of large vehicles they have found that people have the right to park the vehicles in front of their residences.

Mr. Dumian confirmed that the current code allows that the recreational vehicle can be parked there in compliance with Town Code, as did Mr. Francisco.

PUBLIC HEARING
TO RECEIVE INPUT REGARDING THE PROPOSED LOCAL LAW OF THE TOWN
OF CONKLIN DESIGNATING NO PARKING ON A PORTION OF MORRIS
BOULEVARD

Present: Same as listed on page one.

The Notice of Public Hearing having been duly advertised, the Supervisor opened the public hearing at 5:37 p.m. Town Counsel Cheryl Sacco explained that the Town Board was considering a local law designating no parking on the southern side of Morris Boulevard from Conklin Road to Leslie Avenue. She asked if anyone present would like to speak on the proposal.

Supervisor Finch explained that during lunchtime and right after school, drivers are parking on both sides of Morris Boulevard, making it difficult for vehicles to get through. He doubted emergency vehicles like a fire truck or ambulance would be to pass through with vehicles on both sides of the street. To assure that emergency vehicles have access to the street and that sight lines for vehicle traffic are not affected, the Town Board is proposing limiting parking to one side of the street.

There were no comments on the proposed law and Supervisor Finch closed the public hearing at 5:39 p.m.

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Ms. Sacco said that the Town Board, if they believed adopting the local law was in the best interest of the Town, could pass a resolution adopting Local Law 1 of 2014, since a public hearing had been held allowing residents to speak on the issue. She said the Board is the lead agency and a SEQRA is not required. Councilman Bullock said he believed the local law was necessary.

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RESO 2014-109: ADOPTION BY THE TOWN BOARD OF
THE TOWN OF CONKLIN OF LOCAL LAW NO. 1- 2014

PRESENT: Supervisor James. E. Finch
Councilman Gary D. Bullock
Councilman William Dumian, Jr.
Councilman Charles Francisco
Councilman Jerry Minoia

ABSENT:

Offered by: Councilman Gary D. Bullock **Seconded by:** Councilman Jerry Minoia

The Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), duly convened in regular session, does hereby resolve as follows:

WHEREAS, a resolution was duly adopted by the Conklin Town Board for a public hearing to be held by said Board at the Conklin Town Hall, 1271 Conklin Road in said Town, on July 22, 2014, commencing at 5:35 p.m. to hear all interested parties on a proposed Local Law "A local law of the Town of Conklin designating no parking on a portion of Morris Boulevard," and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town, and posed on the Town Clerk's sign board, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 5:35 o'clock p.m. on July 22, 2014, 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, the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said Local Law No.1-2014; and further

WHEREAS, the review will not be a coordinated review;

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQRA"), it has been determined by the Conklin Town Board that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQRA, and

WHEREAS, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, and

NOW THEREFORE, the Conklin Town Board hereby adopts said Local Law as Local Law No.1-2014 entitled "A local law of the Town of Conklin designating no parking on a portion of Morris Boulevard," a copy of which is attached hereto and made a part hereof, and

THEREFORE, the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State.

RESOLVED, that his resolution will take effect immediately.

Vote of the Board:

Supervisor James E. Finch	YES
Councilman Gary D. Bullock	YES
Councilman William Dumian Jr.	YES
Councilman Charles Francisco	YES
Councilman Jerry Minoia	YES

Motion Approved.

Resolution Adopted Unanimously JULY 22, 2014.

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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, NY, on July 22, 2014.

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 William Dumian, Jr	YES

Dated: July 22, 2014

Sherrie L. Jacobs

Town Clerk, Town of Conklin

Town Seal

TOWN OF CONKLIN LOCAL LAW NO. 1 OF THE YEAR 2014 ENTITLED
A LOCAL LAW OF THE TOWN OF CONKLIN DESIGNATING "NO PARKING" ON
A PORTION OF MORRIS BOULEVARD

Be it enacted by the Town Board of the Town of Conklin as follows:

Section 1. Purposes

The purpose of this local law is to amend the Town's existing local laws to regulate and must be balanced with the protection of the public health, welfare, safety, peace and tranquility of the residents of the Town of Conklin.

Section 2. Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Conklin has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Conklin and for the protection and enhancement of its environment. Pursuant to New York State Vehicle and Traffic Law Section 1660 (18), the town board of any town with respect to highways, with certain exceptions, may prohibit, restrict or limit the stopping, standing or parking of vehicles.

Section 3. Changes to Chapter 128, which is entitled Vehicles and Traffic.

The Chapter shall remain the same; except for the following changes:

Section 128-2 (entitled Vehicular parking prohibited) shall be amended to include a subsection D, which shall be located after C and it shall read as follows:

D. No person shall park a vehicle on the southern side of Morris Boulevard from Conklin Road to Leslie Avenue.

Section 4. Separability.

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt there from.

Section 5. Repealer.

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All ordinances, local laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

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, NY, on July 22, 2014. 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 William Dumian, Jr.	YES

Dated: July 22, 2014

Sherrie L. Jacobs
Town Clerk, Town of Conklin

Town Seal

Highway Superintendent Brian Coddington asked what the “No Parking” distance would be so he would know how many signs needed to be posted. The information on distance was not available, so he will check the length on Morris Boulevard from Conklin Road to Leslie Avenue.

PUBLIC COMMENTS REOPENED

Tom Kelly, 67 Carol Court, Conklin

The Supervisor reopened the public comments portion of the meeting and Mr. Tom Kelly of 67 Carol Court came forward to speak regarding the situation his wife had just addressed. Mr. Kelly said he had attended the Planning Board meeting on Monday night because of the situation on Hardie Road. He feels it is unclear to many people when the various Boards in the town meet. He asked what is the purpose and what can they do and what can't they do? Mr. Kelly recalled when the Town had a newsletter. He said a town newsletter would be valuable to let people know what they do. He understood that the planning and zoning board members were appointed and receive some compensation. He feels the boards are a little confused about what they can and can't do. He stated that it seemed to him that, “Once they make a decision, if people don't do it or follow it, they [the boards] can take no action.”

Supervisor Finch explained both boards have an attorney who advises them and can answer any questions board members have about action to be taken. Mr. Kelly asked who enforces the town regulations. Town Counsel explained that the Code Enforcement Officer and this Board ensure that regulations are enforced.

Supervisor Finch said that when the Planning Board deems itself the lead agency, the Town Board does not have the authority to override it or suggest what can be done.

Ms. Sacco said there are many ways town law is enforced. “They can come to this Board and this Board can address multiple functions. Land use is enforced by the code enforcement officer. Certain things are not enforced by the Town Board such as the local law that was just adopted that evening. A parking ticket would be issued to enforce that law.”

Mr. Kelly said that what he heard the previous night was very confusing and he still believed a newsletter explaining the boards' functions and abilities was the way to go.

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Supervisor Finch said the minutes from the meetings are on the Town's website and the meetings are covered by The Country Courier. Mr. Kelly replied that not everyone has a computer and the newsletter was a beneficial thing and he would appreciate it if the Town would consider publishing a newsletter again.

Mr. Minoia said it could not be published every month.

Mr. Dumian thanked Mr. Kelly for his input.

HIGHWAY DEPARTMENT REPORT

Town Clerk Sherrie Jacobs, who is on vacation this week, submitted her written report and the Supervisor moved to Highway Superintendent Brian Coddington and his monthly report. Mr. Coddington reported that the highway crew had mowed along the roads townwide and broomed Gratsinger Road. Ketcham Road, Meadowlands and Carlin Road had been paved. The dept. had also stabilized high blacktop with millings on Edison, Ketchum and Carlin Roads. The Gaskas' driveway has been blacktopped. They replaced a hydraulic filter on Truck #44; replaced a vandalized sign on Stateline Road and repaired a side dump leak on Truck #44.

Mr. Coddington reported that the department had burned 20 loads of brush and took 10 loads of compost to the CHOW Gardens. They also removed rust and painted Truck #48 getting it ready for the Conklin Fair Parade. The department also helped the Kirkwood Highway Department put up the tent being borrowed from Kirkwood for the Conklin Fair and dug the ditch for the electrical line to be installed for the Conklin Veterans Memorial. The crew also repaired a hole in the pole barn roof, installed new batteries in Truck #43 and oiled all auger chains. They started all diesels stored outside and met with garage door specialists for pricing on the backhoe bay door. They repaired the brakes on the roller trailer and installed a new fuse holder for the radio on Truck #47. Other repairs included: repairing the broken hydraulic line on mower, installing new blades, replacing bristles on the broom. They dug out springs and put in drainage on Carlin Road and dug out a ditch; put 24" crossover on Gratsinger Road; installed 24" pipe on Fallbrook Road for Pavelski and installed an 18" pipe for Dell Boyle on Scofield Road; dug out a ditch for the Dubays on Corbettsville Road; moved the crusher store-pile to make room for material for stone and oil; dug ditch and removed pipe from VanWinkles on Carlin Road, and took down the tent at the Community Center after the fair.

Once Mr. Coddington completed his report there was discussion on oil for Pecka Road. The Town Attorney said she had looked at Pecka Road and felt that both Boyle Boulevard and Pecka Road were roads by use. She said there had been discussion as to whether the two were dedicated roads but had determined they were both roads by use. She said that a road qualifying as abandoned means the Town does not have to maintain it. She is checking further into the status of Pecka Road.

Mr. Coddington said he is preparing for a storage barn at the Carlin Road site. He has a map that shows a spur of the property wraps around the railroad property and there is enough room for the storage barn.

Mr. Coddington said he is concerned because no one from the highway department has been called for the mandatory drug and alcohol testing. He said it was very strange that they had gone so long without a call. The Assistant to the Superintendent, Lisa Houston, will check into this concern.

Councilman Bullock wished to clarify with Mr. Coddington that when he reported the black topping for the Gaska driveway, the highway superintendent meant that only the portion of the driveway the Town had to rip up to install pipe was paved. Coddington confirmed that it was just the portion of the driveway where the highway department replaced the pipe.

Councilman Francisco questioned the property area for storage and Mr. Coddington said that certain piece of property belongs to International Paper. Mr. Francisco asked about the water tank. Mr. Coddington replied that the water tank belongs to International Paper and they actually own the property and let the highway department use it.

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WATER/SEWER/PARKS DEPARTMENT REPORT

In addition to his written report, Public Works Superintendent Tom DeLamarter said he had just a few things to bring to the Board's attention. The Water & Sewer departments had been running smoothly with no problems to report. In the Parks the younger leagues have finished their seasons and Teener leagues are still active on the fields. Water testing has been done by Beacon Labs. Town Counsel asked about a possible mower purchase and the Supervisor said that discussion would be coming up next. Mr. Francisco asked if the issues at the sewer station down by Julius Rogers Park had been resolved or slowed down. Mr. DeLamarter replied that the situation is sporadic. The pump runs fine for a time and then will get clogged by rags every 5-10 days. At this point they do not know who is flushing the rags into the sewer system. Councilman Dumian said he had heard that at one point a 2X4 piece of lumber was found. Mr. DeLamarter replied that yes, the 2X4 had been found but, it was at another station that was locked and he could not fathom how it got there —And it was not a short 2X4 either.

OLD BUSINESS:

UPDATE/FEMA BUYOUT PROGRAM

Supervisor Finch reported that Lisa Houston and Penny Lake are doing a great job with the buyout process with up to 24 more offers made. He reported that Mr. Tom Abbati at the State Emergency Management Office (SEMO) would see that some monies were released to the Town. The Supervisor said an extension was granted to June of 2015 but he did not think the Town was going to need it. Ms. Houston confirmed that 24 offers to settle had been made. She said that there are 52 properties involved—some of the properties are just land. Another payment request would be submitted for eight more properties on Friday. Ms. Houston said they are still waiting to hear if some property owners are still interested in the buyout and a quarterly report had been submitted today. She said all was going well.

Councilman Minoia asked if all of the 24 were going to move ahead with the buyout. Ms. Houston said yes with the exception of those waiting for an appointment on Monday and that some of the commitments were verbal only at this stage. The \$1,205,180.72 requested was for the 16 properties in the first two rounds of signature offers to sell.

Councilman Bullock asked about demolitions. The Supervisor replied that they must stay the same. Ms. Houston said there might be a glitch at which point Attorney Cheryl Sacco said that the air monitoring had not been part of the demolition bid. She would look at that the next day and take care of that part. Ms. Houston said that the Town had to look at the ICC clauses on some insurances. Sacco explained that some insurances have a coverage that the Town must tap into first before tapping the SEMO and FEMA monies. Mr. Francisco asked if any property owners in the 24 properties on the list had been trying to salvage materials from the buyout property. The Supervisor said there had been a couple of property owners who were doing this, but Code Enforcement Officer Bob Jones had explained to them the problems with the removal of materials from buyout properties and one property owner had already put everything back. Ms. Sacco said she could not go into details about the properties at this time.

NEW YORK RISING COMMUNITY GRANT PROGRAM

The Supervisor again noted that Kevin McLaughlin, Executive Director of the IDA, and Bruce Levine, of 3d Development, had been in touch with each other about the possibility of more senior housing in Conklin. In the meantime, he had talked to the real estate agent for the Wright family property located near the IDA property in the same general area.

Unfortunately, said Supervisor Finch, those properties have something like 24 liens against them from the 1980s and you can't get any paperwork. The Supervisor said the Wright property is a dead-end unless the liens are cleaned up and he didn't think anyone was going to be able to do anything with that property at this time.

That leaves only the property owned by the IDA. Supervisor Finch said he knew the price the IDA paid per acre when they initially purchased the property but he had no idea what the IDA would charge the Town today to purchase the acreage. Mr. Finch said the Rising Community Grant Committee did agree to cover the costs for running town water and sewer to the property.

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He felt if the property owners on Carlin Road were still interested in connecting to the town systems, it would be easier and more affordable for the residents to do it all at once.

HOME RULE REQUEST/RESIDENCY REQUIREMENT/CODE OFFICER

The Supervisor reported that the Town's request for Home Rule to allow hiring a Code Enforcement Officer who is not a resident of the Town of Conklin had passed in the NYS Assembly and the Senate and is waiting for the Governor's signature.

TOWN WATER & SEWER DEPARTMENT ACCEPTING CREDIT CARD PAYMENTS

The Supervisor asked his assistant Lisa Houston to give an update on the credit card payment system. Ms. Houston said residents could now go online to make utility payments to the Town. They should go to the Town of Conklin website. There is a little box that the payer will click on. She said there will be a fee associated with that payment process paid by the water/sewer user that he or she will pay directly when the payment is made. On the Town's side, the payments will come through email on a daily basis and be posted to the payee's water/sewer account.

The Supervisor said this is a much better system. The first company the Town was considering asked for a \$10,000 start up fee. He said, "This way it is just a user fee like an ATM."

NEW BUSINESS:

NEW MOWER FOR PARKS DEPARTMENT

Public Works Superintendent Tom DeLamarter said the Town Parks, Water & Sewer Departments have been looking into getting a new mower. While it is used to maintain a small number of buyout properties, the main use is to benefit the parks and water/sewer departments. The state bid would allow for the purchase of a new 2015 mower with a trade in allowance of \$15,000. The state bid offers a discount of 27.50%. With everything figured in, a 2015 Turbo Kubota would cost \$61,081.50. However, DeLamarter said he could get a better price with a 5-year lease to own agreement.

Councilman Bullock said he had no problem with the mower purchase but wanted to see the vehicle trailered when moved from location to location. He said he cannot see beating up the Town's equipment by running it up and down the side of the road. DeLamarter said the equipment was licensed to be on the road but he had no objections to trailering the mowers.

There was discussion between DeLamarter and Councilman Minoia over whether a trailer had already been purchased for the mower. DeLamarter said a trailer had been purchased for moving big items like the bleachers. Minoia said there is a lot weight to the mowers and they are not made to run on the road and that kind of road use wears out the tires.

Councilman Bill Dumian said if the mower was needed it should be purchased and his question would be-- what is our return investment?

Town Counsel asked if a resolution was needed. The Supervisor asked if everyone was in unison about the mower purchase. Bullock said he could go along with the purchase if there is a trailer underneath the mower. "We have to follow road rules with our vehicles, not running up and down the shoulders. I will do it as long as there is a trailer." He also reminded that it is a long way to Julius Rogers Park.

Councilman Dumian asked what was used to tow the trailer and if the Board should be concerned with the wear and tear based on the weight of the different items and tractors. Otherwise he was fine with the purchase and the trailer situation if both were needed and being used in the most efficient manner.

Councilman Francisco said he was also okay with the mower purchase and said his concern was about the safety issue when you have a mower going down 50mph speed limit roads that often narrow and the mower operator could be facing an oncoming tractor in the other lane.

The Supervisor said he also voted yes to the purchase and it was now up to Tom DeLamarter to talk to Moffat. DeLamarter said he would follow up and look at a trailer that was big enough to move the mower.

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Ms. Sacco said a borrowing resolution was needed and she needs an amount to do that and resolution legalities also included an estoppels notice. Bullock said he was sure the company would hold the offer for a month. DeLamarter will get the necessary figures to Counsel for the resolution and the resolution will be voted on at the next meeting.

GLOBAL PARTNER LLC, REQUEST FOR INTERPRETATION

Mr. Finch said, as referenced previously in these minutes, that the Town replied to the request of Global Partner LLC about the zoning and permitted use of the property located in an IDT District. The Supervisor said initially it was thought that Global would need to go to the Town Zoning Board of Appeals. However, Ms. Sacco said the question of “permitted use” required an interpretation from the Town’s Code Enforcement Officer and not an appeal for a use variance because basically a similar permitted use is allowed in this area. As a result it would not be necessary for Global to go to the ZBA because a precedent has been set. Should someone disagree with this, he or she would be the one to appeal to the Conklin ZBA. Town Counsel said the code officer’s rationale was spelled out clearly with Warner’s Gas only a short distance away, also in an ID district. She said if anyone disagrees with the interpretation, they would be the party to appeal to ZBA. Ms. Sacco said she would explain the rationale again after the meeting for anyone with questions.

RESO 2014-110:

APPOINTING MARY PLONSKI TO THE FULL TIME PERMANENT POSITION OF ACCOUNT CLERK AT THE RATE OF \$14.00 PER HOUR EFFECTIVE JULY 23, 2014

Councilman William Dumian Jr. moved to approve the resolution on the appointment of Mary Plonski to the full time permanent position of Account Clerk at the rate of \$14.00 per hour effective July 23, 2014.

Seconded by Mr. Bullock

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

Ms. Plonski was in attendance and was asked to come forward and introduce herself. Mary said she had lived in Conklin all her life and was looking forward to working for the people of Conklin.

RESO 2014-111:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN APPOINTING FRANCIS A. BEALO CIVIL SERVICE TITLE OF RECREATION SUPERVISOR-OC (PT), DUE TO SUCCESSFULLY COMPLETING THE COMPETITIVE EXAMINATION. SALARY WILL REMAIN THE SAME AT \$11,910.00

Mr. Dumian moved to approve the Civil Service title of Recreation Supervisor-OC (PT). Mr. Bealo was required to take the Civil Service exam after 7 years of serving the Town of Conklin in that capacity.

Seconded by Mr. Minoia.

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

RESO 2014-112:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN APPOINTING THE FOLLOWING TEMPORARY LIFEGUARDS FOR THE 2014 SEASON EFFECTIVE 5/28/2014:

Mr. Francisco made the motion that the following lifeguards be appointed at \$8.00 per hour:

Kaityln Petryszyn	\$8.00/hour
Krista Micalizzi	\$8.00/hour
Mikaela Atwater	\$8.00/hour

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Seconded by Mr. Dumian.

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

RESO 2014-113:
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN APPROVING
THE FOLLOWING LIFEGUARDS PAY RATE EFFECTIVE JULY 5, 2014:

Mr. Bullock made the motion that the pay for the following lifeguards be increased due to the increase in responsibilities:

Madelyn Blackman	from \$9.00/hr to Manager at \$10.00/hour
Rebekka Bieber	from \$8.00/hr to Asst. Manager at \$9.00/hour

Seconded by Mr. Francisco.

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

RESO 2014-114:
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN RATIFYING
PAYMENT TO JANE’S RESTAURANT, CHECK #7666 FOR \$135.00. GIFT CARDS
FOR THE TOWN’S BEAUTIFICATION COMMITTEE AWARDS, ACCOUNT CODE
A7550.4

Councilman Bullock said he did not have a problem with the members of the Beautification Committee being thanked and rewarded for their efforts town-wide but before the vote he did want to question the legality of the gift certificates. Town Counsel replied that typically the town is not supposed to gift. The Supervisor said he would not do it again then but thought it was appropriate for all the effort and time given.

Mr. Minoia made the motion that the Board approve the payment to Jane’s Diner for the gift certificates.

Seconded by Mr. Francisco.

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

RESO 2014-115: RESOLUTION OF THE TOWN BOARD OF THE TOWN OF
CONKLIN AUTHORIZING PAYMENT/PRE-APPROVED JULY 8TH BILL
LIST/\$21,571.30.

Mr. Francisco moved for the following resolution:

Be It Resolved: That the Town Board of the Town of Conklin authorizes payment of the following pre-approved July 8, 2014 Bill List in the amount of \$21,571.30.

General	\$6,202.59
Highway	13,569.45
Sewer Dist.	449.50
Water Dist.	1,249.76
Water Dist. 6	<u>100.00</u>
Total	\$21,571.30

Seconded by Mr. Minoia.

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

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RESO 2014-116: AUTHORIZE PAYMENT/BILL LIST/\$38,543.72

Mr. Bullock 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 \$38,543.72:

General	\$ 17,544.07
Highway	15,463.73
2011 Flood Buyout	375.00
Light Dists.	289.85
Sewer Dist.	229.48
Water Dist.	<u>4,641.59</u>
Total	\$ 38,543.72

Seconded by Mr. Minoia.

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

RESO 2014-117:
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN
AUTHORIZING MODIFICATION OF THE STATED FROM AND TO BUDGET LINES
AS OF JUNE 30, 2014

The Supervisor gave a brief explanation of the following budget modifications:

Mr. Francisco moved to approve the resolution authorizing the budget modifications as stated below:

FUND LINE	FROM AMOUNT	BUDGET LINE		TO	BUDGET
A (Clerk) (To cover pay of Code Clerk)	1990-4-400 \$7,000.00	Contingency-Contractual	-7,000.00	A-3620-1-101	Safety personnel
A Contractual (To cover under estimated budget)	5132-4-400 \$500.00	Garage-Contractual	-500.00	A-5010-4-400	Supt of Hwy-
A Contractual (To move from sub account to primary)	1410-4-401 \$500.00	Twn Clk-Dog Contractual	-500.00	A-1410-4-400	Town Clerk-
			-8,000.00		
	\$8,000.00				

Seconded by Mr. Dumian.

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

RESO: 2014-118
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN
AUTHORIZING THE APPROPRIATION OF UNANTICIPATED REVENUES

Mr. Dumian moved to approve the resolution authorizing the appropriation of Unanticipated Revenues.

510	Estimated Revenues		\$31,061.00		
	A3089	State Aid-Engineering Study	\$15,000.00	Grant#19376, part 2	
	A4960	Federal Disaster Assist		\$5,000.00	Adm
	Cost/BuyoutProgram				
	DA3501	Consolidated Hwy Aid		\$11,061.00	To increase
	CHIPS budget				

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960	Appropriations		\$31,061.00	
	A 1440-4-401 Engineer-Special Project		15,000.00	Grant #19376, part 2
	A8760-1-100 Emg. Disaster Personnel		\$5,000.00	Adm
	Cost/BuyoutProgram			
	DA5112-2-200	Improvements-Capital Aid	\$11,061.00	To increase

Chips budget

Seconded by Mr. Bullock.

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

There was some discussion led by the Supervisor about looking into hiring a code enforcement officer to replace Mr. Jones who has retired. Mr. Finch said there are some names on the Civil Service list. He would like the Board to consider whether the new position should be full time or part time. He asked the Board to consider the options and be prepared to discuss the issue on August 26, 2014, the Board's next regular meeting date.

SEALING PARKING LOT AT THE CONKLIN TOWN HALL

Supervisor Finch said that he is looking into getting the parking lot at the Town Hall sealed this summer. He said a vendor came in and gave a price based on an oil based sealer. He did not wish to mention prices because bids are still out. It was suggested that the town look into a water-based sealer that is applied cold. The oil base is applied while hot and does a good job of filling in cracks. Councilman Minoia said that basically all sealers today are a water-based emulsion of some kind. He said there have been some environmental concerns over contamination because of the petroleum-based products. He does not think it was cutting through the environmental layer but this is what they are calling for today. He thinks when vendors say oil, it is one and the same, but the town should question the vendor.

Tom DeLamarter said the two people he talked to say they are using a water-based sealer.

OFFER TO DONATE LAND TO TOWN

Attorney Cheryl Sacco said that in the process of the buyouts we have one property that is part of the buyouts and that property owner has two properties that are not part of the buyout that they just want to donate to the town. These two additional properties are not part of the buyout. She added that obviously the Town would not take the properties if liens were involved.

Councilman Bullock said the only problem he would have is one they have run into before with a sewer district— now the General Fund is picking up the fee.

Cheryl replied that if the Town does not take the property there is always the possibility that it could just be let go for taxes. She advised the Board that they did not have to make a decision at this meeting, but she did need to know if the Board wanted her to do a search to see if there are any liens or mortgages on the property in question. She was given permission to research the properties in question.

RESO 2014-119: PROCEED WITH TITLE SEARCH/2 PROPERTIES

Mr. Bullock made the motion for the attorney to proceed with a title search on those two properties.

Seconded by Mr. Dumian

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

BUDGET PROCESS

Mr. Dumian stated that he recognizes the hard work that the Town employees put forth and wants to be sure the Board recognizes that.

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Mr. Francisco stated that the work on the lighting in the old Board Room will begin next week. He is in the process of putting together a proposal for changing the lights at the Community Center. He is looking at two different ways of doing the project to be certain to get the most cost efficient method.

TIME-WARNER CABLE/SECURITY

Supervisor Finch said he had contacted Time Warner again about the Security System and was adamant about getting the issues addressed. As a result, Time Warner is sending someone to look at the Town Hall and the Community Center the next day. The Supervisor told the Board members they will have to decide what they are going to do.

Mr. Francisco said he had a call Monday night about the alarm and questioned if the contract covers service calls or is a service call an added expense?

Ms. Sacco said that she had an appointment with Mr. David Whalen at 10AM on Wednesday to discuss the cable franchise agreement. She would also discuss the Gratsinger Road cable extension with him.

PUBLIC COMMENTS

CONKLIN SENIOR CITIZENS

The Supervisor offered residents a second opportunity for public comments. Mr. Bob Tokos, President of the Conklin Senior Citizens, said he was present to represent the Conklin Senior Citizens. He asked the board to reconsider a stipend for the Conklin Seniors Club. Mr. Tokos said that in the past, before the floods, the senior citizens club used to get a stipend from the Town to be used for day trips to different areas around the state and other places. The fact that the town has not done that in recent years was raised a recent meeting. Mr. Tokos said our seniors have lived here most all of their lives, spend their money here, and still pay taxes here. He said the seniors realize that money for the youth programs is important, but they would appreciate it if the town board did not forget the seniors. He reiterated that they would appreciate it if the Board would consider an amount for the Conklin Senior Citizens in the new budget.

Supervisor Finch replied that if the Board designates any monies for the Conklin Senior Citizens Club, it should go to residents of Conklin not seniors living outside of Conklin.

Mr. Tokos replied that the board should draw whatever parameters it felt were necessary, but they would like to have the stipend reinstated.

The Supervisor replied that he remembered when the Town included the senior stipend in the budget but it was misused and the Town ended up underwriting costs for seniors who had never lived in Conklin, but the Board would consider his request.

WILLIAM OSBORNE, 115 HARDIE ROAD, CONKLIN

Mr. Osborne told the Supervisor that he loved the television interview with Mr. Finch. Mr. Osborne was present to express his displeasure that nothing had been done to limit the truck traffic going and coming from the Tuzze Salt Distribution Center, nor had anyone done anything to enforce the hours of operation.

Mr. Finch replied that Mr. Osborne had been invited to come to the meeting when the business came before the planning board and he did not show up. He said the business was in an industrial zone and truck traffic was allowed.

Mr. Osborne then said he had heard the town was looking for a new code enforcement officer and had several comments as to what type of person that should be.

WILLIAM OSBORNE, SR. HARDIE ROAD, CONKLIN

Mr. Osborne referred to "Tuzze's Truck Stop" on Hardie Road and addressed his concerns about the number of trucks coming in and out on a daily basis and said the truck traffic is not confined to business hours. He said the board says not before 7:30 a.m but trucks are coming and going at four o'clock in the morning. He feels the business should be limited to 4-12 trucks a day but

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there are as many as 40 coming in and then making the trip out. He addressed the exhaust fumes present from so many trucks stopping and going.

He said the gate is supposed to be locked at 4:00 but trucks are still going in and out until 8:00 p.m. He added that not only does he have to cope with the sounds from tractor trailers, but many of the trucks leave the tail gates down and he said the road sound is enough to deafen a person. His area is residential and he is getting sick and tired of no one taking any action.

Mr. Finch reminded him that the side of the road for the salt business is industrial. He said the Town Board had nothing to do with the Planning Board's decision. The Board's liaison, Mr. Minoia, was the only member of the Board there who knows what went on and he did not have a problem with it at the time.

The Supervisor said he had the minutes of the meeting where the planning board deemed themselves the lead agency in its declarations and the Town Board could not override the Planning Board's determination.

Mr. Osborne asked just who was supposed to enforce regulations.

Mr. Bullock asked why the hours were not being enforced. Mr. Dumian also commented that if the business was operating beyond the specified hours of operation, then the hours should be enforced.

Mr. Osborne replied that they did not have to take his word, he had CDs showing the trucks coming in the dark when you can't see anything but lights. He said the exhaust is so bad that he cannot even go get his mail.

Town Counsel said while the Town Board cannot overrule the Planning Board, the Town does have a Code Enforcement Officer and they should see the Code Officer to enforce any violations.

Mr. Bullock asked, "How can anyone think they are in compliance? Something is absolutely wrong."

Mr. Dumian explained, "The number of trucks was approximated. What I understand is that because the number of trucks was estimated or given as 'approximated' they are not in the wrong." However, Mr. Dumian thought there would be some recourse if they are not staying within the hours of operation that were given and he asked the Code Enforcement Officer to take another look at this and take another look at the hours of operation.

Mr. Minoia commented that he puts a little of the blame on Broome County because they knew the road is narrow.

The Supervisor replied that Broome County had sent the Highway Superintendent and the Director of Public Works out to sit and observe the road traffic and they didn't have a problem.

The Supervisor called for any other public comments.

Mr. Bullock asked if there would be a public hearing on the propane business going in by the rail yard saying that something that has such a major impact on the public should have a warning.

CHRIS KEHOE, 109 HARDIE ROAD, CONKLIN

Mr. Kehoe addressed the Board saying the road is too narrow for 18-wheelers and cars to be on the same road. He said he was all for growing business and helping the taxpayers, but he had safety concerns. He said this business [Tuzze Salt Distribution] is owned by a Pennsylvania company and the Pennsylvania trucks are probably buying their fuel there, and asked how this is benefiting the town.

The Supervisor replied that the business is paying property taxes and the trucks coming into New York have to be licensed to do so.

Mr. Kehoe said he had verified over 40 trucks in there and didn't see in the news where there was anywhere in NYS with an emergency requiring salt this time of year. He continued saying that he had to stop coming up Shaw Road and turning on to Hardie because if one of the trucks

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was coming towards Shaw Road “either you are going to get hit head on or you have to wait. What about fire trucks? What about an ambulance? What about a school bus? You have to get someone to help Bob enforce what is going on . . . my biggest concern is that someone is going to get killed down there. That is my concern.”

There was more discussion about skid marks and inconsiderate drivers.

At this point Mr. Tom Kelly came forward again and expressed concerns about how the Boards operate in the Town. He said he went to the Planning Board meeting and it was obvious that the left hand doesn't know what the right hand is doing.

Ms. Sacco assured him that an attorney is present with each board and they know who enforces the town ordinances and what the boards are responsible for.

Mr. Finch told Mr. Kelly that he was not going to get people stirred up and Mr. Kelly replied, “I think they are a stirred up already.”

At this point Dell Boyle, member of the Planning Board came to the microphone. He said the issue goes back to Hardie Road being a county road. “We approved it, the County approved it.” Mr. Boyle said he is always concerned about traffic anywhere, especially with the boys and girls running cross country . . . “it is a County road and we can't do anything about it.”

After more discussion Mr. Dumian said that he thought it was pretty clear who should be enforcing the hours of operation. “Last night it should have been stated that Bob has the ability to enforce those laws based on that site plan.”

The Supervisor said all business had been addressed and asked for a motion to end the meeting. Mr. Francisco moved that the meeting be adjourned.

Motion seconded by Mr. Bullock.

The meeting adjourned at approximately 7:30 p.m.

Respectfully submitted,

Elizabeth Einstein
Deputy Town Clerk