

**REGULAR TOWN BOARD MEETING**

**JULY 26, 2011**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on July 26, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

**PRESENT:**            Town Board Members            Bullock, Minoia, Francisco, Finch, Preston

                          Town Counsel                        Mark S. Gorgos  
                          Town Clerk                            Sherrie L. Jacobs  
                          Highway Superintendent        Patrick Latting  
                          Assistant to Supervisor        Lisa Houston  
                          Code Officer                         Robert Jones  
                          Town Assessor                      John McDonald  
                          Water & Sewer Superintendent/  
   Parks Superintendent Tom Delamarter

**GUESTS:**            **Country Courier**                    Elizabeth Einstein  
   Ken Boston  
   John Colley  
   Joseph Bartosik  
   Dolly Stout  
   Laurie Francisco  
   Peter J. Motsavage

**MINUTES: JUNE 28, 2011 REGULAR TOWN BOARD MEETING**

Town Clerk Sherrie Jacobs stated that Water and Sewer Superintendent Tom Delamarter stated that the June 28, 2011 Regular Town Board Meeting minutes should be corrected on page 3, line 20 from the bottom, to read “repairs **will be** completed on the software at the well,” rather than “have been completed.”

Mr. Bullock moved to approve the June 28, 2011 Regular Town Board Meeting as corrected.

Seconded by Mr. Finch.

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

**CORRESPONDENCE:**

Supervisor Preston 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:**

**VETERANS MEMORIAL/SCHNURBUSCH PARK**

Mr. Ken Boston spoke to the Town Board about the proposed Veterans Memorial to be constructed in Schnurbusch Park. Mr. Boston stated that his committee had looked at three different locations within the park at which the memorial might be constructed: the site of the current stone commemorating veterans, which is located near the sports fields; the area on the opposite side of the park road from the current memorial, in the area which the Town filled in a few years ago; and near Route 7 in the area of the playground. He stated that his committee believes the site which was recently filled in by the Town provides the best location for the proposed memorial. Supervisor Preston agreed with this opinion.

Mr. Francisco commented that the grade would need to be raised at that site. Mr. Finch commented that it would be “a nice tribute,” adding that drainage will be put in beyond the memorial. Mr. Bullock asked if there is a timeline for the construction of the proposed memorial and Mr. Boston replied that his committee would like it to be completed for either Memorial Day

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or Veterans' Day 2012. Mr. Francisco commented that there is an electrical panel across the park road from the preferred location. The Town Board approved construction at the site that was recently filled in. Bob Page reported that the Veterans Memorial Committee has raised \$8,450 to date toward construction of the memorial. Mr. Boston added that a non-profit organization has been formed to oversee the finances and construction of this project, with tax-exempt status currently being sought. The money that is being held by the Town for this project will be turned over to the non-profit organization.

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Highway Superintendent Patrick Latting thanked Fire Chief Bill Gorman and the Conklin Volunteer Fire Department for their help with equipment.

Mr. Latting reported that Darden Way presents a maintenance issue for the Town due to heavy traffic. He reported that his department used 120 tons of binder to tighten up and repair the roadway near Corporate Drive, which he added is "not a permanent fix." Mr. Latting suggested use of a different egress to counteract the wear and tear, adding that the road was "built very well," but cannot hold up to the heavy traffic. He asked if Darden Way was ever formally turned over to the Town of Conklin by Broome County. Town Counsel Mark Gorgos will research this question and will send a letter to Maines Paper & Food Supply.

Mr. Latting reported that the "CHIPS" (Consolidated Highway Improvement Program) road repair work will not be completed by July 31, as he had hoped. He added that the final 150 tons of material is scheduled to be delivered on July 27. Mr. Latting stated that four miles of roadway, on nine roads, will be treated in 2011.

Mr. Minoia stated that neither Darden Way nor Hickory Lane (also in the Corporate Park) were ever deeded to the Town of Conklin, since no "CHIPS" money has ever been allocated for either road. Mr. Latting stated that both are included in the inventory of highways.

Mr. Latting stated that the kick-off meeting with FEMA (Federal Emergency Management Agency), attended by Mr. Latting, Assistant to the Supervisor Lisa Houston, and Town Engineer John Mastronardi, to discuss road damage was "very informative," adding that a FEMA Team Leader was on hand to assess the situations. He stated that four locations are to be considered for FEMA reimbursement for road repairs.

Mr. Latting reported that he was able to obtain a license plate number and call the Broome County Sheriff's Department and have a ticket issued to a Binghamton resident who was caught stealing scrap metal from the dumpster in the Highway Garage yard.

Mr. Latting reported that Roger from Southern Tier Surveying met with John Mastronardi and Mr. Latting to look at the school crossing on Morris Boulevard where some work needs to be completed. He stated that the location of the property line was determined and the area in need of repair determined to fall within the right-of-way of the Town of Conklin and New York State. Mr. Latting asked if easements are required for the work to be completed. Supervisor Preston stated that she will meet with the property owners but added that no easements are needed and she wants Mr. Latting to move forward to complete the project.

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that his department has completed the quarterly water meter readings. He stated that a pressure sensor on the water tanks had to be replaced, as it was registering a false read of rapid water loss, similar to what would happen in the event of a major water main break. Mr. Delamarter reported that all is well with the sewer system.

Mr. Delamarter reported that the Town softball and baseball seasons are finished, and Town soccer season has started. He reported that the Town Pool was inspected for the second time and was approved. Mr. Delamarter reported that the Town Landfill was mowed, as were the Buyout

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properties. He added that Shawsville Cemetery was mowed in time for July 4. Mr. Delamarter reported that the concession stands in Schnurbusch Park have been broken into twice and candy stolen. He stated that he changed the locks at the Pool and money from the Pool is now being deposited in a drop box at the Town Hall. Mr. Delamarter reported that the water has been shut off at 560 Conklin Road.

Mr. Delamarter stated that he and Code Officer Robert Jones looked at the new boat launch (Sullivan Park) and will send their findings to Town Attorney Cheryl Sacco. He stated that Mr. Jones observed that something is needed to keep cars from driving off the side of the entrance. Mr. Delamarter stated that lights are needed at the site, as well as a sign stating that the park "Closes at Dusk." He commented that cars get stuck when backing boats down to the river because of the pitch of the driveway. Mr. Jones commented that signage is needed to indicate that the park is "walk-in access only," meant for kayaks, canoes, and small motor boats. Supervisor Preston wants these improvements in place before the August 23 Town Board meeting.

### **REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that he and Code Clerk Marilou Gabello met with John Mastronardi and Tom Brett for five hours to discuss the CRS (Community Rating System) program. He stated that the Town's rating could be brought down to less than "8" if all requirements are met, adding that the Town gets points for houses lost in the 2006 Flood (the Buyout properties), as well as mitigation completed by the Town. Supervisor Preston explained that this lower rating could result in up to a 10% discount on everyone's flood insurance, including the Town's flood insurance. Mr. Jones stated that the Town of Conklin is ahead of other communities in its progress with this CRS process.

Mr. Jones stated that a letter was sent by Attorney Cheryl Sacco to the property owners with the ditch in the cul-de-sac on Stillwater Road instructing them that the ditch needs to be filled in, as it is a safety hazard and is in the Town's right-of-way. Mr. Latting and Mr. Mastronardi looked at the site in question, which is used as a cornfield. Mr. Latting stated that the property owners dug the ditch to keep ATV and motorcycle riders out of the cornfield, adding that the farmer growing the corn wants guard rails installed. Mr. Latting added that it is a four foot drop from the paved area to the bottom of the ditch. Mr. Mastronardi stated that the old, damaged guard rail should be removed and the area re-tapered and better maintained. He was also checking property lines.

Mr. Minoia asked about the clean-up at 11 Clearview Avenue. Mr. Jones will send a letter to the property owners, since no further progress has been made and the deadline for completion of the clean-up was June 30. Supervisor Preston stated that the clean-up must be completed by the August 23 Town Board meeting, adding that the grass-mowing and filing fees are reimbursable to the Town and the property owners will be charged these costs.

### **REPORT: DOG CONTROL OFFICER**

Refer to written report.

### **REPORT: TOWN CLERK**

Refer to written report.

### **REPORT: SUPERVISOR'S OFFICE**

In addition to her written report, Supervisor Preston stated that the Town of Conklin water system had been inspected by the Broome County Health Department and found to be "efficiently and safely run."

(Copies of all written reports are on file in the office of the Town Clerk and may be viewed during normal work hours.)

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**OLD BUSINESS:**

**2012 BUDGET**

Supervisor Preston reported that all department heads have submitted their requests for the 2012 Budget and she thanked them for their prompt attention to this deadline.

**NEW BUSINESS:**

**RESO 2011-99: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/TOWN OF KIRKWOOD/SUMMER ARTS & CRAFTS PROGRAM**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with the Town of Kirkwood to provide a Summer Arts and Crafts Program.

Seconded by Mr. Bullock.

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

**RESO 2011-100: RATIFY PAYMENT/D. PRESTON/MILEAGE REIMBURSEMENT/JUNE 6-17, 2011**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2709, account code A1220.4, in the amount of \$77.01 to Debra A. Preston for mileage reimbursement for the period June 6 through June 17, 2011.

Seconded by Mr. Francisco.

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

**RESO 2011-101: RATIFY PAYMENT/NYS UNEMPLOYMENT INSURANCE/2<sup>ND</sup> QUARTER SELF-FUNDED UNEMPLOYMENT INSURANCE CLAIM**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2849, account code A9050.8, in the amount of \$3,328.00 to New York State Unemployment Insurance for payment of 2<sup>nd</sup> Quarter Self-Funded Unemployment Insurance claim.

Seconded by Mr. Francisco.

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

**RESO 2011-102: APPROVE \$.15 PER HOUR WAGE INCREASE/THOMAS L. NICKERSON/PER TOWN OF CONKLIN POLICY MANUAL PAGE 7, ARTICLE 8, PARAGRAPH 1/EFFECTIVE JULY 24, 2011**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves an increase of \$.15 per hour wage increase, effective July 24, 2011, for Thomas L. Nickerson, per the Town of Conklin Policy Manual, Page 7, Article 8, Paragraph 1.

Seconded by Mr. Minoia.

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**RESO 2011-103: RATIFY INCREASE IN PAY RATE TO \$8.00 PER HOUR/ALEXANDER A. MARTIR/EFFECTIVE JULY 6, 2011/PROMOTION TO ASSISTANT POOL MANAGER**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an increase in pay rate to \$8.00 per hour, effective July 6, 2011, for Alexander A. Martir, due to his promotion to Assistant Pool Manager of the Town Pool.

Seconded by Mr. Finch.

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

**RESO 2011-104: AUTHORIZE JULY 12, 2011 PRE-APPROVED PAYMENTS/BILL LIST/\$79,614.09**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the July 12, 2011, pre-approved payments of the following Bill List in the total amount of \$79,614:09:

General	\$ 8,124.85
Highway	25,995.41
Sewer District	42,013.21
Water District	<u>3,520.62</u>
<b>Total</b>	<b>\$79,614.09</b>

Seconded by Mr. Finch.

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

**RESO 2011-105: AUTHORIZE RECLASSIFICATION/INVOICES/FROM DA-5110.4 (GENERAL ROAD REPAIR – CONTRACTUAL) TO DA-8760.4 (EMERGENCY DISASTER WORK – CONTRACTUAL)**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes reclassification of the following invoices from DA-5110.4 (General Road Repair – Contractual) to DA-8760.4 (Emergency Disaster Work – Contractual) (see attached).

Seconded by Mr. Minoia.

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

**RESO 2011-106: AUTHORIZE PAYMENT/BILL LIST/\$53,277.31**

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 \$53,277.31:

General	\$24,692.05
Highway	22,784.55
Light District	1,963.36

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Sewer District	733.65
Water District	<u>3,103.70</u>
<b>Total</b>	<b>\$53,277.31</b>

Seconded by Mr. Francisco.

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

**REQUEST FOR EXECUTIVE SESSION**

Attorney Mark Gorgos, who has not been the legal representative at the Town Board meetings for some time, commented that “it’s good to be back,” adding that he is requesting an Executive Session for a Personnel issue and Litigation.

**LIGHTS AT SCHNURBUSCH PARK**

Mr. Francisco commented that he is working with Parks Superintendent Tom Delamarter regarding lighting at Schnurbusch Park.

**DRAINAGE ON FALL BROOK ROAD & MONEY FROM AUDIT OF TIME WARNER**

Mr. Finch had two questions: he asked for an update on the drainage issue on Fallbrook Road and Mr. Gorgos stated that this would be discussed in Executive Session. Mr. Finch asked for an update on the money from the audit of Time Warner Cable and Supervisor Preston stated that her assistant, Lisa Houston, is working on this project.

**RESO 2011-107: SECHEDULE SPECIAL TOWN BOARD MEETING/SEPTEMBER 10, 2011/12:30 P.M./COMMUNITY CENTER GROUNDS**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Special Town Board Meeting at 12:30 P.M. on September 10, 2011, at the Floyd Maines Community Center Grounds, 942 Conklin Road.

Seconded by Mr. Bullock.

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

**COMPLETE SMOKING BAN IN TOWN PARKS**

Supervisor Preston asked the Town Board to move forward toward adopting a complete ban on smoking in Town parks, including adding signage stating the ban. She noted that enforcement of such a ban is “not usually an issue.” Mr. Gorgos stated that he will draft a local law to be introduced at the August 23, 2011 Town Board meeting and, at that meeting, the Town Board will schedule a Public Hearing on this proposed local law for a later meeting.

**RESO 2011-108: EXECUTIVE SESSION/PERSONNEL ISSUE & LITIGATION**

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 7:58 P.M. to discuss a personnel issue and litigation.

Seconded by Mr. Finch.

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 7:58 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston,

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Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, Town Assessor John McDonald, and Attorney Mark Gorgos. 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 the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation, and regarding proposed, pending, or current litigation.

**RESO 2011-109: RE-OPEN REGULAR TOWN BOARD MEETING**

After these discussions, Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:14 P.M.

Seconded by Mr. Minoia.

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

**RESO 2011-110: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/ASSESSMENT APPRAISAL ASSOCIATION, INC./PROFESSIONAL SERVICES**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with Assessment Appraisal Association, Inc., for professional services.

Seconded by Mr. Finch.

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

**RESO 2011-111: AUTHORIZE SURVEY/PORCION OF TAX MAP PARCEL 210.04-1-13/ AT COST NOT TO EXCEED \$5,100.00**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a survey be done of a portion of Tax Map Parcel 210.04-1-13, at a cost not to exceed \$5,100.00.

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. Finch moved for adjournment, seconded by Mr. Bullock.

The meeting adjourned at 8:17 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk