

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on August 27, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Town Justice	J. Marshall Ayres
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta

GUESTS:	Country Courier	Elizabeth Einstein
	Broome County Executive	Debra A. Preston
	Deputy County Executive	John Bernardo
	Broome County Budget	Marie Kalka
	Broome County Planning	Elaine Miller
	Broome County Public Works	Dan Schofield
		Gary F. Blaisure
		William Dumian, Jr.
		Kelly Luce
		Mark Gates
		William Dumian, Sr.
		Tom Edmister
		Dolly Stout
		Laurie Francisco
		Domenico Rossi
		Darlene Weidman
		Paul Preston
		Dennis Harder
		Gail Kumpan

NEW BUSINESS:

PRESENTATION BY BROOME COUNTY OFFICIALS

Broome County Executive Debra Preston introduced the following members of her staff: Deputy County Executive John Bernardo, Commissioner of Public Works Daniel Schofield, Budget Director Marie Kalka, and Commissioner of Planning and Economic Development Elaine Miller.

Executive Preston stated that the Town will be receiving a refund in 2014 of approximately \$1,445 from the monies paid for the contract with the Front Street Dog Shelter, adding that there will be no change to the contract.

Budget Director Marie Kalka stated that the sales tax revenue has not been split 50-50 with the municipalities, but added that 10% more was given to the municipalities in 2013. She stated that she recommends an estimate of \$1,174,233 in sales tax revenues for municipalities to use in

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determining their 2014 budgets, adding that the Third Quarter Of 2013 will be the last quarter of reductions, and 20% of the excess sales tax revenues received will be returned to the municipalities. Executive Preston added that the “retirement numbers look good at the County.”

Commissioner of Planning and Economic Development Elaine Miller stated that the New York State Office of Community Renewal administers a federal grant for the Community Reconstruction Program, adding that \$15,000,000 in federal monies will be made available for the City of Binghamton and the Towns of Union, Conklin, and Vestal, and the Village of Johnson City. She stated that a committee, consisting of her, Chief County Planner Frank Evangelisti, and representatives from each of the named municipalities, was formed to oversee the distribution of these monies. Ms. Miller stated that there are many possible projects that this grant could fund, adding that there is “a better chance of getting the money if we work together.” She stated that public participation will be available and that there will be a kick-off meeting after Labor Day.

Broome County Public Works Commissioner Daniel Schofield discussed the County’s Road Use Agreement and tipping fees, with Executive Preston adding that there is no increase in tipping fees at the County Landfill. Mr. Schofield stated that with New York State now paying the 25 % of the cost of demolition of Flood Buyout (through FEMA – Federal Emergency Management Agency) structures, the County has reduced the tipping fees from \$70 per ton to \$40 per ton, and \$60 per ton for friables (such as asbestos). He stated that the County cannot waive the tipping fees for flood debris but lowered them. Supervisor Finch commented that the Town will award demolition of structures to the low bid per parcel to be demolished.

Mr. Schofield stated that Corporate Drive in the Broome Corporate Park is being repaved utilizing a new process of milling and replacement, letting the materials settle, then applying a two inch overlay. He stated that the Broome County Road Use Agreement incorporates the Delta Version 3.0 plan, which will move forward in September-October of 2013. Mr. Schofield explained that the program lasts for the life of the projects and is for new projects only and only during construction. Town Attorney Cheryl Sacco added that this is not an industry-specific local law.

Mr. Schofield stated that there is free stone available to municipalities at the County Landfill, adding that the County will load stone onto municipal trucks. He added that there will be rip rap available later in the autumn.

Mr. Schofield stated that the Salt Distribution Plant on Hardie Road, owned by Joseph Tuzze, has agreed to bond to repair the road from damage caused by its trucks. Executive Preston stated that “No Idling” signs will be posted and the Broome County Sheriff’s Department will patrol the road to enforce this restriction.

Deputy County Executive John Bernardo discussed payments owed by the Town of Conklin to the County on the Town Landfill, with Executive Preston quoting the **Country Courier** as stating the Town has “\$165,000 left to pay.” Mr. Bernardo stated that the actual debt remaining is \$1,034,474.08, adding that Conklin has received “an interest-free loan” from the County. The Town will pay \$50,350 each year for 2013 and 2014.

Mr. Finch thanked all of the County officials for attending the Town meeting.

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MINUTES: JULY 23, 2013 REGULAR TOWN BOARD MEETING

Mr. Bullock stated that a clarification is needed on page 4, lines 6 and 7 from the top, in which the Supervisor and Public Works Superintendent Tom Delamarter are quoted as stating that no overtime pay has been paid to the Deputy Highway Superintendent. What both men meant was that no overtime pay has been paid to Mr. Delamarter, who has had oversight of the Highway Department in 2013 as part of his duties as Public Works Superintendent. Michael Mott is the Deputy Highway Superintendent.

Mr. Bullock also stated that a clarification is needed on page 4, 22 and 23 from the top, in which it states that “the workers’ pay rate was increased to \$12.00 per hour.” Mr. Bullock stated that the rate is \$16.00 per hour.

Mr. Bullock moved that the July 23, 2013 Regular Town Board Meeting minutes be approved with the above clarifications.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from U.S. Congressman Richard Hanna regarding benefits for volunteer firefighters. He acknowledged receipt of correspondence from the New York State Department of Environmental Conservation regarding inspection of dams, which he stated was forwarded to the Broome County Industrial Development Agency. Mr. Finch acknowledged receipts of tax certioraris from both Johnson Outdoor and International Paper disputing tax assessments. He acknowledged receipt of a letter from Town Justice J. Marshall Ayres requesting an Executive Session.

PUBLIC COMMENTS:

TIME WARNER CABLE

J. Marshall Ayres asked if Time Warner Cable will be repairing the main transmission lines through the Town as part of the new agreement. Ms. Sacco stated that she will give an update on the agreement negotiations later in the meeting.

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Deputy Highway Superintendent Mike Mott reported that the “CHIPS” (Consolidated Highway Improvement Program) projects of repaving have been completed, adding that there is more shoulder fill work to do. He reported that two more people

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have been arrested and fined for illegal dumping at the Highway Garage. Mr. Mott stated that the department has also been busy with mowing and truck repair.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom Delamarter reported that softball and baseball season are over in the parks and soccer has begun. He stated that the Town Pool will close on August 29 for the season. Mr. Delamarter stated that he received a letter from the Seniors Softball League making a donation of \$100 to the Town for the use of its ball fields.

Mr. Delamarter reported that the quarterly testing of the Town Landfill has been completed. He stated that the water/sewer meter reading and billing has been completed and a water leak has been repaired. Mr. Delamarter stated that debris at Sewer Station 5 has caused issues again, adding that the Town will buy a wench for the cost of \$1,300 to use to pull the pumps, adding that this is more cost effective than hiring an outside company to do this every time there is a problem requiring the pumps be pulled.

Mr. Delamarter reported that Shawsville Cemetery has been mowed and the fence will be completed on August 29, adding that the poles were reset. He stated that the Town's water placed 2nd in regional judging and will be judged for taste on August 29 at the New York State Fair.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he issued ten building permits last month, including one for a house on Woodside Avenue which had been in disrepair, which now has a new foundation and has been repaired. He stated that the Planning Board approved two new businesses, City Cab and Jerry's Auto Sales. Mr. Jones stated that he has been working with property owners on the Buyout process, looking at duplication of benefits paperwork. He stated that he has received quotes from companies to monitor asbestos at the demolition sites.

Mr. Jones asked the Board what they want him to do regarding the flood-damaged building at 560 Conklin Road, adding that transients have been seen in the building and that he considers it dangerous. He asked if the Board would like him to board up the building to deny access. Ms. Sacco stated that while CP Rail owns the land on which the building is situated, it does not own the structure itself. The Town has not been able to contact supposed owner Ray Knapp.

Mr. Bullock stated that the property on the corner of Rosewood Drive and Carlin Road needs to be mowed. Mr. Jones stated that he has sent a letter to the property owner and has been unable to contact him, although he agreed that the property needs to be mowed. Mr. Finch stated that it costs the Town money to mow a property because the Town must pay the private mowing company up front and be reimbursed much later through property taxes. Mr. Minoia asked if a letter was placed on the property. Mr. Jones stated that he sent the standard grass law notification letter, citing Town Code Section 62-4. Ms. Sacco explained that the procedure is to send this notification letter via certified mail, then, if there is no response, another letter via First Class mail and to place a notice upon the structure.

Mr. Finch stated that the property at the golf driving range also needs to be mowed. Ms. Sacco asked if there are mowing services on the County bid listing or if the Town could obtain competitive bids for these kinds of situations.

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NEW BUSINESS:

2014 BUDGET

Copies of the proposed 2014 Town of Conklin Budget were dispersed to the Board members. They are asked to bring any questions to the September 10, 2013 Town Board meeting, at which department heads will be present to answer specific questions.

RESO 2013-110: AUTHORIZE J. MARSHALL AYRES/APPLY FOR 2013-2014 JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Justice J. Marshall Ayres to apply for the 2013-2014 Justice Court Assistance Program (JCAP) Grant, with the grant award amount to be determined by the New York State Unified Court System Board.

Seconded by Mr. Minoia.

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

RESO 2013-111: RATIFY PAYMENT/ALLISON HASKELL/CONKLIN-KIRKWOOD SUMMER FUN PROGRAM SHARED SERVICES

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6231, account code A7320.4, in the amount of \$525.00 to Allison Haskell for the Conklin-Kirkwood Summer Fun Program shared services.

Seconded by Mr. Francisco.

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

RESO 2013-112: RATIFY PAYMENT/JOHN TENNIS COMPANY/FIBER GLASS TOP REPLACEMENT/ARMY DUMP TRUCK #411

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6238, account code DA5130.4.411, Purchase Order #13-01331, in the amount of \$700.00 to the John Tennis Company for fiber glass top replacement for Army Dump Truck #411.

Seconded by Mr. Francisco.

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

RESO 2013-113: RATIFY PAYMENT/U.S. POSTAL SERVICE/3RD QUARTER WATER BILLING POSTAGE

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6316, account code SW8310.4, in the amount of \$303.60 to the U.S. Postal Service for postage for the 3rd Quarter Water billing.

Seconded by Mr. Bullock.

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

**RESO 2013-114: RATIFY PAYMENT/NYS MAGISTRATES
ASSOCIATION/REGISTRATION FEE/J. MARSHALL AYRES/ATTEND NYS
MAGISTRATE CONFERENCE/SEPTEMBER 10 & 11, 2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6317, account code A1110.4, in the amount of \$50.00 to the New York State Magistrates Association for the registration fee for J. Marshall Ayres to attend the New York State Magistrate Conference to be held on September 10 and 11, 2013.

Seconded by Mr. Francisco.

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

**RESO 2013-115: ACCEPT DONATIONS/CONKLIN RAIDERS FASTPITCH
SOFTBALL, INC. & FIDELIS CARE NEW YORK**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the following donations under account code A2750:

Conklin Raiders Fastpitch Softball, Inc. (Park)	\$200.00
Fidelis Care New York (Community Picnic)	<u>\$200.00</u>
Total	\$400.00

Seconded by Mr. Minoia.

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

RESO 2013-116: RATIFY PRE-AUTHORIZED PAYMENT/BILL LIST/\$185,580.34

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the pre-approved payment of the following Bill List in the total amount of \$185,580.34:

General	\$ 37,004.07
Highway	131,250.26
Fire Protection District	114.00
Flood Emergency	404.20
Light Districts	2,026.03

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Water District	11,098.75
Sewer District	<u>3,683.03</u>
Total	\$185,580.34

Seconded by Mr. Francisco.

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

RESO 2013-117: AUTHORIZE PAYMENT/BILL LIST/\$37,224.80

Mr. Minoia 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 \$37,224.80:

General	\$ 20,041.26
Highway	6,948.90
Flood Emergency	77.47
Light Districts	1,771.16
Water District	2,425.28
Sewer District	1,690.73
Non-Budget	<u>4,270.00</u>
Total	\$ 37,224.80

Seconded by Mr. Francisco.

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

DISCUSSION OF AWARD OF BIDS/DEMOLITION OF BUYOUT PROPERTIES

Ms. Sacco stated that, although a 10% bid bond was required per bid specifications, All Around Storage, LLC, d/b/a All Around Excavating, submitted a bid bond that was “inconsistent on its face,” adding that the Town could not determine if the bid bond was for 5% or 10%. She added that the Town Board can choose to waive this requirement or not. Mr. Bullock stated that the bid specifications require 10% and all bidders should be held to that standard and Mr. Francisco agreed. Ms. Sacco stated that this issue with the bid bond could indicate “irresponsibility or carelessness” on the part of the bidder, and urged the Board to “be careful with the wording” of its resolution.

RESO 2013-118: REJECT BID/ALL AROUND STORAGE, LLC d/b/a ALL AROUND EXCAVATING

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rejects the bid from All Around Storage, LLC, d/b/a All Around Excavating for failure to submit the correct bid bond amount in the amount of 10%, which shows “irresponsibility or carelessness” in examination of bid specifications and requirements.

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Seconded by Mr. Finch.

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

Mark Gates of All Around Excavating stated that the error on the bid bond was made by the company's insurance company. Ms. Sacco stated that the erroneous bid was submitted as part of the bid process. Mr. Gates stated that All Around Excavating will write a letter of protest and "will want a copy of the rules." He then submitted a pre-written letter of protest to the Board, adding that this was "the first time we've heard about it" (the error on the bid bond). Ms. Sacco asked why he had a pre-written letter of protest if this is the first time he had heard about the error, and Mr. Gates stated that "other municipalities have made mistakes with bid awards." He added that his company had "worked for Elmira Correctional Institute for a year." Ms. Sacco replied that "the Board has the right to review the bids and seek legal advice." Mr. Minoia stated that it would set a bad precedence to waive the bid requirements.

Ms. Sacco stated that the bids would be divided, lowest bid per parcel, between Gorick Construction and ZMK Construction, with the low bids from All Around Excavating to be divided between the other two companies. This would mean Gorick Construction would be awarded 24 properties and ZMK Construction would be awarded 22 properties. Mr. Finch stated that this will save the taxpayers approximately \$50,000.

RESO 2013-119: AWARD BIDS/DEMOLITION OF 2011 FLOOD BUYOUT
PROPERTY STRUCTURES/HMGP #4020-0017

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the following bids for demolition of 2011 Flood Buyout Property Structures, HMGP #4020-0017, to Gorick Construction, 24 properties for a total cost of \$195,300 and to ZMK Construction, 22 properties for a total cost of \$154,500, as follows:

<u>PROPERTY ADDRESS</u>	<u>NO</u>	<u>GORICK</u>	<u>ZMK</u>
15 ADRIANCE ROAD	1	8,000	8,200
10 ARDUTUS AVE	2	7,000	3,900
11 BARBARA AVE	3	7,000	2,900
27 BARBARA AVE	4	7,000	8,200
17 BEROTA COURT	5	7,000	8,800
33 BEROTA COURT	6	9,000	7,000
5 CHERRY DRIVE	7	7,000	5,000
9 CHERRY DRIVE	8	6,000	4,000
9 CLEARVIEW AVE	9	10,000	9,200
589 1/2 CONKLIN RD	10	5,000	10,500
772 CONKLIN RD	11	14,000	17,500

783 CONKLIN RD	12	6,000	6,400
785 CONKLIN RD	13	6,500	6,800
798 CONKLIN RD	14	7,000	5,800
867 CONKLIN RD	15	9,000	8,400
964 CONKLIN RD	16	16,000	22,800
1219 CONKLIN RD	17	9,400	8,200
1221 CONKLIN RD	18	9,400	9,200
1239 CONKLIN RD	19	12,000	9,000
1249 CONKLIN RD	20	8,000	9,200
1297 CONKLIN RD	21	8,000	17,000
9 JR BLVD	22	6,400	5,000
11 JR BLVD	23	7,000	9,200
6 JUNE ST	24	10,000	8,200
20 JUNE ST	25	9,000	7,600
2 LILAC PLACE	26	9,000	9,300
6 LOTUS AVE	27	7,000	8,600
11 LOTUS AVE	28	9,000	9,600
23 LOTUS AVE	29	5,000	6,400
9 MACGEORGE ST	30	5,400	6,000
11 MACGEORGE ST	31	5,400	6,500
4 MAXWELL CT	32	8,000	6,900
14 MAXWELL CT	33	9,000	10,500
1 MILLER ST	34	10,000	9,700
5 MILLER ST	35	10,000	16,000
11 MORRIS BLVD	36	8,000	4,200
1076 POWERS RD	37	14,000	21,000
9 SHIPMAN RD	38	8,000	6,900
62 STILLWATER RD	39	6,000	9,300
134 STILLWATER RD	40	6,000	7,400
4 TERRACE DR	41	9,000	8,200
9 VICTORY AVE	42	9,000	7,800
17 WOODCREST WAY	43	8,500	8,300

18 WOODCREST WAY	44	8,500	9,300
20 WOODCREST WAY	45	8,500	8,600
25 WOODCREST WAY	46	<u>10,000</u>	<u>9,100</u>
TOTALS		384,000	407,600
		\$	\$
AWARDED	349,800	195,300	154,500
# OF PROPERTIES	46	24	22

Seconded by Mr. Bullock.

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

Mr. Gates stated that “FEMA has a detailed plan for disputes,” and asked how the dispute will be handled. Ms. Sacco stated, “You will hear from us.” Mr. Gates stated that All Around Excavating “will go to FEMA.”

OLD BUSINESS:

TIME WARNER CABLE AGREEMENT

Ms. Sacco presented an update on the negotiations for the Agreement renewal with Time Warner Cable, adding that she had sent a letter to Mr. David Whalen at Time Warner Cable. She stated that the points of dispute are: length of term of the agreement; number of services, such as security at the Highway Garage and addition of cable service on Gratsinger Road; and the Town’s ability to audit the Time Warner Cable bills, specifically the number of times per year the Town can audit. Ms. Sacco stated that she will add the repair of the main transmission lines through the Town to the list of discussion points.

RESO 2013-120: ADOPT THE FORM OF QUESTION FOR LOCAL LAW SUBJECT TO MANDATORY REFERENDUM ON NOVEMBER 5, 2013

PRESENT:

Supervisor James E. Finch
 Councilman Gary D. Bullock
 Councilman Charles Francisco
 Councilman Jerry Minoia
 Councilman vacant

ABSENT:

Offered By: Mr. Bullock **Seconded By:** Mr. Francisco

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

WHEREAS, the Conklin Town Board adopted on July 23, 2013, A Local Law “Abolishing the Position of an Elected Town Highway Superintendent and Creating an Appointed Town Highway Superintendent position, subject to Mandatory Referendum”, a copy of which is attached hereto and made a part hereof; and

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WHEREAS, said Local Law is subject to a mandatory referendum at the general election to be held on November 5, 2013; and

WHEREAS, the Town Board must submit to the County Board of Elections the form of question for the Town's electors to answer at said election;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts, for this local law, the following form of question to be submitted to the Town's electors:

PROPOSITION 1:

PROPOSITION NO. 1 - WHETHER THE TOWN OF CONKLIN HIGHWAY SUPERINTENDENT SHALL BE AN APPOINTED POSITION, submitting this local law to the electors of the Town of Conklin, County of Broome, State of New York, to be voted upon at the General Election of the Town of Conklin to be held upon November 5, 2013.

Shall there be approved and adopted in the Town of Conklin, this local law as approved by the Town Board of the Town of Conklin, to change the Town Highway Superintendent from an elected position to a position appointed by the Town, effective January 1, 2014?

[] Yes [] No

BE IT FURTHER RESOLVED this resolution shall take effect immediately.

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, New York, on August 27, 2013. 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 vacant		

Dated: August 27, 2013

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk of the Town of Conklin

RESO 2013-121: AUTHORIZE ATTORNEY CHERYL SACCO/ISSUE STIPULATION OF DISCONTINUANCE/FISHER SCIENTIFIC/TAX CERTIORARI

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Attorney Cheryl Sacco to issue a Stipulation of Discontinuance in the tax certiorari involving Fisher Scientific from 2006-2007.

Seconded by Mr. Francisco.

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

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Ms. Sacco explained that Fisher Scientific will not be receiving a refund on taxes paid.

JOHNSON OUTDOOR TAX CERTIORARI

Ms. Sacco stated that Judge Tait has oversight of the tax certiorari filed by Johnson Outdoor, adding that a clerk who works in Judge Tait's office is married to a partner in the law firm that represents Johnson Outdoor in the tax certiorari, thus creating a potential conflict of interest.

RESO 2013-122: RETAIN JUDGE TAIT/JOHNSON OUTDOOR TAX CERTIORARI

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin retains Judge Tait in the case of the Johnson Outdoor tax certiorari.

Seconded by Mr. Bullock.

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

FLOOD DOORS/COMMUNITY CENTER

Mr. Bullock asked about the status of the flood doors at the Maines Community Center and Mr. Finch stated that they have been constructed and they are ready for installation by Jerry Wilson. Mr. Bullock asked if this would add extra cost to the bid and Mr. Finch stated that the price will be \$15,500 – no additional cost. The flood doors will be stored in the garage attached to the Community Center.

FLOODED PROPERTIES/MINIMUM ASSESSMENTS & UNSAFE STRUCTURES

Mr. Minoia stated that properties which have been flooded but are not in the Buyout program still have minimal assessments and unsafe structures. He added that the Town needs to set a time limit, maybe two years, in which the property owner must do something to clean up the property. "We must do something," said Mr. Minoia. Ms. Sacco stated that the Town Board cannot control assessments. Code Officer Jones stated that there is a process for removal of unsafe structures under the Town Code and asked what steps the Board would like him to take in this matter. Mr. Minoia will make a list of the properties in question and will talk with Town Assessor John McDonald about the assessments. Mr. Minoia stated that he needs a map of the properties bought by the Town through FEMA in the 2006 Flood Buyout Program.

LIGHTS ON DURING DAYTIME/COLESVILLE ROAD EXTENSION

Mr. Francisco stated that there are two street lights on the Colesville Road Extension that are turned on during the daylight, costing the tax payers money. He will contact NYSEG (New York State Electric and Gas Corporation) to see if this issue can be resolved.

PARK PAVILION & COMMUNITY CENTER RENTALS

Mr. Francisco stated that the Town Board should discuss the rates of pavilion rentals at the Town parks, adding that a fee structure similar to that used for renting the Community Center should be used. Mr. Finch commented that the Town reads the electric meter before and after the Conklin Fair and charges the Fair Committee for the extra usage. Town Clerk Sherrie Jacobs, who

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handles rentals for both the Community Center and the park pavilions, stated that clarification is needed in the Community Center Rental Agreement, as to what is and isn't allowed and who is responsible for such items as garbage removal.

CONCERT IN THE PARK SEASON FINALE & BBQ

Ms. Jacobs reminded those present that the Concert in the Park Season Finale and Town BBQ will take place at Schnurbusch Park on August 28 from 6 to 8 P.M., with set-up at 5:30 P.M.

RESO 2013-123: EXECUTIVE SESSION/LITIGATION & SALARY OF TOWN OF CONKLIN EMPLOYEE

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 6:56 P.M. to discuss potential litigation and the salary of a Town of Conklin employee.

Seconded by Mr. Finch.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 6:56 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Attorney Cheryl Sacco, Town Justice J. Marshall Ayres, and Town Clerk Sherrie Jacobs. Town Clerk Jacobs 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 possible litigation and regarding the salary of a particular employee of the Town of Conklin.

RESO 2013-124: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 7:48 P.M.

Seconded by Mr. Minoia.

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

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:49 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk