

REGULAR TOWN BOARD MEETING

SEPTEMBER 10, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on September 10, 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
	Public Works Superintendent	Tom Delamarter
	Planning Board	Dell Boyle
GUESTS:	Country Courier	Elizabeth Einstein
		John Colley
		Michael Gabello
		Laurie Francisco
		Tony Marascia

MINUTES: AUGUST 27, 2013 REGULAR TOWN BOARD MEETING

The Town Board decided to hold over approval of the August 27, 2013 Regular Town Board Meeting minutes until the September 24, 2013 Town Board meeting.

CORRESPONDENCE:

Supervisor Finch acknowledged receipt of correspondence from Broome County seeking to acquire vacant Town of Conklin properties for a Land Bank. The Town Board noted that it had rejected this proposal last spring and voted a second time to send a resolution rejecting this proposal.

RESO 2013-125: CONTINUE TO REJECT BROOME COUNTY'S APPLICATION TO ACQUIRE TOWN OF CONKLIN LANDS FOR A LAND BANK

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin continues to reject Broome County's application to acquire Town of Conklin lands for a Land Bank, as verified in RESO 2013-22 at the February 12, 2013 Town Board meeting.

Seconded by Mr. Minoia.

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

Mr. Finch acknowledged receipt of correspondence from the law firm of Hinman, Howard, and Kattell regarding the bid for demolition of flood buyout structures made by All Around Excavating, which was rejected by the Town Board because the bid bond was insufficient and unclear. Town Counsel Cheryl Sacco stated that she sent a letter to the manager of All Around Excavating explaining the guidelines for making a protest under Article 78 of the Town Board's decision, adding that the company had contacted her asking the Town Board to reconsider its decision. Ms. Sacco stated that the bid was already awarded, adding that the Board's decision was an "appropriate action under the law."

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Mr. Finch acknowledged receipt of correspondence regarding an opportunity to meet with Governor Andrew Cuomo regarding a grant for \$3,000,000 which the Town of Conklin will receive. Mr. Finch attended the meeting with the Governor on September 10. He stated that these monies could be used for developments in the Town's water and sewer systems. Mr. Francisco asked if there is a time limit for developing proposals to utilize these funds and Mr. Finch replied that there is a limit of eight months. Mr. Finch stated that an Executive Committee of representatives from the municipalities which are receiving funds from this grant will decide the distribution of funds. He added that some of the Town of Conklin's share could also be used to alleviate flood damage, adding that these monies are in addition to the grant for drainage development that the Town is pursuing.

PUBLIC COMMENTS:

ASSESSMENTS ON FLOODED PROPERTIES

Tony Marascia of Conklin Road stated that the assessments on properties that were flooded in 2011 have been lowered to \$100 and asked where the money is coming from to make up for the loss of tax revenue on these properties. Mr. Finch stated that the Town has been operating on a tight budget and that there will be no increase in taxes in the 2014 Town Budget, adding that he hopes to bring taxes down \$5 per \$100 assessed value. Mr. Minoia stated that the assessments have been down since 2011. Mr. Finch commented that the school tax increased 2.4% this year.

REPORT: TOWN CLERK

Refer to written report.

OLD BUSINESS:

FEMA BUYOUT

Code Officer Robert Jones stated that he has been researching grants from the EPA (Environmental Protection Agency) for a small wastewater treatment plant.

Mr. Jones stated that he has been working with property owners who are enrolled in the 2011 Flood Buyout Program through FEMA (Federal Emergency Management Agency) on their duplication of benefits packets. He noted that he sent out 46 packets for potential Buyout participation, plus the five vacant lots that are also potentially part of the Buyout. Mr. Jones stated that he has received back 35 out of those 46 packets, adding that three property owners have dropped out of the Buyout Program, but one of these wants to re-apply to participate. He stated that he will be sending the paperwork to Tom Abatti in Albany at SEMO (State Emergency Management Agency, which administers the FEMA Buyout Program in New York State) by the end of the week. Ms. Sacco asked if the appraisals have been approved by SEMO and Mr. Jones confirmed that they have been approved.

Mr. Jones stated that income forms are needed from the participants in order for HUD (Office of Housing and Urban Development) to pay the 25% of the cost of the Buyout Program not covered by FEMA. He stated that the Town has a new signed contract which states that HUD will pay the 25%, meaning that 100% of the cost will be paid. Mr. Jones stated that the next step will be to meet with the attorneys and property owners to give an offer to purchase the properties. He stated that 75% is guaranteed at the time of closing. Ms. Sacco asked if the remaining 25% will be in place by closing and Mr. Jones replied that he is "99.9% sure it will be." Mr. Bullock

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asked if HUD's involvement means that the Buyout offers will be income sensitive. Mr. Minoia stated that the purchase offers should be made based on 75%.

BIGGER WATERS FLOOD REFORM ACT

Mr. Jones stated that he met with Pamela Harris from FEMA to discuss the Bigger Waters Flood Reform Act. He stated that, effective October 1, 2013, there will be changes to the cost of flood insurance, part of which has been subsidized in the past. He stated that the rates will increase, with many factors impacting them, and that all property owners seeking flood insurance will need to obtain an elevation certificate. Mr. Bullock asked if this would be based on the 100-year flood plain or the 500-year flood plain. Mr. Jones stated that it would need to be above the 100-year flood plain. Mr. Bullock asked if that was not the purpose of the recently completed flood mapping. Mr. Jones replied that an elevation certificate can help to get a more accurate rate. Mr. Bullock stated that this means that all property owners living in the flood areas must get an engineer's certificate of elevation. Mr. Jones commented that some property owners have split their lots into two lots – one higher, and one lower in elevation. Mr. Minoia commented that flood insurance covers only the dwelling, not property. Mr. Jones commented that the new cost of flood insurance will be twice, perhaps even three times as much, as the current cost. He stated that it could cost as much as property tax. Mr. Jones stated that there are 136 properties at high risk in the Town of Conklin, adding that FEMA "wants to prevent a third Buyout of flooded areas."

Mr. Jones stated that not all insurance policies will have the subsidies removed, adding that for structures that have sustained severe damage, the cost will increase 25% per year until it reaches the full cost. Some properties will be able to keep the subsidy until the owner sells the property, or the policy lapses, or it receives severe damage and the owner refuses to move.

Mr. Jones stated that one thing that could be helpful would be for the Town to rejoin the Community Rating System, as well as to seek grants from New York State. He referred to the grant he is researching through the EPA, adding that a wastewater treatment plant would be beneficial to the development of the southern end of Town and to the existing mobile home parks in that area. He stated that the Town "needs to be able to expand and rebuild the tax base." Mr. Jones stated that the Town needs a grant writer. He stated that he has spoken to Kevin McLoughlin, the new chairman of the BCIDA (Broome County Industrial Development Agency), adding that the Town may be able to take some land from the Corporate Park on which to build homes. Mr. Minoia stated that "FEMA is pushing people toward the Buyout." Mr. Jones stated that the Town "needs to be aggressive." Mr. Marascia asked if there is a deadline for completion of the Buyout process and Mr. Jones replied that everything must be completed by the end of 2014.

NEW BUSINESS:

CLOSEOUT AUDIT/COMMUNITY CENTER

Mr. Finch reported that the final audit to close out the books on the Community Center flood mitigation had been completed, adding that the new flood doors on the building must be installed by the September 30, 2013 deadline. Assistant to the Supervisor Lisa Houston stated that the audit went well, adding that the Town will receive the reimbursement from FEMA in about six months, as well as reimbursement money for the upgrades and flood mitigation completed on the water and sewer system.

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RESO 2013-126: APPOINT A.C. SPEAR ELECTRIC, INC./CONTINUE AS TOWN'S OFFICIAL ELECTRICAL REPAIR COMPANY/TOWN OF CONKLIN/AS HAS BEEN IN PAST

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints A.C. Spear Electric, Inc., to continue as the Town's official electrical repair company for the Town of Conklin, as it has been in the past.

Seconded by Mr. Francisco.

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

RESO 2013-127: RATIFY REIMBURSEMENT/TOM DELAMARTER/PURCHASE OF AUTUMN PARK FLOWERS

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies reimbursement payment in the amount of \$74.77, account code A7110.4, to Tom Delamarter for the purchase of autumn flowers for the Town parks.

Seconded by Mr. Francisco.

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

RESO 2013-128: APPROVE PAYMENT/9-10-2013 BILL LIST/\$23,223.10

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following September 10, 2013 Bill List in the total amount of \$23,223.10:

General	\$ 7,454.63
Highway	3,797.56
2011 Flood Emergency	150.00
Sewer District	5,400.00
Water District	1,798.79
Water District 6	<u>4,622.12</u>
Total	\$23,223.10

Seconded by Mr. Bullock.

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

RESO 2013-129: ACCEPT DONATION/\$100/WILLIAM WELKER/SENIOR SOFTBALL LEAGUE GAMES

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$100.00, account code A2750, from William Welker of the Senior Softball League for use of the Town's fields for League games.

Seconded by Mr. Francisco.

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

2014 BUDGET DISCUSSION WITH DEPARTMENT HEADS

Assistant to the Supervisor Houston stated that she would have to make adjustments to the projected Flood Insurance line in light of the increases projected from Mr. Jones' discussion with Pamela Harris from FEMA, discussed earlier at this meeting. Mr. Finch added that the Town will obtain a quote from a second insurance carrier, noting that the Board is not happy with the cost charged by The Partners Insurance. Mr. Minoia stated that the Town should look at exactly what the Town is insuring.

The Town Board had no questions for the department heads regarding their 2014 Budget requests.

FLOOD PROPERTY ASSESSMENTS

Mr. Finch asked Mr. Minoia if he had compiled a list of flood properties about which Mr. Minoia had expressed concern at the last Board meeting. Mr. Minoia stated that he had not yet compiled the list but he knew personally of at least ten such properties. He also stated that he had met with Town Assessor John McDonald and learned that all of the flooded properties have been re-assessed upwards and are no longer at the \$100 set immediately after the 2011 Flood.

CODE ISSUES

Mr. Minoia reported that there are two unlicensed cars parked at the abandoned property at 560 Conklin Road. Mr. Bullock stated that Mr. Landers should be told to clean up the tires on his property on Conklin Road. Code Officer Jones replied that this issue is being addressed by the property owner.

Mr. Francisco stated that the property at 9 Cherry Drive, in a residential neighborhood, has construction debris. Mr. Minoia commented that this area is not zoned for storage of materials.

Mr. Francisco asked about the mowing at the former Sports Park. Mr. Jones stated that he has sent a letter to Legends Golf, which leases the property, and has not yet received a response.

NYSEG

Mr. Francisco stated that he has not yet received a response from NYSEG (New York State Electric and Gas Corporation) regarding the two lights on the Colesville Extension that are turned on all the time. He stated that the Town should ask from a rate reduction in that Light District.

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560 CONKLIN ROAD

Ms. Sacco stated that she has received no response to correspondence sent to Mr. Ray Knapp, who owns the structure located at 560 Conklin Road. Mr. Bullock stated that someone should just go and talk to Mr. Knapp, who sells cars in Johnson City.

TIME WARNER CABLE

Mr. Finch asked Ms. Sacco if she had received a response from Time Warner Cable regarding the new franchise agreement between the Town and Time Warner Cable and she stated that she has received no response.

TAX CERTIORARI/INLAND PAPER COMPANY

Ms. Sacco stated that Judge Lebus is presiding over the tax certiorari case filed by Inland Paper Company/International Paper Company against the Town of Conklin. She stated that a pre-trial meeting will be occurring soon and stated that they may be able to reach a settlement at this meeting. She added that if it goes to trial, an appraisal of the property may be required. Ms. Sacco stated that the assessments in question are for 2009-2013.

VOUCHER/BILL BACK ENGINEERING COSTS

Mr. Bullock asked if the voucher for Dan Griffiths Engineering costs will be billed back to Giammarino Construction, and Mr. Finch confirmed that this is the case, adding to Mr. Bullock, "You signed the voucher."

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk