

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 24, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on September 24, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Michael Gabello
		William Dumian, Jr.
		Laurie Francisco
		Dolly Stout
		Bonnie Tolomei
		Angelo Tolomei

**MINUTES: AUGUST 27, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the August 27, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

**MINUTES: SEPTEMBER 10, 2013 REGULAR TOWN BOARD MEETING**

Mr. Finch stated that the September 10, 2013 Regular Town Board Meeting minutes should be corrected on page 2, line 19 from the top, to read “\$100,000 assessed value” rather than “\$100 assessed value.” Mr. Francisco stated that these minutes should be corrected on page 5, line 3 from the bottom, to read “the light” rather than “the two lights.”

Mr. Bullock moved to approve the September 10, 2013 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Abstain, Francisco – Yes, Finch – Yes. Motion carried: 3 – Yes, 1 – Abstain.

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from NYMIR (New York Municipal Insurance Reciprocal) regarding proposed rate adjustments to the Town’s insurance for 2014.

He also acknowledged receipt of correspondence from NYSEG (New York State Electric and Gas Corporation) seeking permission from the Town to replace a steel main on Gee Street and Victory Avenue, with the project planned for January 2014.

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**UPDATE/TAX CAP & FINANCIAL STRESS STUDY**

Assistant to the Supervisor Lisa Houston reported on a meeting she attended with the New York State Comptroller regarding the 2014 tax cap and a Financial Stress Study, sponsored by the new Upstate Association of Towns. She stated that the financial score for the Town of Conklin was rated at 5%, which she added is “very good,” with anything below 45% considered to be good. Ms. Houston stated that the Town’s financial environmental score is “not as good,” with the Town ranked at 39.2%. She stated that one of the things indicated by this score is the need for growth in the Town, to recover some of the losses sustained during two major floods. Ms. Houston stated that there has been a decrease of 1.2% in the number of jobs in the Town of Conklin.

**PUBLIC COMMENTS:**

**FINANCIAL REPORT**

William Dumian, Jr., asked how the Town can be in good financial shape after two major floods. Mr. Finch replied that the Town is financially “in great shape” and “solvent,” even after two major floods, adding that the Town has brought expenses in “under budget,” and has worked hard to find ways to save money. Mr. Finch stated that the Town’s economy has been impacted by the loss of homes. Mr. Dumian stated that growth potential seems limited because “people are not willing to sell their properties,” citing natural gas leases as one reason. Mr. Finch replied that the Town needs to be able to extend its water and sewer systems to facilitate growth. He added, “This area needs gas drilling.”

**DEBRIS ON PUBLIC PROPERTY**

Bonnie Tolomei of Corbettsville asked about the legality of an individual leaving debris on public property in front of other people’s property, adding that this is part of an ongoing problem with her neighbor on Keith Lane. She added that this same neighbor also dug a ditch on property belonging to the Town of Conklin along the roadway. Code Officer Robert Jones will write a letter to the neighbor and Public Works Superintendent Tom Delamarter and Deputy Highway Superintendent Mike Mott will make a visit to assess the situation on September 25.

**OLD BUSINESS:**

**UPDATE/FEMA PROJECT/COMMUNITY CENTER & FLOOD DOORS**

Mr. Finch reported that the installation of the flood doors at the Maines Community Center has been completed except in an area near the water meter, adding that the PW (Project Worksheet) will be sent to FEMA (Federal Emergency Management Agency) this week to request reimbursement. Mr. Finch added that the Town will need to repair or re-point the cinder block walls, or perhaps spray them.

**UPDATE/2011 FLOOD BUYOUT PROGRAM**

Mr. Finch reported that several Town officials and employees met with Town Attorney Cheryl Sacco to update the status of the 2011 FEMA Flood Buyout Program, adding that the Town is “in good shape” and is “making progress” on the Buyout process. He added that New York State has agreed to pay the 25% of the Buyout costs not covered by FEMA. Mr. Finch stated that the Town plans to pay 75% at closing with the remaining 25% to be paid when it is received from

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New York State. Ms. Sacco asked if there will be money available to obtain a clear title on the properties, and will send a letter to SEMO (State Environmental Management Office) asking for advanced funds for the closings. Code Officer Jones has been working with property owners on the duplication of benefits portion of the Buyout process, with the next steps including making an offer to the property owners and scheduling closings on the properties. These will be scheduled in groups of ten.

**UPDATE/BROOME BITUMINOUS BLACKTOPPING**

Mr. Finch stated that the roads blacktopped by Broome Bituminous have been surveyed and core-bored, with results of 1 and 1/15 inches, 1 and 7/8 inches, and 1 and 15/16 inches thickness being discovered. The signed contract between the Town and Broome Bituminous specifies 1 inch compressed blacktop. Mr. Finch stated that the Town was overbilled \$13,000 by Broome Bituminous and will not pay for the overage. He added that Broome Bituminous has engaged Levene, Gould, and Thompson to represent them legally. Town Attorney Cheryl Sacco stated that she sent a letter with the core-boring report to Levene, Gould, and Thompson, asking how their client wishes to proceed and has to date received no response from the legal firm.

**UPDATE/2014 BUDGET**

Ms. Houston distributed copies of proposed changes to the Town Water and Sewer rates and other changes to the proposed Budget to the Town Board members. Mr. Finch stated that if the Board members have questions about the Budget, they should come to the Town Hall and discuss them with Ms. Houston. He stated that there will be an increase of 1.7% in the Fire Protection Budget for 2014, but that it is offset by the Fund Balance. Mr. Bullock asked for a clarification regarding the Deputy Town Clerk salary line. He also stated that he thought money should be included in the Code Department budget for a new truck, adding that the Code Officer needs to replace the existing truck.

**NEW BUSINESS:**

**2014 WATER AND SEWER RATES**

Mr. Finch stated that the Binghamton-Johnson City Joint Sewage Board has increased its rates that it charges outside users, yet discovered a \$3,000,000 "mistake" in its 2011 Budget, which resulted in a refund to these outside users, such as Conklin. He stated that more recently a mistake of \$900,000 was found.

Public Works Superintendent Tom Delamarter discussed the cost breakdown sheet that had been distributed by Ms. Houston and discussed the proposed 2014 rates. Proposed rates for residential sewer users will be a quarterly basic fee of \$10, with a unit charge not to exceed \$8.00 per 1,000 gallons; small business (non-manufacturing) business sewer users will be a quarterly basic fee of \$10 plus a unit charge not to exceed \$9.95 per 1,000 gallons; and for sewer users in the Broome Corporate Park and manufacturing companies, a quarterly basic fee of \$25, plus a unit charge not to exceed \$12.50 per 1,000 gallons. Water rates for residential and small (non-manufacturing) business users will be a quarterly basic fee of \$5.00 plus a unit charge not to exceed \$2.74 per 1,000 gallons; and for Corporate Park and manufacturing companies that use municipal water, the charge will be a quarterly basic fee of \$25 plus a unit charge not to exceed \$2.94 per 1,000 gallons. The analysis shows that the Broome Corporate Park sewer users make up 43% of the usage in the Town. "The residents and small businesses come first," stated Mr. Delamarter, explaining why it is proposed to charge the Corporate Park users more. Ms. Sacco asked if

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Engineer Ron Lake had been consulted about this rate structure and Mr. Finch stated that Mr. Lake had been contacted.

**RESO 2013-130: SCHEDULE PUBLIC HEARING/2014 GENERAL AND HIGHWAY BUDGET/OCTOBER 22, 2013/5:35 P.M.**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:35 P.M. on October 22, 2013, to receive input regarding the proposed 2014 General and Highway Budget of the Town of Conklin.

Seconded by Mr. Finch.

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

**RESO 2013-131: SCHEDULE PUBLIC HEARING/2014 WATER & SEWER RATES/OCTOBER 22, 2013/5:45 P.M.**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:45 P.M. on October 22, 2013, to receive input regarding the proposed 2014 Municipal Water and Sewer billing rates.

Seconded by Mr. Francisco.

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

**RESO 2013-132: SCHEDULE PUBLIC HEARING/2014 FIRE PROTECTION BUDGET/OCTOBER 22, 2013/5:50 P.M.**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:50 P.M. on October 22, 2013, to receive input regarding the proposed 2014 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

Seconded by Mr. Francisco.

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

**2014 TAX CAP**

Mr. Finch stated that the 2014 Tax Cap will be set at 1.67%.

**GRANT MEETING/SEPTEMBER 25, 2013**

Mr. Finch stated that he and several Town officials and employees, including Town Engineer John Mastronardi, will meet with Julie Sweet, New York State grant administrator, on September

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25, 2013, at 10 A.M. to discuss possible projects for the Town of Conklin's share of the \$3,000,000 grant awarded to several municipalities in Broome County.

**RESO 2013-133: APPROVE PAYMENT/SEPTEMBER 24, 2013 BILL LIST/\$89,034.07**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following Bill List dated September 24, 2013, in the total amount of \$89,034.07:

General	\$14,481.18
Highway	4,975.30
2011 Flood Emergency	16,526.99
Water District	1,342.48
Sewer Districts	46,877.72
Light Districts	280.40
Non-Budget	<u>4,550.00</u>
<b>Total</b>	<b>\$89,034.07</b>

Seconded by Mr. Minoia.

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

**UPDATE/TAX CERTIORARI/INTERNATIONAL PAPER**

Ms. Sacco reported that the pre-trial conference in the tax certiorari case of International Paper vs. the Town of Conklin was adjourned, adding that International Paper (Inpeak) wants a preliminary appraisal of the property. Mr. Finch added that the Town is also facing tax certioraris filed by Johnson Outdoor and by Maines Paper and Food Service, Inc.

**MOWING AT SPORTS PARK**

Mr. Francisco asked what the Town plans to do regarding the unmowed grass at the site of the former Conklin Sports Park, adding that the property owners have promised to mow it and have not followed through with this promise. Mr. Finch stated that the Town could have the property mowed and bill it to the property owners on their property tax bill, but added that it will cost \$600-700 and the Town would have to cover the cost up front and wait for reimbursement. Code Officer Jones will call Rob Warholic, representative from the group that owns the property in question, to follow up with this issue.

**STREET LIGHT BY FORMER DINO'S BAR & GRILLE**

Mr. Francisco stated that he was finally able to reach someone at NYSEG to be able to discuss the street light which is continually lit on Colesville Road Extension near the former site of Dino's Bar & Grille. Mr. Francisco was told by the NYSEG representative that the Town is charged for 4,250 hours per year for unmetered sites such as this one, and that the lights are on an average of 11.25 hours per day.

Mr. Francisco stated that if a street light is not working properly, the address and/or pole number on which the light is located should be obtained and Mr. Francisco should be notified. He will then contact NYSEG. He added that the Town should be reimbursed if a light is left on

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continually during the daylight hours. Mr. Bullock stated that it is a matter of “fixing something that is broken.”

**TOWN FAIR COMMITTEE SIGN**

Town Clerk Sherrie Jacobs stated that, in response to complaints regarding the Conklin Fair sign which is still up over Conklin Road even though the Fair dates have passed, she has contacted members of the Conklin Fair Committee, who have stated that the poles on which the sign is hung belong to NYSEG and only a NYSEG employee can take the sign down. Mr. Finch stated that when NYSEG has a bucket truck in this area, they will take the sign down.

**NEW QUARRY/MONTROSE DRIVE**

Mr. Finch stated that a new stone quarry will be opening on Montrose Drive, adding that the owner is awaiting approval from the DEC (New York State Department of Environmental Conservation).

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 6:20 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk