

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 27, 2011**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on September 27, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Deputy Town Clerk	Marilou Gabello
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Planning Board	Dell Boyle
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Bill Gorman
		Aaron Marshall
		John Colley
		Peter J. Motsavage
		Dolly Stout
		Joe Bartosik
		David Rhea
		Laurie Francisco
		Betty Gianakos

**MINUTES: AUGUST 23, 2011 REGULAR TOWN BOARD MEETING**

Assistant to the Supervisor Lisa Houston stated that the August 23, 2011 minutes should be corrected on page 8, line 16 from the top, to correct the effective date of John McDonald's resignation to September 29, 2011, instead of September 27, 2011.

Mr. Francisco moved to approve the August 23, 2011 Regular Town Board Meeting minutes 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 Highway Superintendent, the Code Officer, and from the Water and Sewer Superintendent.

**PUBLIC COMMENTS:**

**TIMELINE/REPAIR OF COMMUNITY CENTER/CONKLIN SENIORS USE**

Joe Bartosik, on behalf on Conklin Senior Citizens Club President Bob Tokos, asked if the Conklin Seniors Club should plan to make alternate arrangements for a meeting place until after the first of next year, pending repairs to the Community Center, which was damaged in the recent flood. Supervisor Preston stated that the Community Center has been cleaned out but the Town will need to hire a contractor to rebuild the interior, adding to Mr. Bartosik, "Anything you had in there is gone." She confirmed that the Community Center will not be available until after January 1, 2012.

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**THANK YOU TO TOWN EMPLOYEES FROM FIRE CHIEF BILL GORMAN**

Conklin Volunteer Fire Chief Bill Gorman thanked the employees of the Town of Conklin, in particular Highway Superintendent Patrick Latting, Water and Sewer Superintendent Tom Delamarter, and Code Officer Robert Jones, for their help during the recent devastating flood, adding that he “couldn’t have asked for any more help than we got from those guys and they did a fantastic job and I just want them to be recognized for the work they did. It helped us tremendously with gas and everything that was going on up there.” Speaking to Supervisor Preston, he added, “Your role in this was fantastic, too.” He added that the Town employees “sometimes don’t get the credit they deserve.” “Neither do you guys,” stated Supervisor Preston, referring to the Fire Department, adding that she went to the most recent meeting of the Fire Department to thank them on behalf of herself, the residents, and the Town Board for all that they did during the flood. “That was the smoothest operation I’ve ever seen,” commented Supervisor Preston. She thanked Fire Chief Gorman for attending tonight’s meeting to thank the Town employees.



**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 1, 2011**  
**A REVISION TO AN EXISTING LOCAL LAW ENTITLED, “CHAPTER 97 PARKS”**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:05 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 1, 2011, A Revision to an Existing Local Law entitled, “Chapter 97 Parks.”

Attorney Cheryl Sacco reminded the Board that the proposed local law is a revision to Section 97-11 of the Town Code, which would change the subtitle from “Disorderly Conduct” to “Inappropriate and/or Disorderly Conduct,” and adding a subsection which would state that “no person shall smoke legal or illegal substances, including, but not limited to, tobacco, within the boundaries of any Town park.”

There being no public comments or questions, Attorney Sacco closed the Public Hearing at 7:07 P.M. She stated that there is no need for SEQR (State Environmental Quality Review) for this proposed law.



**RESO 2011-129: ADOPT LOCAL LAW 1, 2011**  
**A REVISION TO AN EXISTING LOCAL LAW ENTITLED, “CHAPTER 97 PARKS”**

**PRESENT:**

Supervisor Debra A. Preston  
Councilman Gary D. Bullock  
Councilman Charles Francisco  
Councilman James E. Finch  
Councilman Jerry Minoia

**ABSENT:**

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

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

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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 September 27, 2011, commencing at 7:05 P.M. to hear all interested parties on a proposed Local Law entitled “**A Local Law on Parks**”, and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on August 31, 2011, and posted on the Town Clerk’s sign board on August 25, 2011, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:05 o’clock P.M. on September 27, 2011, 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, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQRA”), this local law is not an activity that meets the definition of an “Action” and thus no SEQRA review is necessary, and

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

NOW, THEREFORE, Conklin Town Board hereby declares that the adoption of said Local Law is not an activity that meets the definition of an “Action” and thus no SEQRA review is necessary, and

NOW, THEREFORE, the Conklin Town Board hereby adopts said Local Law as Local Law No. 1-2011 entitled “**A Local Law on Parks**”, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town of Conklin, and to give due notice of the adoption of said Local Law to the Department of State.

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 September 27, 2011. Said resolution was adopted by the following roll call vote:

Supervisor Debra A. Preston	YES
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: September 27, 2011

Town of Conklin Seal

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

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that the Town’s water and sewer systems held up through the flooding, thanks in large part to all the replacements made after the 2006 Flood. He reported that there were a few “glitches” with

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Sewer Station 2, but all problems were quickly resolved. Mr. Delamarter reported that the pool was flooded again. Mr. Delamarter thanked Highway Superintendent Patrick Latting and his crew as well as Water and Sewer Department workers Jim Gates and Nick Platt for all the help with flood recovery.

Supervisor Preston thanked Mr. Delamarter for driving to Sayre, Pennsylvania, a five and one-half hour trip due to the flooding, to test the Town's water to make sure it was safe to drink. The Town of Conklin never had to issue a "boil water" advisory. Supervisor Preston stated that the Town of Conklin had no issues with sewer backup, as some municipalities experienced, reiterating that much of this was due to the mitigation work done following the 2006 Flood. She added that Mr. Delamarter has taken charge of keeping records of all that was lost in the Community Center and the parks, so that these lists could be submitted to the Town's insurance carrier. Supervisor Preston stated that Mr. Delamarter also immediately contacted the Broome County Sheriff's Department to secure help from its weekend inmates in cleaning up Schnurbusch Park.

Mr. Delamarter reported that the pool storage building is mostly cleaned out. Supervisor Preston stated that the fence at the Little League field was able to be saved and repaired, so the Town will not have the expense of replacing the fencing.

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**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 2, 2011**  
**A REVISION TO AN EXISTING LOCAL LAW ENTITLED, "CHAPTER 55 ANIMALS"**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:15 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 2, 2011, A Revision to an Existing Local Law Entitled, "Chapter 55 Animals."

Attorney Sacco stated that there are four changes to the existing Local Law, three of which are clarifications of references to other sections of the law. She stated that the fourth change addresses the right to farm under New York State Agriculture and Markets.

There being no public comments or questions, Attorney Sacco closed the Public Hearing at 7:16 P.M.

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**RESO 2011-130: ADOPT LOCAL LAW 2, 2011**  
**A REVISION TO AN EXISTING LOCAL LAW ENTITLED, "CHAPTER 55 ANIMALS"**

**PRESENT:**

Supervisor Debra A. Preston  
Councilman Gary D. Bullock  
Councilman Charles Francisco  
Councilman James E. Finch  
Councilman Jerry Minoia

**ABSENT:**

**Offered By: Mr. Minoia    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:**

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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 September 27, 2011, commencing at 7:15 p.m. to hear all interested parties on a proposed Local Law entitled “**A Local Law For the Licensing of Dogs**”, and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on August 31, 2011, and posted on the Town Clerk’s sign board on August 25, 2011, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:15 o’clock P.M. on September 27, 2011, 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, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQRA”), this local law is not an activity that meets the definition of an “Action” and thus no SEQRA review is necessary, and

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

NOW, THEREFORE, Conklin Town Board hereby declares that the adoption of said Local Law is not an activity that meets the definition of an “Action” and thus no SEQRA review is necessary, and

NOW, THEREFORE, the Conklin Town Board hereby adopts said Local Law as Local Law No. 2-2011 entitled “**A Local Law For The Licensing of Dogs**”, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town of Conklin, and to give due notice of the adoption of said Local Law to the Department of State.

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 September 27, 2011. Said resolution was adopted by the following roll call vote:

Supervisor Debra A. Preston	YES
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: September 27, 2011

Town of Conklin Seal \_\_\_\_\_

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

**NYS WORKFORCE/ADDITIONAL CLEAN-UP HELP FOR PARKS**

Supervisor Preston stated that she had been contacted by the New York State Work Force Program, which is putting people to work by providing assistance to municipalities for flood

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recovery. The program is funded through a grant and she is seeking to hire two people to help with flood recovery in the Town parks.

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Highway Superintendent Patrick Latting stated that the Town's roadways fared "very well," considering the amount of water involved in the flooding. He also credited the mitigation following the 2006 Flood, including drainage system upgrades, with easing the damage brought by this year's flood. Mr. Latting stated that the greatest damage sustained from Hurricane Irene was slope damage on Fallbrook Road. He stated that this is severe damage, which will be costly to repair. Mr. Latting stated that FEMA (Federal Emergency Management Agency) representatives have looked at this site and he is obtaining estimates of the costs of repair to the site. He stated that other sites damaged earlier in the year are "still pending" in terms of FEMA reimbursement.

Mr. Latting stated that the three days in which access to the main part of Town was closed off by flood waters gave his crews time to complete clean-up in the hills, so that when access to the main part of Town was restored, his crews could devote themselves to the flood recovery. He stated that the infrastructure held up very well, and that the clean-up efforts in the flood-affected areas are being done daily, as the damage was "very severe." The Highway Department is picking up and removing flood debris, recyclables, and hazardous waste put to the curb by residents and business owners. He thanked his crew and "everyone who has helped us with this," noting in particular Councilman Jim Finch, who is in charge of waste removal following the flood. Mr. Latting stated that the residents have been very cooperative in separating their debris, as required by the Broome County Landfill.

Mr. Latting stated that he has been working with the DEC (New York State Department of Environmental Conservation) to help pump out areas around the Town, including Schnurbusch Park. He added that his department has also received assistance from the Broome County Sheriff's Department weekend inmates.

Mr. Bullock asked if the DEC is planning to do any mitigation with area streams to help prevent future flooding issues. Mr. Latting stated that he has not heard anything about planned stream clean-up, noting that it is not only gravel but large trees that have fallen that are causing problems. Mr. Bullock noted that it is "lucky we didn't lose Fallbrook Bridge." Mr. Latting commented that property owners upstream of Fallbrook Bridge have done quite a bit of mitigation, which probably helped save the bridge.

Mr. Bullock asked if the Highway Department would be doing leaf pick-up this year and Mr. Latting replied that his department would do "the best we can" to complete this program. Supervisor Preston added that residents may have to bring leaves to the Highway Garage, as the Highway Department is tied up with removal of flood debris.

Mr. Finch thanked Mr. Latting and the Highway Department for doing a "great job" during the flood clean-up. He mentioned numerous other municipalities and private contractors who "chipped in and worked together" making it all "run very smoothly." Supervisor Preston agreed, adding that she was glad to have the debris removed from the roadsides as soon as possible. Mr. Finch commented that it was unfortunate that so many "scavengers" came into Town and took all of the white goods, which he stated that Town could have picked up and sold at Gary's U-Pull-It to recoup some money for the Town. Supervisor Preston commented that quite a few arrests have been made due to this behavior, adding that she does not think this problem was as bad as it was in 2006.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that the clean-up of several houses that was being addressed before the flood has been "put on the back burner." He thanked the Board for giving him extra help to deal with the aftermath of the flood, including Marilou

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Gabello, who is temporarily assigned to the Code Office full-time, and Kevin Coates, who was hired to help with inspections. He stated that his office is keeping up with everybody and that building and demolition permits are going out daily. Supervisor Preston stated that Kevin Coates will be done with full-time work at the end of the week (September 30) and will only be coming back to work one or two days a week when rebuilding inspections are needed. Supervisor Preston stated that she thinks the aftermath of inspections went more smoothly than in 2006, adding that the restrictions set by the Code Office are in compliance with New York State and federal regulations. "You've done a really great job," said Supervisor Preston to Mr. Jones. Mr. Jones also thanked the Fire Department, the Highway Department, and the Parks Department for their assistance.

Mr. Minoia asked about cars parked on David Drive. Mr. Jones explained that Ned Woodruff owns a car repair shop on Conklin Road, as well as two properties on David Drive. The cars that were flooded in Mr. Woodruff's shop were brought to the David Drive properties and parked there so that Mr. Woodruff's insurance agent could examine them as part of the insurance claim. Mr. Woodruff will be removing the cars from David Drive as soon as possible. Supervisor Preston stated that it is a temporary situation, adding that "everyone will have to put up with a little inconvenience until people can get their lives back together a little bit."

**REPORT: SUPERVISOR'S OFFICE**

Refer to written report.

**REPORT: TOWN CLERK**

Refer to written report.

(Copies of written reports are available in the office of the Town Clerk.)

**NEW BUSINESS:**

**DISASTER RECOVERY CONSULTING**

Supervisor Preston introduced David Rhea from Adjusters International, a disaster recovery consulting firm. She added that this firm has worked with FEMA in the past. Mr. Rhea stated that his company has been working with municipalities for the past 25 years, the past 16 of which have involved working with FEMA's public assistance program, working as an advocate for the municipality. He stated that they worked for NY SEMO (New York State Emergency Management Office) in the Town of Conklin after the 2006 Flood. Mr. Rhea stated that his company specializes in analyzing a municipality's situation, making sure all documentation and paperwork is in place, looking for "every opportunity" for hazard mitigation moving forward, and examining any past situations for which the FEMA paperwork has not yet been completed, to make sure everything is in order. He stated that their experience in working with FEMA for the past 16 years in every part of the nation enables them to work with FEMA to "help you get everything you're entitled to." Mr. Rhea stated that his company can also help with insurance claims, explaining that it is "insurance first, FEMA second, from the financial side."

Mr. Rhea stated that typically, one or two agents would be assigned for a week, at a flat rate, in the first phase, to assess the situation, spot any pitfalls, and look for mitigation opportunities. At the end of the week, a bullet-point report would be presented to the Board, assessing what the Town's situation is and what it potentially could be in the future. Mr. Rhea stated that his firm began work with the Town of Union on September 26 and will be presenting their program to the Binghamton-Johnson City Joint Sewage Treatment Board on September 29, and had met with City of Binghamton officials earlier today.

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Mr. Finch asked how the company bases its fees. Mr. Rhea stated that fees are based on time and expense, adding that this is required by law for the FEMA public assistance program. He added that in dealing with insurance claims, it is a contingency fee which can be negotiated. Mr. Rhea stated that, with insurance claims, there is no out-of-pocket expense until the claim is settled.

Attorney Sacco advised the Board that this work is the same work that Supervisor Preston did while she was full-time Supervisor after the 2006 Flood, with submitting documentation for the Buyout Program, etc. Mr. Finch stated that the Town is "spoiled because we had Debbie to do all of this last time." Supervisor Preston stated that the Board will look at this proposal because not everything is in order yet. Mr. Rhea stated that his company makes sure all departments communicate so that there is no overlap, and documentation is completed through close-out and audit. Supervisor Preston stated that it would be beneficial to consider this option, adding that the \$3,500 did not seem excessive to bring someone in to help with documentation.

Mr. Rhea stated that Phase 2 would be under the 90-day emergency period, with a "Do Not Exceed" 90 days, with all documentation completed before the Town would need to go to Requests for Proposals (RFP) for demolition. He stated that anything related to a grant or a project worksheet is reimbursable through the program at 75 % from the federal government and 12.5% from New York State. Supervisor Preston stated that currently municipalities are responsible for 12.5% of the cost of any repairs or demolitions, with only 87.5% being reimbursed by FEMA. Mr. Rhea stated that approximately 90% of the work his company would do would be related to a grant and therefore reimbursable. Supervisor Preston stated that the Board would look at his company's proposal and she would contact him regarding the Board's decision.

**OLD BUSINESS:**

**2012 BUDGET**

Supervisor Preston distributed the Tentative Budget for the Town of Conklin for 2012 to the Town Board. She stated that revision would be made at the October 11 Town Board meeting, noting that the distribution of the Budget was delayed by the flood. Supervisor Preston stated that she believes it is a good budget, showing an increase of 1.92% or only \$17,000 difference between 2010 and 2011. She stated that this Budget was prepared before the flood, adding that she also has a "Flood Budget," keeping the costs associated with the flood separate from the General Budget, adding that she feels it is "important to show the actual costs of the flood." She stated that she is keeping a separate budget for the flood, and it is not included in the Tentative Budget which she just distributed.

Supervisor Preston gave credit to the department heads for keeping costs down. She stated that the 2012 Budget includes a 1% increase in cost to employees for health care insurance, and includes a 3% increase in pay for employees, noting that no raises were given in 2011. Supervisor Preston stated that the cost of salaries for personnel in the Parks Department was decreased because not as much summer help was needed. She stated that cuts were made to the Town Pool budget because Mr. Delamarter is utilizing a new chemical provider, which provides substantial savings. Supervisor Preston stated that cuts have been made across the board, including Central Printing and Central Storage, adding that she does not believe any more cuts should be made, or could be made without jeopardizing some services.

Supervisor Preston stated that she had just today received from the Broome County Board of Elections the proposed chargeback to the Town for the cost of elections. She stated that the cost in 2009 was \$9,800; in 2010, \$10,000 was budgeted and \$9,900 paid; and for 2011, \$10,000 has been budgeted and no bill received yet. The bill received today, which is going before the County Legislature, is for 2012 is for \$16,760. She added that the Town has one less polling site, which means four less inspectors are needed. Supervisor Preston stated that this is a 68% increase in cost to the Town. She stated, "I do not agree with this," and asked her assistant, Lisa

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Houston, to research the amount the Town paid in 2008 during the Presidential election. Mr. Finch stated that he does not think the Town should pay any more than it did last year. Supervisor Preston added that the Community Center was to be used as a polling site in place of the Julius Rogers Utility Building. She stated that she informed the Board of Elections that neither the Community Center nor the Julius Rogers Utility Building will be useable for the November 2011 Election, so the Town Hall will once again need to be used as a polling site. Supervisor Preston stated that she asked the Board of Elections to inform voters who vote at the Julius Rogers polling site via postcard of the change in polling site. She suggested that maybe the Town, and the Fire Department, might start charging Broome County for the use of their facilities as polling places. Mr. Finch asked if the Town could print fliers to put in businesses to advise people of their correct polling sites and Supervisor Preston stated that the Town could do so, but feels it is the responsibility of the Board of Elections to take care of this need. Mr. Minoia stated that he thought the new voting machines were supposed to be more cost-effective, and it was noted, less inspectors are needed. Supervisor Preston stated that she budgeted \$10,000 for 2012. She stated that 2012 will bring three elections – a Presidential Primary in March, the general Primary in September, and the General Election in November.

Supervisor Preston stated that the Town lost \$100,000 in sales tax revenue due to the loss in population caused by the 2006 Flood and reflected in the 2010 Census; is facing a 68% increase from Broome County; and is dealing with flood issues, “and the people just can’t take it.”

Supervisor Preston asked the Board to look at the Budget and come back on October 11 with any recommendations, asking them to be “fair to the employees. They have worked hard, even though they did not get a raise last year, and they will be contributing more to their health care. They have done an excellent job getting their numbers down in the budget, without cutting services, and there are no frills here.”

She added that the flood means that purchase of equipment requested by the Highway Department will have to be delayed. Supervisor Preston stated that she has met with some financial advisors, and has meetings scheduled with others, in an attempt to refinance some debt to get a better rate, although she added, that she has done so much refinancing, and the Town has received such good rates, that there is not much more to be done on this front. She stated that there were “a couple of areas where I might be able to go below 2%,” which might mean the Town would be able to buy one piece of equipment, perhaps on State bid. She added that the Highway Department is struggling financially, because their fund balance is very low. Supervisor Preston added that the fund balance this year has been used to offset tax revenue lost to the tax cap. Attorney Sacco asked if the Town Budget will fall below the required tax cap, and Supervisor Preston affirmed that it will, with both the General and Highway Budget at 1.98%. Attorney Sacco stated that if the Town believes it will exceed the tax cap, it can do so, but only if it drafts a local law and holds a public hearing. Attorney Sacco stated that the tax cap limit is 2% or the CPI (Consumer Price Index), whichever is lower.

**WATER DISTRICT 6 EXTENSION/PRIDE MANOR MOBILE HOME PARK**

Supervisor Preston stated that Mr. Delamarter received a letter from the new owner of Pride Manor Mobile Home Park requesting addition to the municipal water system. She reiterated that all costs would have to be paid by the owner “up front.” Attorney Sacco suggested that the owner of the Mobile Home Park and the three residents on Walter Avenue be contacted to see if, after the recent flooding, they are still interested in the extension of the Water District. Mr. Finch stated that the Walter Avenue residents are still interested in the extension and Attorney Sacco stated that she will proceed with the necessary steps.

**NEW BUSINESS:**

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**EMERGENCY BOND ANTICIPATION NOTE (BAN)**

Supervisor Preston explained that the flood created a necessity for an Emergency Bond Anticipation Note (BAN) because “the Town will have to pay out money before it gets it in.” She stated that this will be part of the Flood Budget. Attorney Sacco stated that the BAN will be for up to \$300,000 and allows the maximum amount of time for repayment, and also allows various types of borrowing. Supervisor Preston stated that interest rates range from 1.6% to 2% to borrow this amount of money. Attorney Sacco stated that this bond needs to be done via permissive referendum, which she stated she will proceed with immediately.

**RESO 2011-131: BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN, BROOME COUNTY, NEW YORK, AUTHORIZING THE FINANCING OF REPAIR AND REPLACEMENT TO THE TOWN’S INFRASTRUCTURE, WHICH INCLUDES ITS ROADS, PARKS, AND BUILDINGS, AND, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT THEREFORE, AUTHORIZING THIS ISSUANCE OF NOT TO EXCEED \$300,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION**

**Offered By: Mr. Bullock**

**Seconded By: Mr. Francisco**

WHEREAS, the Town Board of the Town of Conklin (the “Town Board”) is contemplating repairing damage and replacing its roads, parks, and buildings (“Infrastructure”) that occurred during the September 2011 flood, and

WHEREAS, the financing of the repairs constitutes a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and therefore no further action under SEQRA need be taken by the Town Board; and

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF CONKLIN, IN THE COUNTY OF BROOME, NEW YORK, HEREBY RESOLVES (by favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Conklin, in the County of Broome, New York, (herein called “Town”), is hereby authorized to finance the repair and replacement to the Town’s infrastructure. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto (including but not limited to engineering, legal, etc.) and the financing thereof, is \$300,000.00, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$300,000.00 serial bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Said Bonds may be issued with a prior right of redemption.

Section 2. Serial bonds, which shall be deemed to include Statutory Installment Bonds pursuant to Section 61.10 of the Law, of which the Town in the principal amount of \$300,000.00, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance said appropriation.

Section 3. The following addition matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the specific object or purpose for which serial bonds are authorized to be issued, within the limitations of Section 11.00a.20(b) of the Law (roads), is Ten (10) years, Section 11.00a.19(c) of the Law (parks) is fifteen (15) and Section 11.00a.12-a of the Law (buildings) is ten (10) years.

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- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provision of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of section 50.00, Section 56.00 to 60.00 and Section 62.10 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes, statutory installment bonds, and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewal of said bond anticipation notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This bond resolution is subject to permissive referendum.

Section 9. Upon this resolution taking effect, a summary thereof shall be published in full in the official newspaper of the Town for such purpose in substantially the form provided in Section 81.00 of the Law.

STATE OF NEW YORK )

:ss.

COUNTY OF BROOME

I, Sherrie L. Jacobs, Clerk of the Town of Conklin, do hereby certify that the foregoing is a true copy of the resolution adopted by the Town Board of the Town of Conklin at a meeting

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 27, 2011**

thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on September 27, 2011. Said resolution was adopted by the following roll call vote:

Supervisor Debra A. Preston	YES
Councilman Gary D. Bullock	YES
Councilman Jerry Minoia	YES
Councilman Charles Francisco	YES
Councilman James E. Finch	YES

Dated: September 27, 2011

Town of Conklin Seal

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

**2012 WATER AND SEWER RATES**

Supervisor Preston stated that she is proposing a 1.5% increase in both water and sewer rates for 2012. Water rates would increase from \$2.70 per 1,000 gallons used to \$2.74, and sewer rates would increase from \$6.45 per 1,000 gallons used to \$6.55. Supervisor Preston stated that the Town has “no clue what will happen to us with the Joint Sewage plant.”

**RESO 2011-132: SCHEDULE PUBLIC HEARINGS/2012 GENERAL AND HIGHWAY BUDGET/2012 FIRE PROTECTION CONTRACT/2012 WATER & SEWER RATES**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules the following Public Hearings on October 25, 2011:

7:05 P.M. To Receive Public Input Regarding the 2012 General and Highway Budgets

7:15 P.M. To Receive Public Input Regarding the 2012 Fire Protection Contract

7:30 P.M. To Receive Public Input Regarding the 2012 Water and Sewer Rates

Seconded by Mr. Minoia.

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

**RESO 2011-133: AUTHORIZE TOWN SUPERVISOR/ENTER SERVICE CONTRACT/BROOME COUNTY DOG SHELTER/5-YEAR PERIOD/ 1-1-2012 – 12-31-2017/\$10,286 PER YEAR**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor, Debra Preston, to enter into a Service Contract with the Broome County Dog Shelter for a five-year period from January 1, 2012, through December 31, 2017, for a rate of \$10,286 per year.

Seconded by Mr. Bullock.

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

**RESO 2011-134: RATIFY PAYMENT/DEBRA PRESTON/AUGUST 2011 MILEAGE REIMBURSEMENT**

Mr. Minoia 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 #3042, account code A1220.4, in the amount of \$143.19 for August 2011 mileage reimbursement.

Seconded by Mr. Francisco.

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

**RESO 2011-135: RATIFY PAYMENT/CONCERT IN THE PARK BANDS**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following checks, account code A7110.401, in the amounts listed to the bands listed as performers at the 2011 Concert in the Park series:

Tom Cox, The Shambles	Check #2710	\$300.00
Dan Davis, The Dirig Brothers	Check #2719	\$300.00
Carl Petro, Brotherhood	Check #2783	\$300.00
Nick Putrino, Los Vega	Check #2826	\$300.00
Pearl Klein, String of Pearls	Check #2858	\$300.00
Butch Nira, Masterpiece	Check #2905	\$300.00
Rich Wilson Band	Check #2991	\$300.00
David Shoudy, Outer Reef	Check #2992	\$300.00
Katie Scott Hlavac, Persuasion	Check #3047	\$300.00
Tim Emmons, Old Friends	Check #3067	\$100.00
Jim Hull, Old Friends	Check #3069	\$100.00
Jim Wilding, Old Friends	Check #3071	\$100.00

Seconded by Mr. Finch.

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

**RESO 2011-136: RATIFY PAYMENT/PRE-APPROVED SEPTEMBER 15, 2011 BILL LIST/\$169,235.03**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the pre-approved September 15, 2011 Bill List in the total amount of \$169,235.03:

General	\$ 39,326.57
Highway	80,216.80
Water District	6,079.60
Sewer District	43,335.07
Light Districts	<u>276.99</u>
<b>Total</b>	<b>\$169,235.03</b>

Seconded by Mr. Finch.

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

**RESO 2011-137: DECLARE PUBLIC EMERGENCY/SEPTEMBER 2011 FLOOD/ALLOW EMERGENCY WORK WITHOUT COMPETITIVE BIDDING OR PROCUREMENT POLICY**

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin declares a public emergency arising out of the September 2011 flooding (an unforeseen occurrence whereby circumstances affecting public buildings, public property, or the life, health, safety, or property of the Town's inhabitants require immediate action and cannot wait competitive bidding, contracts for public work, etc.) and therefore, under General Municipal Law Section 103(4), allows emergency work to occur that might otherwise require certain actions under competitive bidding or the procurement policy.

Seconded by Mr. Francisco.

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

**RESO 2011-138: RATIFY PAYMENT/SERVICE MASTER CLEAN BY GRIFFING/50%  
DOWNPAYMENT/EMERGENCY CLEANING & RESTORATION/  
COMMUNITY CENTER**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3153, account code HA8660-4-4E, in the amount of \$6,750.00 to Service Master Clean by Griffing for 50% downpayment of Purchase Order #11-01447 for emergency cleaning and restoration of the Floyd Maines Community Center.

Seconded by Mr. Francisco.

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

**RESO 2011-139: RATIFY ACH WIRE PAYMENT/POSTAGE ON CALL/POSTAGE  
PURCHASE FOR METER**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the ACH wire payment, account code A1670.4, in the amount of \$1,000.00 to Postage on Call for postage purchase for the postage meter.

Seconded by Mr. Francisco.

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

**RESO 2011-140: APPROVE HIRING/JOHN MCDONALD/ASSESSOR PART-  
TIME/EFFECTIVE OCTOBER 1, 2011/RATE OF PAY \$3,500 PER YEAR/(PRO-  
RATED SALARY FOR REMAINDER OF 2011)**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of John McDonald to the position of Assessor Part-Time, effective October 1, 2011, with a rate of pay of \$3,500 per year (pro-rated salary for remainder of 2011).

Seconded by Mr. Francisco.

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

**RESO 2011-141: APPROVE PAYMENT/CURRENT SEPTEMBER 27, 2011 BILL LIST/  
\$31,221.46**

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin approves payment of the current September 27, 2011 Bill List in the total amount of \$31,221.46:

General	\$ 5,957.24
Highway	6,590.37
2011 Flood Emergency	788.37
Water District	556.57
Water District 6	3,247.80
Sewer District	12,356.73
Light Districts	<u>1,724.38</u>
<b>Total</b>	<b>\$31,221.46</b>

Seconded by Mr. Finch.

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

**RESO 2011-142: ISSUE NEGATIVE DECLARATION UNDER SEQRA/SULLIVAN PARK**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin, after completing the short form EAF (Environmental Assessment Form), issues a Negative Declaration under SEQRA (State Environmental Quality Review Act) stating that the acceptance of Sullivan Park by the Town of Conklin will not result in any significant adverse environmental impacts.

Seconded by Mr. Bullock.

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

**RESO 2011-143: AUTHORIZE ACCEPTANCE OF GIFT OF LAND/SULLIVAN PARK**

**PRESENT:**

Supervisor Debra A. Preston  
Councilman Gary D. Bullock  
Councilman Charles Francisco  
Councilman James E. Finch  
Councilman Jerry Minoia

**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**, Robert Sullivan (“Sullivan”) wants to convey to the Town of Conklin, a municipal corporation organized and existing under the Laws of the State of New York (the “Town”) one lot situated in the Town of Conklin, and

**WHEREAS**, Sullivan is desirous of conveying this property to the Town as a gift without monetary consideration which lot is designated as 959 Conklin Road, Route 7, Conklin NY Tax Map no. 162.18-1-46, and

**WHEREAS**, Sullivan is gifting this property to be used as a park by the Town and he respectfully asks that the park be referred to as “Sullivan Park;” which the Town Board is agreeable to;

**WHEREAS**, Town Law section 64(8) authorizes a town to take by gift and hold real property absolutely upon such terms or conditions as may be prescribed by the donor and accepted by said town, and

**WHEREAS**, the Town is desirous of indicating its acceptance of such gift

**REGULAR TOWN BOARD MEETING**  
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**WHEREAS**, Acceptance of a gift of land is an "Action" to be reviewed under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as SEQRA); and

**WHEREAS**, Acceptance of a gift of land is an Unlisted Action under 6 NYCRR 617.2;

**WHEREAS**, Acceptance of a gift of land for a park is subject to permissive referendum pursuant to Town Law Section 220;

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby makes a determination that the Project is an Unlisted Action under 6 NYCRR 617.2; and further

**RESOLVED**, that the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said acceptance of the gift of land; and further

**RESOLVED**, that the review will be not be a coordinated review.

**RESOLVED**, that, based upon on the information and analysis in the short environmental assessment form that the proposed action does not result in any significant adverse environmental impacts.

**RESOLVED**, that actions necessary under the permissive referendum requirement (including but not limited to posting and publication) be authorized;

**RESOLVED**, that upon the expiration of the permissive referendum time period; and if no petition is correctly filed thereunder, that the Supervisor of the Town be and hereby is authorized and empowered to take actions necessary to accept the gift of land on behalf of the town; including but not limited to executing and acknowledging the TP 584 and RP 5217 forms required to be filed in order for the deed of dedication to be recorded for the purpose of indicating the acceptance and approval by the Town of Conklin to accept this property as a unconditional gift from Sullivan pursuant to the provisions of Town Law section 64(8).

**RESOLVED**, this resolution shall be subject to permissive referendum.

**CERTIFICATION**

I, Sherri 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 September 27, 2011. Said resolution was adopted by the following roll call vote:

Supervisor Debra A. Preston	YES
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: September 27, 2011

Town of Conklin Seal

\_\_\_\_\_  
Sherrie L. Jacobs Town Clerk of the Town of Conklin

Supervisor Preston reminded the Board that Willis Platt requested that the wishing well on the site be maintained and a plaque put on it stating that the site is the former home of Springer's Miniature Golf Course. The Town will take care of this request.

**SERVICE ORGANIZATIONS**

Mr. Francisco stated that he has been contacted by the Office for the Aging requesting to relocate their Flu Clinic to the Town Hall on November 9, 2011, from 1:30 to 3:00 P.M. The Board approved this request. Mr. Francisco also asked about Meals on Wheels and

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Supervisor Preston stated that this organization should be able to operate out of the Castle if they so choose. Supervisor Preston stated that the Conklin Senior Citizens Club is too large a group to meet at the Castle and has found alternate accommodations. She stated that organizations which were displaced from the Floyd Maines Community Center will be looked at individually on a case by case basis to see if they could use the Town Hall or Castle for their activities. She reminded those present that the Town Hall will serve as a polling place for the General Election on November 8, 2011. Supervisor Preston stated that she did not want outside groups using the Board Room.

**BUDGET FREEZE IN EFFECT**

Supervisor Preston instructed the department heads that a budget freeze is in effect and they are not to buy anything unless it is a necessity and related to the flood.

**TRAILERS ON STILLWATER ROAD**

Supervisor Preston stated that she does not feel people should be living in the trailers on Stillwater Road, calling them "unsafe," and she asked what the Town can do about this situation. Attorney Sacco will research this situation.

There being no further business to come before the Board, Mr. Finch moved for adjournment, seconded by Mr. Francisco.

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk