

REGULAR TOWN BOARD MEETING
OCTOBER 8, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on October 8, 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	Oliver Blaise III
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta

GUESTS:	Country Courier	Elizabeth Einstein
		John Colley
		Dolly Stout
		Mike Gabello
		Laurie Francisco
		William Dumian, Jr.
		Joe Zdimal
		David Ferris
		Tom Scanlon
		Peter J. Motsavage

MINUTES: SEPTEMBER 24, 2013 REGULAR TOWN BOARD MEETING

Mr. Minoia moved to approve the September 24, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from Keystone Engineering regarding an addition to the FedEx building in the Broome Corporate Park. He added that this addition was approved at the time the initial building approval was granted, but the Town Board must approve some specific aspects of the addition.

Mr. Finch acknowledged receipt of correspondence from Governor Cuomo’s office regarding the potential grant in the amount of \$3,000,000, adding that “it looks good” that the Town of Conklin will be able to use this money for expansion of the water and sewer system and for construction of an evacuation route from the center of the Town, in the event of another emergency situation such as the catastrophic floods of 2006 and 2011.

Mr. Finch also acknowledged receipt of correspondence from Broome Bituminous over a disputed bill, which was given to the Town Attorney for review, and from All Around Excavating, regarding the bids for demolition of structures in the 2011 Flood Buyout Program.

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PUBLIC COMMENTS:

HUNTERS TRESPASSING NEAR TOWN WATER TOWER AND RESIDENCES

Joe Zdimal of Ahern Road stated that he lives near the access road to the Town water tower and added that every year during deer hunting season in October and November, the hunters disregard the “No Trespassing” signs posted on the access road and ignore the law that states that it is illegal to discharge a firearm within 500 feet of a residence. He stated that in fact the signs have been removed and the gate blocking the access road has been damaged. Mr. Zdimal stated that several years ago he did a “fly over” with then Town Supervisor Debra Preston and it was determined that every point on the access road is within 500 feet of a residence.

Public Works Superintendent Tom Delamarter stated that this is a federal offense because it endangers the municipal water supply, adding that gun shots have left bullet holes in the Town water tank located on Stewart Road. He added that the gate blocking the access road is locked and that he can re-post the “No Trespassing” signs. Mr. Finch advised contacting the Broome County Sheriff’s Department and having trespassers arrested, adding that the Town had several students arrested last summer for trespassing at the water tower.

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 stated that his department has been busy grading and patching roadways and mowing, as well as working on truck repairs. He stated that the Highway Department will be repairing the drop off between paved road and driveways on Coolidge Street, using pavement millings. He stated that his crew will be helping the Town of Kirkwood Highway Department on October 9 with preparing their trucks for snow removal.

RESO 2013-134: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/LEAF
PICK-UP/OCTOBER 21-NOVEMBER 29, 2013

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** of leaf pick-up that will take place from October 21 through November 29, 2013.

Seconded by Mr. Minoia.

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

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REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom Delamarter reported that the Town received a donation of \$50 from the Skylarks Softball Team. He stated that he re-measured the plot at Shawsville Cemetery belonging to Mrs. Freije and her questions were resolved. Mr. Delamarter stated that the fence at the cemetery has been repaired and the cemetery has been mowed and trimmed. He reported that the Buyout properties have also been mowed.

Mr. Delamarter reported that the water testing at Well 6 has been giving a false chemical read, so that well is temporarily shut down and the Town is using Well 5. He stated that the Broome County Health Department inspected the Town's water supply on October 8.

Mr. Delamarter stated that the invoices, totaling approximately \$34,000, for the damage caused by the power surge, will be paid by NYSEG (New York State Electric and Gas Corporation), who in turn will seek reimbursement from the insurance company. He stated that the sewer smoke testing showed 24 sites that need the caps repaired and showed some infiltration at Powers Road.

RESO 2013-135: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/FLUSH
MUNICIPAL HYDRANTS/10-21 – 10-31-2013

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** of the flushing of municipal hydrants from October 21 through October 31, 2013.

Seconded by Mr. Bullock.

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

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that Mr. DeVincentis wants to build a pole barn and small office building at his site at 300 Hardie Road, to house the bridge division of his construction company.

Mr. Jones stated that representatives from FedEx attended the Planning Board meeting on October 7, 2013, adding that the company is seeking to add a "large addition" to its building in the Broome Corporate Park and noting that the Town of Conklin is Lead Agency on this decision. He added that this addition was approved when the initial building was approved but the Town must approve some additional work not included in the original request. A Public Hearing will be required and Mr. Jones will send letters to residents who live within 1,000 feet of the Corporate Park, as required by law. Mr. Jones stated that this is approximately 115 people. Mr. Finch asked about the lights, which had been an issue with the original building, and Mr. Jones replied that one light pole will need to be moved. He added that the addition is on the Carlin Road side of the building, on the back of the existing structure. Town Attorney Oliver Blaise III asked if the Form 239 had been sent to the Broome County Planning Department for input, and Mr. Jones stated that he will be mailing it on October 9.

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RESO 2013-136: SCHEDULE PUBLIC HEARING/NOVEMBER 26, 2013/5:35
P.M./FEDEX ADDITION

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:35 P.M. on November 26, 2013, to receive input regarding the proposed addition to the FedEx building in the Broome Corporate Park.

Seconded by Mr. Francisco.

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

Mr. Jones reported that he has issued building permits for three new houses in the past month, and has been conducting safety inspections. He stated that he has been working with participants in the 2011 Flood Buyout Program regarding Duplication of Benefits. Mr. Jones stated that the Hazardous Materials Property Surveys have been sent to participants and need to be completed and returned, along with Household Income Declarations. He added that the Income Declarations are needed for HUD (Housing and Urban Development) but added that acceptance into the Buyout Program is NOT income sensitive.

Mr. Jones reported that the site of the former SportsPlex will be mowed in the next two weeks, adding that he spoke with owner Rob Warholic. Mr. Finch asked Mr. Jones to remind the property owner to cover the two manholes on the property to prevent anyone from falling into them.

OLD BUSINESS:

CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT)

Mr. Finch stated that three meetings have been held by the committee deciding the distribution of the Governor's Community Development Block Grant (CDBG), adding that the Town of Conklin should receive approximately \$3,000,000 of the money. He added that members of the committee visited the proposed Town of Conklin project sites and agree to the Town's use of the monies. He stated that the next meeting will be held on October 15.

BROOME BITUMINOUS

This issue will be discussed in Executive Session.

ALL AROUND EXCAVATING

Mr. Blaise stated that the legal representative for All Around Excavating has sent a FOIL (Freedom of Information Law) request to the Town, the response to which the Town Clerk prepared and he reviewed. The response will be mailed on October 9, 2013. Mr. Blaise stated that the Town also received an Article 78 petition, which he explained is a lawsuit filed against the Town by All Around Excavating. He stated that he and Attorney Robert McKertich will be representing the Town, adding that they have gotten the response deadline rescheduled for the first week in December. Mr. Blaise stated that the case will be tried in the Norwich Court under Judge Kevin Dowd.

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TIME WARNER CABLE FRANCHISE AGREEMENT

Mr. Blaise stated that the Public Service Commission is mediating the agreement between Time Warner Cable and the Town of Conklin, adding that a meeting has been scheduled with David Whalen of Time Warner Cable.

LITTLE LEAGUE FIELD & BUILDING FEMA CLOSEOUT AUDIT

Assistant to the Supervisor Lisa Houston stated that FEMA (Federal Emergency Management Agency) has approved reimbursement to the Town for repairs of damages done to the Little League field and building by the 2011 flood, adding that she has requested that the Town receive the funds by November 15, 2013, the date when the bond taken out to cover the cost of repairs is due.

2011 FLOOD BUYOUT PROGRAM

Mr. Finch reported that meetings will be scheduled for groups of ten participants per meeting to discuss the final stages of the 2011 Flood Buyout Program. He stated that Thomas Abatti at SEMO (State Emergency Management Office) must review all of the documents. Demolitions of buildings will begin after January 1, 2014.

NEW BUSINESS:

2014 BUDGET

Mr. Finch stated that the tax rate for 2014 will be .1% less than the 2013 rate, but added that if property owners have made improvements to their properties in the last year, their taxes will be increased as the assessment will have increased. Mr. Bullock asked for an Executive Session "to discuss salaries."

2013 HALLOWEEN CURFEW

The Halloween Curfew will be in effect October 30 and 31 and November 1, 2013, as provided by local law. The curfew is in effect from 8 P.M. until 6 A.M. on those dates.

RESO 2013-137: RATIFY ACH PAYMENT/PITNEY BOWES/POSTAGE MACHINE
POSTAGE PURCHASE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an ACH payment, account codes A1670.4 and SW8310.4, in the amount of \$515.00 to Pitney Bowes for purchase of postage for the postage machine.

Seconded by Mr. Francisco.

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

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RESO 2013-138: ACCEPT DONATION/NORMAN PRITCHARD/SENIOR SOFTBALL LEAGUE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation, account code A2705, in the amount of \$50.00 from Norman Pritchard on behalf of the Senior Softball League.

Seconded by Mr. Bullock.

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

RESO 2013-139: APPROVE PAYMENT/OCTOBER 8, 2013 BILL LIST/\$36,010.81

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following October 8, 2013 Bill List in the total amount of \$36,010.81:

General	\$ 9,566.93
Highway	21,502.38
2011 Flood Emergency	328.23
Light Districts	1,787.92
Sewer District	662.27
Water District	<u>2,163.08</u>
Total	<u>\$36,010.81</u>

Seconded by Mr. Bullock.

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

RESO 2013-140: AUTHORIZE MODIFICATION/STATED BUDGET LINES

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the modification of the stated from and to Budget lines, as of October 8, 2013 (see attached).

Seconded by Mr. Francisco.

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

RESO 2013-141: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUES

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of the stated unanticipated revenues (see attached).

Seconded by Mr. Francisco.

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

COMMUNITY CENTER

Mr. Bullock reported that he sealed the cracks in the cinder blocks at the Maines Community Center, adding that the building will still need to be sprayed. He asked if the alarm system at the Community Center had been fixed and Mr. Delamarter replied that Time Warner had repaired it.

FLOOD INSURANCE

Mr. Bullock stated that he contacted Southern Tier Surveying Company and was told that elevation studies and certificates will cost \$500 per study. Mr. Finch stated that he should call other surveyors and acquire Town-wide quotes. Mr. Jones suggested contacting Gary Whistle on Powers Road.

Mr. Finch asked Mr. Minoia about his research into Town-wide flood insurance and Mr. Minoia stated that since Hurricane Sandy in 2012 the federal government has “halted” and is “re-writing the rules.”

DEBRIS ON KEITH LANE

Mr. Finch asked for an update on the issue of debris on Keith Lane and Mr. Jones stated that the person who had been depositing the debris moved all of it the day after the last Board meeting.

WALKABLE COMMUNITY

Mr. Finch reported that he received communication from Broome County regarding the proposed “Walkable Community” project on Powers Road.

**RESO 2013-142: EXECUTIVE SESSION/POSSIBLE LITIGATION &
PERSONNEL/BUDGET/SALARY DISCUSSION**

Mr. Bullock moved to close the Regular Town Board meeting and to move into Executive Session at 7:40 P.M. to discuss possible litigation and the 2014 Budget in terms of personnel and salaries.

Seconded by Mr. Minoia.

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 7:40 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Attorney Oliver Blaise III, Town Clerk Sherrie Jacobs (part of meeting), Public Works Superintendent Tom Delamarter (part of meeting), Assistant to Supervisor Lisa Houston (part of meeting). Town Clerk Jacobs assumed duties of secretary for part of the meeting, and Supervisor Finch assumed duties of secretary for the remainder of the meeting.

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A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding “proposed, pending, or current litigation.” A discussion was also held regarding the 2014 Budget with regard to personnel and salaries.

RESO 2013-143: RE-OPEN REGULAR TOWN BOARD MEETING

After these discussions, Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 9:43 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. Bullock moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 9:48 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk