

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on October 11, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance. Supervisor Preston thanked Town Justice J. Marshall Ayres for the use of the Courtroom for the Town Board meeting, since representatives from FEMA (Federal Emergency Management Agency), SEMO (State Emergency Management Office), and other agencies involved with flood recovery were occupying the Board Room.

**PRESENT:**

Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Town Justice	J. Marshall Ayres
Assistant to Supervisor	Lisa Houston
Highway Superintendent	Patrick Latting
Code Officer	Robert Jones
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
Dog Control Officer	Darlene Weidman
Substitute DCO	Kelly Wildoner

**GUESTS:**

<b>Country Courier</b>	Linnea Ransom John Colley Joe Bartosik Dolly Stout Roger Kwiatkowski Laurie Francisco Tom Kelly Steven Long Karen Kuhl Peter Motsavage
------------------------	---

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

Mr. Francisco moved to approve the September 27, 2011 Regular Town Board Meeting minutes as presented.

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 Town Clerk, the Code Officer, and from the Dog Control Officer.

**PUBLIC COMMENTS:**

**USE OF COMMUNITY CENTER PARKING LOT/  
CONKLIN SENIOR CITIZENS BUS TRIP**

Joe Bartosik, on behalf of Nancy Cunningham, trip organizer for the Conklin Senior Citizens Club, asked permission to utilize the parking lot at the Floyd Maines Community Center to park their personal vehicles while on a bus trip on December 9, 2011. Supervisor Preston approved this request, noting that the Seniors will need to park in the far lot near the driving range.

**THANK YOU/PAT LATTING/DEC TO PUMP WATER OUT OF MILLBURN DRIVE**

John Colley of Millburn Drive thanked Highway Superintendent Patrick Latting for his efforts to arrange for the DEC (New York State Department of Environmental Conservation) to pump the

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

water out of upper Millburn Drive. Mr. Latting replied that he is still endeavoring to arrange for the DEC to take care of this problem.

**RAYMOUR & FLANIGAN/GIFT VOUCHERS FOR FLOOD SURVIVORS**

Two representatives from Raymour and Flanigan presented 100 gift vouchers worth \$100 each to Supervisor Preston to distribute to survivors of the September flooding. Supervisor Preston thanked them for their generosity.

**CULVERT ISSUE/AHERN ROAD**

Roger Kwiatkowski of 351 Ahern Road stated that he has “a problem with the Highway Department.” He showed photos to the Town Board of the culvert in front of his house, which contains large stones that Mr. Kwiatkowski stated were put in place by the Town Highway Department. He stated that the foundation of his house was ruined by runoff water diverted by the large stones into his house, adding that he has no plumbing and no gas. Mr. Kwiatkowski stated that he has received some money from FEMA but not enough to make the necessary repairs.

Attorney Cheryl Sacco stated that the Town Board can look at the photographs and listen to Mr. Kwiatkowski’s claims, but added that no further action can be taken by the Town until a written Notice of Claim is filed against the Town by Mr. Kwiatkowski.

Mr. Kwiatkowski added that his home was flooded in November 2006 but not due to the culvert. Mr. Bullock asked if the situation has been corrected and Mr. Latting replied that this was the first time Mr. Kwiatkowski had addressed the problem with him. Mr. Bullock asked Mr. Kwiatkowski which storm caused the damage and he replied, “Tropical Storm Lee.” Mr. Finch asked if Mr. Kwiatkowski’s house had been flooded from other storms and he replied that it had not been flooded, adding that the flooding in 2006 was caused by a nearby pond overflowing. Mr. Kwiatkowski added that the Veterans Administration is helping him with the legal work to provide a written Notice of Claim.

**REPORTS:**

Refer to written reports, copies of which are available in the office of the Town Clerk.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**2012 BUDGET**

The Town Board seemed pleased with the proposed 2012 General and Highway Budget, which only shows an increase of \$17,000 over the 2011 Budget. Mr. Finch commented that the Town is “fortunate to have the Highway Department we have” and “fortunate to have the Water and Sewer Department we have.” There were no questions for the department heads. Mr. Minoia agreed that this is a minimum budget with no “frills.” Mr. Bullock commented that some of the vehicles are getting “beaten up” and will need to be replaced. Supervisor Preston replied that she is working on refinancing to try to be able to replace some vehicles.

Mr. Finch suggested that employee raises should consist of an increase of \$.50 per hour instead of the proposed 3% increase. Assistant to the Supervisor Lisa Houston was asked to prepare a comparison of cost to the Town between a 3% increase and an increase of \$.50 per hour for the next Board meeting. Supervisor Preston stated that changing the increase to \$.50 per hour will result in a budget that is “quite a bit over” what she had proposed.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

Town Justice J. Marshall Ayres asked about the effect this change would have on salaried employees, including the Court Clerk. The \$.50 per hour increase will result in less money than the proposed 3% increase for all of the salaried employees. Judge Ayres noted that Court Clerk Laurie Gregory has saved the Town a considerable amount of money and purposely did not go to the Court Clerks conference as a cost-saving measure. Judge Ayres stated that his department submitted a "tight budget" request, which he hopes the Board will consider. Town Clerk Sherrie Jacobs echoed this thought, noting that her department has not spent any money on equipment, and has increased its revenue through taking oversight of the dog licensing process and through increased number of marriage licenses, adding that she, too, did not go to the State Town Clerks conference this year as a cost-saving measure. Town Clerk Jacobs stated that the "3% increase is fairer to all employees than the \$.50 per hour increase." Supervisor Preston stated that the Town lost \$100,000 in sales tax revenue following the 2010 Census, adding that the tax base will decrease again following last month's flooding. Judge Ayres stated that his department went from a deficit of \$32,844 in 2009 to a projected deficit of \$10,000 in 2012, cutting the department's deficit by two-thirds. He stated that if the Town of Conklin "ever took over the Town of Binghamton Court, it would be a profit-maker for both towns."

The Town Board approved of the proposed Budget for 2012 but would like to see the costs to the Town for both a 3% increase and a \$.50 per hour increase, for comparison. Copies of the detailed Fire Protection Contract Budget for 2012 were distributed. The Public Hearings on the proposed General and Highway Budget and on the Fire Protection Contract will be held on October 25.

**RESO 2011-144: RATIFY WIRE PAYMENT/POSTAGE ON CALL/POSTAGE REIMBURSEMENT PURCHASE**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies a wire payment, account code A1670.4, in the amount of \$500.00 to Postage on Call for postage reimbursement purchase.

Seconded by Mr. Francisco.

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

**RESO 2011-145: RATIFY PAYMENT/D. PRESTON/SEPTEMBER FLOOD MILEAGE REIMBURSEMENT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3151, account code HA8760-4B, in the amount of \$442.89 to Debra A. Preston for mileage reimbursement during the September 2011 flood and aftermath.

Seconded by Mr. Francisco.

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

**RESO 2011-146: RATIFY PAYMENT/T. DELAMARTER/SEPTEMBER FLOOD MILEAGE REIMBURSEMENT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3149, account code HA8760-4B, in the amount of \$119.33 to Thomas Delamarter for mileage reimbursement during the September 2011 flood and aftermath.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

Seconded by Mr. Finch.

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

**RESO 2011-147: RATIFY PAYMENT/L. HOUSTON/SEPTEMBER FLOOD MILEAGE REIMBURSEMENT**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3150, account code HA8760-4B, in the amount of \$66.60 to Lisa Houston for mileage reimbursement during the September 2011 flood and aftermath.

Seconded by Mr. Bullock.

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

**RESO 2011-148: RATIFY PAYMENT/J. FINCH/SEPTEMBER FLOOD MILEAGE REIMBURSEMENT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3152, account code HA8760-4B, in the amount of \$233.66 to James Finch for mileage reimbursement during the September 2011 flood and aftermath.

Seconded by Mr. Francisco.

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

**RESO 2011-149: APPROVE PAYMENT/OCTOBER 11, 2011 BILL LIST**

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 11, 2011 Bill List in the total amount of \$32,616.02:

General	\$13,671.88
Highway	5,522.01
2011 Flood Emergency	13,315.79
Water District	<u>106.34</u>
<b>Total</b>	<b>\$32,616.02</b>

Seconded by Mr. Finch.

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

**RESO 2011-150: RESCIND RESO 2011-133/APPROVE CONTRACT WITH BROOME COUNTY DOG SHELTER**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rescinds Resolution 2011-133 approving the contract with the Broome County Dog Shelter, noting that the dates given in the contract by the County are inconsistent with the terms of the contract.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

**RESO 2011-151: APPROVE TOWN SUPERVISOR/ENTER CONTRACT/BROOME**  
**COUNTY DOG SHELTER/JANUARY 1, 2012 – DECEMBER 31, 2016**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the Town Supervisor, Debra A. Preston, to enter into a contract with the Broome County Dog Shelter for a five year period to run from January 1, 2012, through December 31, 2016, at a rate of \$10,286 per year for 2012 and then adjusted annually in accordance with the CPI (Consumer Price Index) of June of the previous year.

Seconded by Mr. Francisco.

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

**DISCUSSION OF LOCAL LAW 2, 2005/HALLOWEEN CURFEW**

The Town Board discussed Local Law 2, 2005, “Limited Curfew of Minor Children,” noting that the curfew is in effect between the hours of 8 P.M. and 6 A.M. on October 30, October 31, and November 1. Supervisor Preston instructed her assistant, Lisa Houston, to contact the Broome County Sheriff’s Department to ask for extra coverage on those dates.

**2012 FIRE PROTECTION BUDGET**

Supervisor Preston noted that the proposed 2012 Fire Protection Budget is asking for an increase of less than \$5,000 (\$4,875) over its 2011 Budget. She added that this is a “good budget,” noting that the money for the Fire Protection Contract is already calculated into the Town’s proposed 2012 Budget.

**ASSEMBLYMAN CLIFFORD CROUCH TO ATTEND OCTOBER 25 MEETING**

Supervisor Preston noted that State Assemblyman Clifford Crouch will attend the October 25 Town Board meeting and will stay after the meeting to meet with residents.

**INTRODUCE LOCAL LAW 3, 2011/ “A LOCAL LAW ON OPERATING PERMITS”**

Attorney Cheryl Sacco introduced Local Law 3, 2011, “A Local Law On Operating Permits,” and explained that it is an amendment to Chapter 73-10 of the Town Code, and will require any contractor doing remodeling, construction, or repair work within the Town of Conklin to register with the Town of Conklin Code Office and obtain a permit to work in the Town.

**RESO 2011-152: AUTHORIZE TRANSFER OF FUNDS/CONKLIN VETERANS**  
**MEMORIAL, INC.**

**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:**

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

WHEREAS, the Town of Conklin received a letter from Conklin Veterans Memorial, Inc.; wherein the company has asked the monies collected for the building of a veterans memorial and held in the Town's trust be released to the newly established corporate entity, and

WHEREAS, General Municipal Law Section 72 allows a municipality to provide public funds for the construction and maintenance of a veterans memorial to a monument association and The NYS Comptroller ( opinion 88-74) opined that a monument association would include a private entity, including a corporation, and

WHEREAS, Pursuant to its Certificate of Incorporation, and Filing Receipt for the same; the Conklin Veterans Memorial, Inc., is a not-for-profit and was formed for the charitable purpose to build and maintain a memorial within Conklin to honor veterans of the community.

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQRA"), a transfer of the funds 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 transfer the funds to Conklin Veterans Memorial Inc.,

NOW, THEREFORE, the Conklin Town Board hereby authorizes the transfer of funds acquired for the establishment and/or maintenance of a Veterans Memorial and held in trust for such purpose to be transferred to Conklin Veterans Memorial, Inc. and

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 October 11, 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: October 11, 2011

Town of Conklin Seal

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

**RESO 2011-153: ACCEPT PROPOSED SETTLEMENT/TAX CERTIORARI/SHE-  
SHOLLO ENTERPRISES LLC**

**PRESENT:**

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

**ABSENT:**

**Offered By: Mr. Finch**

**Seconded By: Mr. Francisco**

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

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

WHEREAS, the Town of Conklin received a settlement offer in the matters: TNL, Inc. and RJ Development, LLC vs. The Assessor of the Town of Conklin, et al; TNL In., RJ Development, LLC and She-Shollo Enterprises, LLC vs. The Assessor of the Town of Conklin, et al; RJ Development LLC and She-Shollo Enterprises LLC vs. The Assessor of the Town of Conklin, et al and RJ Development LLC vs. The Assessor the Town of Conklin, et al (Index numbers 2007-1819, 2008-2082, 2009-1990, 2010-2035 and 2011-1930;

WHEREAS, the proposed settlement is attached, and

WHEREAS, upon the advice of the Town Assessor and the Attorney for the Town, and after due deliberation, the Town Boards finds it in the best interest of the Town to accept the proposed settlement and authorize whatever further action is thereafter needed,

NOW, THEREFORE, the Conklin Town Board hereby authorizes the settlement, as set forth in the attached and authorizes whatever further action is thereafter needed to effectuate the settlement and

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 October 11, 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: October 11, 2011

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

Sherrie L. Jacobs Town Clerk of the Town of Conklin

Supervisor Preston explained that this agreement provides for a \$2,000 per year refund for three years on only one of two properties in question, with no refund being given on the second property.

**WATER DISTRICT 6 & WALTER AVENUE EXTENSION REQUESTS**

Attorney Sacco stated that the cost of extending Water District 6 and the inclusion of homes on Walter Avenue will be between \$40,000 and \$50,000 and the residents may withdraw their request for the extension.

**UPDATE OF HIGHWAY INVENTORY/ “CHIPS”**

Attorney Sacco stated that she has been working with Highway Superintendent Patrick Latting to update the inventory of highways in the Town of Conklin for purposes of “CHIPS” (Consolidated Highway Improvement Program) allocations. She stated that Hickory Lane should be included in the Town’s inventory but Darden Way and Beatrice Lane should not be included, as the ownership of these roads has not been given to the Town.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 11, 2011**

**PARTY AFTER THE FLOOD**

Mr. Finch stated that there should be a celebration to acknowledge residents' and business owners' resilience in rebuilding after the September flood, but consensus of the Board was that it is too soon for such a celebration. Town Clerk Sherrie Jacobs stated that the Conklin Presbyterian Church Flood Relief Center is offering a Thanksgiving celebration for flood survivors and volunteers on October 16 from 3 to 7 P.M. and all are invited.

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

The meeting adjourned at 7:51 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk