

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on October 22, 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
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta
	Highway Laborer	Brian Coddington
	Public Works Superintendent	Tom Delamarter
	Code Officer	Robert Jones

<b>GUESTS:</b>	Broome County Executive	Debra Preston
	<b>Country Courier</b>	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Paul M. Jacobs
	Conklin Vol. Fire Dept.	Bill Gorman
		Bill Dumian, Sr.
		Bill Dumian, Jr.
		Laurie Francisco
		Michael Gabello
		Bob Ronk
		Dolly Stout
		Nancy Coddington

**MINUTES: OCTOBER 8, 2013 REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to approve the October 8, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

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

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the attorney representing Broome Bituminous in the issue of the disputed bill for paving material supplied to the Town of Conklin. He also acknowledged receipt of a letter from William Lausen, owner of The Painted Daisy, regarding the proposed water and sewer rates. Mr. Finch acknowledged receipt of correspondence from Governor Cuomo's office regarding the \$3,000,000 grant, stating that progress is being made, and the committee dispersing the funds seems to be in approval of the Town of Conklin proposed projects, which include expansion of the water and sewer districts, design of an evacuation route for the center of Town in the event of another catastrophic flood event, and creation of a drainage district behind the lower Carlin Road development.

**PUBLIC COMMENTS:**

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**MINUTES AND SAMPLE BALLOTS**

Mr. Robert Ronk of 28 Montrose Drive asked if the minutes from the Town Board meetings are posted on the Town's website and Town Clerk Sherrie Jacobs confirmed that they are posted and explained where to find them on the website. Mr. Ronk asked if there are sample ballots available and Mr. Finch replied that he will request one from the Broome County Board of Elections.

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**PUBLIC HEARING/TO RECEIVE INPUT REGARDING PROPOSED 2014 TOWN OF CONKLIN GENERAL AND HIGHWAY BUDGET**

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

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:35 P.M. and asked those present to speak either for, or in opposition to, the proposed 2014 Town of Conklin General and Highway Budget.

Broome County Executive Debra Preston, speaking as a Town of Conklin resident and former Town Supervisor, stated, "The biggest asset you have is your employees. They do a wonderful job and you should leave them out of your disagreements." Mr. Bullock called for an Executive Session regarding the salary of a particular person.

There being no further questions or public comments, Mr. Finch declared the Public Hearing closed at 5:40 P.M.

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**OLD BUSINESS:**

**FEMA FLOOD BUYOUT PROGRAM**

Code Officer Robert Jones reported that he is working on the FEMA (Federal Emergency Management Agency) 2011 Flood Buyout Program with residents, and is currently in the process of examining the Duplication of Benefits packets. He stated that HUD (Housing and Urban Development), which is providing the 25% of the cost not covered by FEMA, requires a Household Declaration of Income, although approval for participation in the Buyout Program is not income-sensitive. Mr. Jones stated that a Hazardous Material Survey must also be completed by each participant in the program.

Mr. Jones stated that the first ten packets have been completed and sent to Tom Abatti at SEMO (State Emergency Management Office, which administers the FEMA program for New York State) for approval. He also stated that there is a second Buyout Program, which will provide a "small window of opportunity" to add a few more homes to the Buyout Plan. Mr. Finch added that he met with representatives from the Town of Chenango, who had stated that their town would not participate in the Buyout because it had no money to pay the "up front" costs of demolition, adding that he provided the Town of Chenango with information about this second Buyout Program and the Town of Chenango will join that program.

**NEW BUSINESS:**

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**RESO 2013-144: APPROVE PAYMENT/BROOME BITUMINOUS/INVOICE #29738**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment in the amount of \$13,840.97, account code DA5110.4, to Broome Bituminous for payment of Invoice #29738, Purchase Order #13-01264.

Seconded by Mr. Francisco.

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

**RESO 2013-145: APPROVE PAYMENT/OCTOBER 22, 2013 BILL LIST/\$51,596.43**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List, dated October 22, 2013, in the total amount of \$51,596.43:

General	\$11,593.69
Highway	8,214.96
Flood Emergency	159.04
Light Districts	319.75
Water District	1,861.48
Non-Budget	<u>29,447.51</u>
<b>Total</b>	<b>\$51,596.43</b>

Seconded by Mr. Minoia.

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

**BROOME BITUMINOUS**

Mr. Finch stated that he attended two meetings with representatives from Broome Bituminous and added that the paving material supply company will not charge the Town interest on the payment it says is due nor legal fees incurred trying to resolve the dispute.

**GRANT FOR WATER & SEWER EXPANSION/DRAINAGE DISTRICT/&  
EVACUATION ROUTE FROM CENTER OF TOWN**

Mr. Finch stated that he has attended two meetings with the committee charged with the dispersing of the \$3,000,000 in grant monies and added that the decision-making process is “moving fast.” He added that outlying districts, such as Conklin, are being approved for monies. The Town of Conklin would like to use this money to expand its water and sewer systems, create a drainage district near Carlin Road, and create an evacuation route from the center of Town.

**JOINT SEWAGE TREATMENT PLANT**

Mr. Finch stated that he attended a meeting with the Binghamton-Johnson City Joint Sewage Treatment Plant and learned that the rates for City of Binghamton users are decreasing while the cost to outside users, such as the Town of Conklin, will be increasing.

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**TOWN EMPLOYEE HEALTH INSURANCE**

Mr. Finch stated that he met with the Town's insurance carrier and found a new PPO insurance plan for employee health insurance which the Town will utilize next year. He stated that the new plan will provide the same or better coverage, but will save the Town more than \$30,000. He stated that there will be some changes for retirees of the Town who live outside of New York State. Mr. Finch stated that the \$15 co-pay will no longer apply and that there will no longer be coverage for acupuncture. He stated that the category of "single with children" will be added to the existing categories of "single," "two-person," and "family."

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**PUBLIC HEARING/TO RECEIVE INPUT REGARDING PROPOSED 2014 WATER  
AND SEWER RATES**

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

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:45 P.M. and asked those present to speak either for, or in opposition to, the proposed 2014 Municipal Water and Sewer Rates.

Mr. Finch explained that there will be no increase in water usage rates. He explained that the proposed sewer usage rates would be \$8.00 per Thousand Gallons used for residential billing, \$9.95 per Thousand Gallons used for small, non-manufacturing businesses, and \$12.50 per Thousand Gallons used for large manufacturing businesses and those in the Broome Corporate Park.

Town Attorney Cheryl Sacco read the following letter from William Lausen, owner of The Painted Daisy, into the minutes:

"October 7, 2013  
"Town Clerk of the Town of Conklin  
"Conklin Town Hall  
"1271 Conklin Road  
"Conklin, New York 13748

"Dear Sherrie L. Jacobs,

"If this comment/request should be directed elsewhere I would appreciate your forwarding it to that elsewhere.

"I've noticed that my water/sewer bill service location was changed during 2011 from 3 Gee Street (my residence) to Painted Daisy (my seasonal retail plant business on the same property). With the coming new sewer rates, I fear I'll therefore be unfairly charged the small business rate of \$9.95/1,000 gallons instead of the residential rate of \$8.00/1,000 gallons.

"Here is my situation: The one water line to the property enters my residence at 3 Gee Street. All items connected to the one sewer line which exits the property are in the residence – toilet, sinks, tub – and are for residential use.

"The only plumbing in place for the Painted Daisy business is a water line running from the basement of my residence to my store and greenhouse. There are two spigots on that water line

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from which I water plants during spring and summer. The business has no items hooked into the sewer line – no sink or toilet or shower.

“All of my sewer usage is generated from water used in my residence. In effect, I pay sewage fees for water used in my business although my business puts nothing into the sewer line. So that goes. That’s ok.

“My request is that my billing service location and sewage billing rate reflect the residential nature of my sewer usage. As the water usage rates are to be the same for residences and businesses, that aspect of things doesn’t come into consideration.

“Sincerely,  
“William Lausen”

There being no further questions or public comments, Mr. Finch declared the Public Hearing closed at 5:49 P.M.

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**RESO 2013-146: ADOPT 2014 MUNICIPAL WATER AND SEWER BILLING RATES**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin adopts the new sewer billing rates for municipal sewer users and new water billing rates for municipal water users in the Town of Conklin as follows:

**SEWER RESIDENTIAL**

Quarterly Basic Fee:	\$10.00
Unit Charge not to exceed	\$8.00 per Thousand Gallons

**SEWER SMALL BUSINESS (Non-Mfg.)**

Quarterly Basic Fee:	\$10.00
Unit Charge not to exceed	\$9.95 per Thousand Gallons

**SEWER CORP PARK and MFG Companies**

Quarterly Basic Fee:	\$25.00
Unit Charge not to exceed	\$12.50 per Thousand Gallons

**WATER RESIDENTIAL AND SMALL BUSINESS(Non-Mfg)**

Quarterly Basic Fee:	\$5.00
Unit Charge not to exceed	\$2.74 per Thousand Gallons

**WATER CORP PARK and MFG Companies**

Quarterly Basic Fee	\$25.00
Unit charge not to exceed	\$ 2.94 per Thousand Gallons

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This billing change becomes effective November 1, 2013, and will be billed starting the first billing cycle in 2014; February 2014.

This Resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

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**PUBLIC HEARING/TO RECEIVE INPUT REGARDING PROPOSED 2014 FIRE**  
**PROTECTION CONTRACT**

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

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:50 P.M. and asked those present to speak either for, or in opposition to, the proposed 2014 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

Paul Jacobs, President of the Conklin Volunteer Fire Department, Inc., stated that the Fire Department held a Public Hearing on its proposed Fire Protection Contract on September 5, 2013, and no one other than Fire Department Board of Directors members attended. Mr. Finch stated that the Fire Protection Contract would be 1.7% higher than in 2013.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 5:51 P.M.

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**RESO 2013-147: AUTHORIZE THE SUPERVISOR OF THE TOWN OF CONKLIN TO**  
**SIGN FIRE PROTECTION AGREEMENT FOR THE YEAR 2014**

Mr. Francisco moved for the following resolution:

Whereas, the Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), on the 22nd day of October 2013, commencing at 5:50 PM at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, duly held a public hearing on the Town year 2014 Fire Protection District costs and

Whereas, the Town Board heard all persons desiring to be heard in the matter, and the matter of the said costs for the Town for such fiscal year was fully discussed and considered by the Town Board,

NOW, THEREFORE, the Town Board of the Town, duly convened in regular session, does hereby resolve as follows:

Section 1. The Supervisor of the Town of Conklin is hereby authorized and empowered to sign and deliver on behalf of the Town of Conklin the Fire Protection Agreement for Fire Protection District for the year 2014 between Town of Conklin and Conklin Volunteer Fire Department, Inc.

Section 2. Said agreement shall be substantially in accordance with the version thereof which is now on file in the offices of the Town Clerk of the Town of Conklin, and shall be subject to the approval of the Town Attorney of the Town of Conklin.

Section 3. This resolution shall take effect immediately.

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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 22, 2013. Said resolution was adopted by the following roll call vote:

Supervisor James E. Finch	YES
Councilman Gary D. Bullock	ABSTAIN
Councilman Charles Francisco	YES
Councilman Jerry Minoia	YES

Dated: October 22, 2013

Town of Conklin Seal

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Sherrie L. Jacobs Town Clerk of the Town of Conklin

**GRANT/GENERATOR HOOK-UPS**

Mr. Finch stated that the Town received a grant for \$100,000 which will be used to hook-up the newly purchased generators to the Town buildings. Mr. Francisco presented the plan for hooking up the generators. He stated that hooking up the generator would not create a disruption of NYSEG (New York State Electric and Gas Corporation) service to the Town Hall, adding that the generator will have a transfer switch and will provide a temporary fix if the electrical power goes out. Mr. Francisco stated that a licensed electrician will be required to hook up the generators. He added that a three-phase power system will be used to protect computers, and the electronics controlling the Town's water and sewer pumps. Mr. Francisco stated that importance of "making sure it's done right." He stated that the generators will power electricity in an emergency but will not power heat. Fire Chief Bill Gorman, also a licensed electrician, added that the generator could power a blower for heat but not air conditioning.

Mr. Finch stated that there should be an emergency hook-up at Fire Station #2 on Conklin Forks Road. Mr. Minoia stated that earlier discussions on this topic stated that the generators would be able to be moved to other buildings utilizing one universal hook-up. Mr. Francisco stated that a new electrical panel is needed at both the Highway Garage and at the Julius Rogers Utility Building. Mr. Finch asked if the Community Center could serve as an emergency center in situations other than a major flood. Mr. Francisco stated that the generator could power the heat and security system at the Community Center. Mr. Finch stated that he will discuss the plan with FEMA representatives and with Public Works Superintendent Tom Delamarter.

**BUDGET QUESTIONS**

Mr. Bullock called for an Executive Session to discuss salaries. Upon being informed by Mr. Finch that he cannot discuss salaries across the board in Executive Session but must limit it to a particular employee, Mr. Bullock stated that he could ask a couple of his questions in open meeting. He asked why Youth Commissioner Fran Bealo was given a raise and Mr. Finch replied that he was given only a \$500 increase for all that he does, adding that Mrs. Bealo volunteers her time also to help with the Youth Sports programs. Mr. Bullock asked why Assessor Clerk Phyllis Lake did not receive a raise when other part-time clerks received raises and Mr. Finch replied that Ms. Lake is already making \$1.40 per hour more than the other part-time clerks. Mr. Bullock asked what will happen to the salary of Public Works Superintendent Tom Delamarter if the proposition to abolish the elected position of Highway Superintendent and make the position appointed is defeated, which would mean that the Town would have an elected

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Highway Superintendent and oversight of the Highway Department would no longer be part of Mr. Delamarter's duties. Mr. Finch replied that Mr. Delamarter's salary would remain the same as last year, noting that he did not receive an increase in salary when he assumed oversight of the Highway Department at the end of 2012. Mr. Bullock then asked for an Executive Session to discuss the salary of a particular employee. "Is that employee present here tonight?" asked Supervisor Finch. "Yes," stated Mr. Bullock, but added that he did not want anyone to attend the Executive Session except the Town Board and the Town Attorney.

**RESO 2013-148: EXECUTIVE SESSION/SALARY OF PARTICULAR EMPLOYEE**

Mr. Minoia moved to close the Regular Town Board Meeting and to move into Executive Session at 6:09 P.M. to discuss the salary of a particular employee.

Seconded by Mr. Bullock.

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 6:09 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, and Town Attorney Cheryl Sacco. Mr. Finch assumed duties of secretary for the meeting. A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding the salary of a particular employee.

**RESO 2013-149: RE-OPEN REGULAR TOWN BOARD MEETING**

After this discussion, Mr. Francisco moved to close the Executive Session and re-open the Regular Town Board Meeting at 6:28 P.M.

Seconded by Mr. Bullock.

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

**RESO 2013-150: ADOPT ANNUAL BUDGET OF THE TOWN OF CONKLIN FOR  
THE YEAR 2014**

Mr. Bullock moved for the following resolution:

Whereas, the Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), on the 22nd day of October 2013, commencing at 5:35 PM at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, duly held a public hearing on the Town year 2014 preliminary budget submitted and approved by the Town Board and filed with the Town Clerk of the Town for the fiscal year commencing January 1, 2014, and

Whereas, the Town Board heard all persons desiring to be heard in the matter, and the matter of the said budget for the Town for such fiscal year was fully discussed and considered by the Town Board,

NOW, THEREFORE, the Town Board of the Town, duly convened in regular session, does hereby resolve as follows:

Section 1. The said Town year 2014 preliminary budget submitted, approved, and filed, as aforesaid, be and the same is hereby adopted and established as the year 2014 annual budget for

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the Town for the fiscal year beginning January 1, 2014. Said annual budget as so adopted and established shall be entered in detail in the minutes of the proceedings of the Town Board.

Section 2. The Town Clerk is hereby directed to attach to said budget an exemption report in compliance with the requirements of Chapter 258 of the Laws of 2008. Said report shall show how much of the total assessed value on the final assessment roll of the Town of Conklin used in the Town's budgetary process is exempt from taxation.

Section 3. The Town Clerk of the Town shall prepare and certify, as provided by law, duplicate copies of the said Town annual budget hereby adopted and established, and shall deliver one of such copies to the Supervisor of the Town; and the said Supervisor of the Town shall present such copy to the Board of Legislators of the County of Broome as required by law.

Section 4. 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 22, 2013. Said resolution was adopted by the following roll call vote:

Supervisor James E. Finch	YES
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Councilman Jerry Minoia	NO

Dated: October 22, 2013

Town of Conklin Seal

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Sherrie L. Jacobs Town Clerk of the Town of Conklin

Mr. Finch commented that there were no changes made to the Preliminary Budget and instructed anyone wishing more information to see Assistant to the Supervisor Lisa Houston.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 6:30 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk