

REGULAR TOWN BOARD MEETING
NOVEMBER 12, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on November 12, 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	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Deputy Highway Superintendent	Mike Mott
	Highway Department Foreman	Stan Albrechta
	Zoning Board of Appeals	Hal Cole
	Councilman-Elect	William Dumian, Jr.
	Highway Superintendent-Elect	Brian Coddington

GUESTS:	Country Courier	Elizabeth Einstein
		Walter Clark
		John Colley
		Mike Gabello
		Dolly Stout
		Laurie Francisco
		Cheri McPherson
		Rob Slezak
		Justin Slezak
		Rob Slezak II
		Peter J. Motsavage

MINUTES: OCTOBER 22, 2013 REGULAR TOWN BOARD MEETING

Mr. Finch stated that the October 22, 2013 Regular Town Board Meeting minutes should be corrected on page 4, line 8 from the top, to read “the \$15 co-pay will still apply” rather than “the \$15 co-pay will no longer apply.” Mr. Bullock moved to approve the October 22, 2013 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from Shumaker Engineering regarding the Town Landfill. He stated that the DEC (New York State Department of Environmental Conservation) is requiring the Town to paint the building near the Landfill and to clean out the ditches in the area. Mr. Finch stated that 25,000 gallons of leachate was released.

Mr. Finch acknowledged receipt of a letter from the office of the Broome County Clerk stating that the mobile DMV (Department of Motor Vehicles) will continue to come to the Conklin Town Hall weekly in 2014.

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Mr. Finch acknowledged receipt of a letter from Walter Clark of Leslie Avenue regarding his concern for water run-off from the new house being constructed by his neighbors, Gerald and Gloria Galazyn. Mr. Clark has spoken with Code Officer Robert Jones and all parties are working to arrive at an equitable solution.

Mr. Finch acknowledged receipt of correspondence from the Binghamton-Johnson City Joint Sewage Treatment Board requesting that the Town of Conklin enter into a 30-year agreement with the Joint Board. Mr. Finch stated that the Town Attorney is researching this proposed agreement.

Mr. Finch acknowledged receipt of an invitation for the Town Board and the general public to attend the dedication of the Conklin Veterans' Memorial at 1:00 P.M. on Saturday, November 16, 2013.

PUBLIC COMMENTS:

Mr. Finch opened the public comments portion of the meeting by introducing and welcoming Town Councilman-Elect William Dumian, Jr., and Highway Superintendent-Elect Brian Coddington.

PERMISSION TO USE WATER TOWER ACCESS ROAD TO ACCESS HUNTING AREAS

Rob Slezak, Justin Slezak, and Rob Slezak II asked permission to use the Ahern Road water tower access road to obtain access to hunting grounds on which they had been given permission to hunt. They stated that former Town Supervisor Debra Preston had given them permission to use the access road, adding that their firearms are not loaded with ammunition when they walk up this road. Mr. Finch replied that the access road to the municipal water supply tower is protected by Homeland Security and added that it is a federal offense to damage such a water supply. The Slezaks stated that they have been given permission to hunt on property owned by the Mower family and are simply asking permission to walk on the access road to reach the property owned by the Mowers. They added that they hunt to the right of the water tower, away from Ahern Road. Mr. Finch asked the Slezaks to provide a letter signed by the Mowers stating that the Slezaks have permission to hunt on their land. Town Attorney Cheryl Sacco asked if the water tower access road is a public road and Mr. Finch replied that it is not, adding that it is used solely to access the water tower. Mr. Bullock suggested that the Town issue a letter granting permission each year for hunting season, adding that the Slezaks should provide not only the letter signed by the Mowers, but also the names of the hunters in their party, their phone numbers, and the makes, models, and license plate numbers of the vehicles which would be parked on Ahern Road. Mr. Finch stated that consensus should be obtained from the residents of Ahern Road.

RESO 2013-151: GRANT PERMISSION TO SPECIFIC PEOPLE TO UTILIZE AHERN ROAD WATER TOWER ACCESS ROAD TO ACCESS HUNTING AREA

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin grants permission to specific individuals to utilize the Ahern Road water tower access road to gain access to a specific hunting area, for the period from November 16 through December 31, 2013. Specific information regarding identities of hunters and their vehicles is required.

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Seconded by Mr. Francisco.

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

PROPOSED CHANGES/TOWN OF CONKLIN EMPLOYEE POLICIES

Deputy Highway Superintendent Mike Mott asked the Town Board to consider revising its Employee Policies in two areas. First, he requested that the Board consider allowing sick day rollover from year to year to accumulate until 30 days have been accumulated, then revert to the three days per year allowance. The second request is that the Board consider adding spouses of Town retirees back onto the health insurance plan. Mr. Finch stated that the Board can discuss the issue of re-adding the spouses to the health insurance plan. After polling the Board, Mr. Finch stated that the Board members are agreeable to the requested change in sick day accumulation policy.

REPORT: TOWN CLERK

Refer to written report.

REPORT: PARKS & WATER DEPARTMENTS

Refer to written report.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones stated that he has issued six building permits. He stated that FedEx appeared before the Town Planning Board for a sketch plan review of its proposed addition to its building in the Broome Corporate Park, adding that FedEx will need a larger retention pond and a new SWPPP (StormWater Pollution Prevention Plan). Mr. Jones stated that the Broome County Planning Department is reviewing the FedEx plans. Attorney Sacco stated that the Town Board is Lead Agency because the project is located in the Corporate Park. Mr. Jones replied that the Town Planning Board will make a recommendation to the Town Board and a Public Hearing will be held.

Mr. Jones stated that he has been working with Councilman Charles Francisco and with Assistant to the Supervisor Lisa Houston on the grant to provide monies for the hook-ups for the newly purchased generators for the Town.

Mr. Jones reported that Ardaugh plans to add three new lines plus an addition for storage on the back side of its building in the Corporate Park, which he stated will increase its number of employees by 50%. He added that Ardaugh is expanding on its existing site and is not looking at purchasing additional acreage. Mr. Francisco commented that the original building was designed for the expansion of production lines. Mr. Finch asked if the required road for fire apparatus and exit exists in the new plan, and Mr. Jones confirmed that the road has been included. Mr. Francisco stated that he would like to look at the original documents to see what limitations had been imposed at the time the original permit was issued.

Mr. Jones stated that he has been discussing the concerns of Walter Clark, who lives at the intersection of Leslie Avenue and Inamour Drive, regarding possible flooding of Mr. Clark's basement. Mr. Clark sold the lot next to his property to Gerald and Gloria Galatzyn, who built a new house at a higher elevation than Mr. Clark's house. Mr. Clark is concerned that the water

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drainage from the Galatzyn property will cause his basement to flood. Mr. and Mrs. Galatzyn are willing to redirect the water drainage and Mr. Clark is happy with that solution.

Ms. Sacco asked for a status update on the FEMA (Federal Emergency Management Agency) Flood Buyout Program and Mr. Jones replied that he is working on the packets and has “seven or eight ready.” He stated that the Town is requesting an extension of the deadline for completion of this process. Mr. Finch stated that, at this point, closings on the properties will not be able to take place until February or March of 2014. Ms. Sacco stated, “Even March is questionable.” FEMA requires that demolition of the structures be completed within 60 days of closing on the property. The Town will ask for an extension beyond the current deadline of December 31, 2014. Mr. Jones stated that HUD (Housing and Urban Development) income declaration forms are being submitted to the Town. Mr. Finch asked if salvaging is allowed on the properties once the property owners have submitted their application for the Buyout Program, noting that this would affect the appraisal price negatively. Mr. Minoia stated that no salvaging is allowed after the offer has been accepted. Ms. Sacco stated that she will research this question with FEMA.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Deputy Highway Superintendent Mike Mott reported that his department responded well to the first snowfall of the season. He stated that leaf pick-up will continue, with 71.5 loads already picked up. Mr. Mott stated that all of the vehicles have been winterized and new tires put on as needed. He stated that the first 1,000 tons of sand for the roads has been mixed for the beginning of the winter season.

OLD BUSINESS:

UPDATE/GRANTS

Mr. Finch reported that there will be another meeting on November 18 at 3:00 P.M. at Binghamton University to discuss the \$3,000,000 grant which the Town of Conklin wants to use to expand its water and sewer districts, address drainage, and create an exit route from the center of Town in the event of an emergency.

Mr. Finch stated that Town Engineer Griffiths Engineering is working with the DEC to complete a \$37,000 grant to be used toward water and sewer district expansion.

Mr. Finch stated that he has been meeting with the Joint Sewage Board, adding that “maybe with a new mayor in Binghamton, we’ll have better cooperation.”

NEW BUSINESS:

RESO 2013-152: AUTHORIZE 2014 HOLIDAY SCHEDULE FOR TOWN
EMPLOYEES

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the following Holiday Schedule for Town of Conklin employees for the year 2014:

January 1, 2014 (Wednesday)	New Year’s Day
January 20, 2014 (Monday)	Martin Luther King Day

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February 17, 2014 (Monday)	Presidents' Day
April 18, 2014 (Friday)	Good Friday
May 26, 2014 (Monday)	Memorial Day
July 4, 2014 (Friday)	Independence Day
September 1, 2014 (Monday)	Labor Day
November 11, 2014 (Tuesday)	Veterans' Day
November 27, 2014 (Thursday)	Thanksgiving Day
November 28, 2014 (Friday)	Day after Thanksgiving
December 25, 2014 (Thursday)	Christmas Day

Seconded by Mr. Minoia.

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

**RESO 2013-153: RE-APPOINT THOMAS DONNELLY, JR. AND ELIZABETH
EINSTEIN/MEMBERS/ZONING BOARD OF APPEALS/FIVE-YEAR TERM/1-1-1014
TO 12-31-2018**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints Thomas Donnelly, Jr. and Elizabeth Einstein as members of the Zoning Board of Appeals for five-year terms running from January 1, 2014, through December 31, 2018.

Seconded by Mr. Bullock.

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

**RESO 2013-154: RE-APPOINT LYLE D. FASSETT/PLANNING BOARD
MEMBER/FIVE-YEAR TERM/1-1-2014 TO 12-31-2018**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints Lyle D. Fassett as a member of the Planning Board for a five-year term running from January 1, 2014, through December 31, 2018.

Seconded by Mr. Francisco.

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

**RESO 2013-155: RATIFY PAYMENT/BINGHAMTON UNIVERSITY/REGISTRATION
FEE/R. JONES/ATTEND NYS BUILDING CODE CREDITED CONTINUING
EDUCATION**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies check #6538, account code A3620.4, in the amount of \$72.00 to Binghamton University for registration fee for Code Officer Robert Jones to attend the New York State Building Code credited continuing education course.

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Seconded by Mr. Minoia.

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

RESO 2013-156: RATIFY PAYMENT/NBT BANK/SHORT TERM FLOOD BOND
ANTICIPATION NOTE #N4600.14A PAYOFF

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies check #6601, account codes A9730.7, \$4,746.00, and HA9730.6, \$300,000.00, for a total amount of \$304,746.00 to NBT Bank for pay off of Short Term Flood Bond Anticipation Note #N4600.14A, with a savings of \$294.00 in interest.

Seconded by Mr. Francisco.

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

RESO 2013-157: AUTHORIZE PAYMENT OF CLAIMS/BILL LIST DATED 11-12-
2013/\$48,500.80

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following claims, Bill List dated November 12, 2013, in the total amount of \$48,500.80:

General	\$22,151.33
Highway	8,920.13
2011 Flood Emergency	24.26
Light Districts	1,820.95
Sewer District	10,398.13
Water District	2,210.00
Non-Budget	<u>2,976.00</u>
Total	\$48,500.80

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Minoia – No, Francisco – Yes, Finch – Yes. Motion passed: 3 – Yes, 1 – No.

A discussion ensued regarding a transaction between the Town and M & T Material/Boland's Excavating. Mr. Minoia stated that Boland's Excavating removed gravel which he stated, "had been removed from the creek for municipal use," and a \$500 credit was given to the Town, to be used toward topsoil or bank run for the Conklin Veterans' Memorial. Mr. Minoia stated that the material was taken on June 22, an invoice given to the Town on July 21, but the bill not given to the Town Board until November. He stated that the Board had "no knowledge of this transaction," adding that he has taken the matter to the New York State Comptroller. Mr. Finch stated that the DEC has determined that gravel in the creeks does not belong to New York State.

Mr. Bullock asked about "weekend activity" at the Town Highway Garage, in which a private hauler was seen taking material that belongs to the Town. Mr. Finch stated that this material in question is contaminated materials from the 2011 Flood, which, he added, would cost the Town

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\$27 per ton to dispose of in the County Landfill. Mr. Finch added that the Town lost \$350,000 in reimbursement from FEMA after the 2006 Flood because contaminated material was used, adding that this was during the time when Mr. Minoia was the Highway Superintendent. Mr. Minoia replied that the Town Board criticized him, when he was Highway Superintendent, for using the same practices that are being questioned now. Mr. Bullock stated that the Town has a liability if a private hauler is used. He asked who gave permission for the private hauler to take the material. Mr. Mott stated that he and Public Works Superintendent Tom Delamarter had given permission, adding that the material in question is “contaminated and cannot be used for anything except slopes.”

Ms. Sacco stated that the correct procedure is to declare any unwanted material surplus and determine its fair market value, if any. Mr. Bullock stated that “everything should be on the table. Let the Board know.”

UPDATE/LITIGATION/ALL-AROUND EXCAVATING

Ms. Sacco stated that the litigation with All-Around Excavating is progressing.

UNMOWED GRASS/STILLWATER ROAD

Mr. Bullock asked Mr. Jones about property owned by the Town of Conklin that has not been mowed. Mr. Finch replied that he should make Public Works Commissioner Tom Delamarter aware that the property needs to be mowed. Mr. Jones will mark the property so that the boundaries are apparent to the Parks Department. Mr. Bullock asked if the Town would take action on unmowed properties that do not belong to the Town and Mr. Jones replied that the area in question is zoned Agricultural and is exempt from the Town Code’s Grass Law.

ETHICS POLICY

Mr. Minoia asked to discuss the Town’s Ethics Policy at the next work session.

NYSEG/LIST OF INOPERATIVE STREET LIGHTS SUBMITTED

Mr. Francisco thanked the residents who have contacted him regarding inoperative street lights in Conklin, adding that he submitted a list of these lights to NYSEG (New York State Electric and Gas Corporation).

VERIZON/TERRACE DRIVE

Mr. Francisco asked what the completion deadline is for the Verizon project on Terrace Drive and Mr. Finch replied that it is to be completed by December 31, 2013.

DRAINAGE/TERRACE DRIVE

Mr. Francisco asked about the large pile of dirt at another location on Terrace Drive, expressing concern about its impact on drainage in the area. Mr. Jones replied that he told the property owner, Mr. DeVincentis, to stop adding fill to the area, adding that the site needs additional clean-up and shaping of the land. Mr. Jones added that there is a limit of one acre that can be re-shaped. Mr. Bullock asked if the property owner had obtained a permit and Mr. Jones replied that he had obtained one. Mr. Bullock asked about installation of a silt fence and Mr. Jones replied that this is not required at the beginning of the site development.

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RAILROAD CROSSING

Mr. Francisco stated that he received a complaint from a resident regarding the railroad crossing at Powers Road, which he added has not been repaired and is very rough. Mr. Finch stated that he should call CP Rail, as the railroad received a grant for \$400,000 from Broome County to improve railroad crossings, added that the railroad company has repaired the crossing at Shaw Road. Mr. Francisco stated that the Shaw Road crossing is “improved but not good.”

CIVIL WAR ILLUMINATION

Mr. Francisco stated that the Town Historical Society participated in the Civil War Illumination on November 2 to honor Civil War veterans who are buried in the Town, adding that there are 16 such veterans in Conklin Cemetery and four in Shawsville Cemetery. He added that there are more than 300 Civil War veterans buried in Floral Park Cemetery. Mr. Francisco stated that his goal for 2014 is to find and mark the graves of all the veterans in Conklin Cemetery.

UPCOMING EVENTS

Town Clerk Sherrie Jacobs reiterated that the dedication of the Conklin Veterans Memorial will be held at 1 P.M. on November 16 at the Community Center grounds.

Ms. Jacobs stated that the Conklin Business Association will once again have the wooden train at the Town Hall for residents to bring toys and non-perishable food items to “fill the train” to help needy families in the area this Christmas. The train will be at the Town Hall until December 13, at which time it will be moved to the Maines Community Center for the Town and Business Association Christmas Party, which will be held from 1 to 4 PM on December 14, 2013.

SWEARING-IN/ELECTED OFFICIALS

Mr. Finch stated that, at the December 10 Town Board meeting, newly elected Councilman William Dumian, Jr., will be sworn in, as will newly-elected Highway Superintendent Brian Coddington, if he so chooses.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:03 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk