

REGULAR TOWN BOARD MEETING

NOVEMBER 13, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on November 13, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

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| PRESENT: | Town Board Members | Bullock, Minoia, Francisco, Finch |
| | Town Counsel | Cheryl Sacco |
| | Town Clerk | Sherrie L. Jacobs |
| | Assistant to Supervisor | Lisa Houston |
| | Highway Superintendent | Patrick Latting |
| | Code Officer | Robert Jones |
| | Zoning Board of Appeals | Hal Cole |
| | Zoning Board of Appeals | Norman Pritchard |

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|----------------|------------------------|--------------------|
| GUESTS: | Country Courier | Elizabeth Einstein |
| | | Peter J. Motsavage |
| | | Bonnie Tolomei |
| | | Angelo Tolomei |
| | | George Frailey |
| | | Laurie Francisco |
| | | John Colley |

MINUTES: OCTOBER 23, 2012 REGULAR TOWN BOARD MEETING

Mr. Minoia moved to approve the October 23, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

MINUTES: OCTOBER 30, 2012 SPECIAL TOWN BOARD MEETING

Mr. Minoia moved to approve the October 30, 2012 Special 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 Time Warner regarding its franchise agreement with the Town of Conklin. Town Attorney Cheryl Sacco stated that the term of the agreement will be reduced from eight years to five years, adding that originally the Town wanted a three year period and Time Warner wanted a fifteen year period. She stated that the Town will use “broad definitions” for terms such as “gross revenues.”

Mr. Finch also acknowledged receipt of correspondence from the New York State Unemployment Insurance Fund, adding that a hearing will be held on November 16, 2012, regarding an unemployment insurance claim which the Town of Conklin is disputing.

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PUBLIC COMMENTS:

KEITH LANE PROPERTY DISPUTE

Property owner Bonnie Tolomei stated that she received a map from the Broome County GIS system showing the boundaries of the property owned by her neighbor, Maria Rivera, with whom Mr. and Mrs. Tolomei have an ongoing dispute over materials stored in what appears to be the Town of Conklin's right of way in front of the Tolomei property. Mrs. Tolomei thanked Mr. Finch and the Board for their assistance with this issue.

SUSQUEHANNA VALLEY SCHOOL BUDGET

Mr. Finch stated that although the Towns of Binghamton, Conklin, and Kirkwood all passed "minimal budgets," the Susquehanna Valley School District, which is comprised mostly of families in these three towns, raised its budget 8% for 2013. Mr. Finch asked who determines the budget for the school district and asked if there exist possible conflicts of interest for members of the School Board. He stated that Susquehanna Valley has less than 1500 students and is ranked next to lowest in Broome County for its rate of students passing, yet the wages paid its administrators and staff members are "atrocious." Mr. Finch stated that the high rate of school taxes impacts Town of Conklin businesses and taxpayers, adding that the PILOT (Payment In Lieu Of Taxes) program in the Corporate Park also impacts school taxes. He asked exactly what programs are offered at Susquehanna Valley and who benefits from these programs.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY SUPERINTENDENT

In addition to his written report, Highway Superintendent Patrick Latting stated that his department gets calls daily regarding leaf pick-up, adding that his department is "working hard" to get all of the fallen leaves cleaned up, even though it has one less truck to use for leaf pick-up this year. He stated that one of his trucks has been at Laing Trucking for over two months for repair of a common issue that occurs with the fuel.

Mr. Latting reported that his department did a "good job" preparing for the possible repercussions of Hurricane Sandy, adding that although the Town experienced widespread minor limb damage, there were only three instances of trees falling across Town roadways and no power outages. Mr. Finch thanked all of the departments for their emergency preparedness for Hurricane Sandy, adding that everyone "pulled together."

REPORT: WATER & SEWER DEPARTMENT

Refer to written report. Water and Sewer Superintendent Tom Delamarter was unable to be present at the Town Board meeting because he was dealing with a problem at Well 6.

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REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his office has been issuing and following up on building permits. He stated that the approval has been received for the FEMA (Federal Emergency Management Agency) Flood Buyout Program, adding that the 15-Day Notice has been received and posted on the Town Clerk's bulletin board and on the Town website. Ms. Sacco explained that this 15-Day Notice is the period in which comments about the Flood Buyout Program can be made to Mr. Jones. He added that the program is "moving forward."

Mr. Jones stated that he recently completed the last of his required annual training with a course at Binghamton University. He stated that newly constructed homes may be required to install a sprinkler system.

2010 CONKLIN ROAD

Attorney Sacco asked about 2010 Conklin Road, owned by Daniel Parker, which has been cited by Mr. Jones for various Code violations. Ms. Sacco asked Mr. Jones whether or not the Parker property is now Code compliant. Mr. Jones replied that Mr. Parker has two more vehicles to move and then the property will be Code compliant. He added that Mr. Parker had difficulties in getting the pile of steel moved. Mr. Finch stated that collecting fines and/or court costs is not feasible. Mr. Jones is to take pictures of the property.

OLD BUSINESS:

PARK OUTDOOR ADVERTISING BILLBOARDS

Mr. Finch stated that he met with representatives from Park Outdoor Advertising and the company agreed to a list of billboard signs which it would remove. Ms. Sacco stated that the Town Board may want to consider amending its local laws regarding billboards in the Town. Mr. Finch suggested that Park Outdoor Advertising place its billboards on Town-owned property and create a franchise, which he stated would help the Town's tax base. The next meeting with Park Outdoor Advertising is scheduled for December 4, 2012.

NEW YORK STATE UNEMPLOYMENT INSURANCE CASE

Mr. Finch stated that the hearing regarding the New York State Unemployment Insurance case which the Town is contesting will be held at 11:00 A.M. on November 16, 2012, at the offices of Coughlin & Gerhart, LLP.

PRIDE MANOR WATER EXTENSION UPDATE

Mr. Finch stated that the Town Highway Department is digging the trench for the water line, adding that the water will be turned on after the owner of the Pride Manor Mobile Home Park has paid the engineering and legal fees, as was agreed.

UPDATE/2011 FEMA PROJECTS

As noted in the Code Officer's report, the 15-Day Notice for the FEMA Flood Buyout Program has been received and posted.

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Mr. Minoia stated that he talked with Code Officer Jones regarding the process the Town must complete in order for residents to receive Premium Discount Flood Insurance. Mr. Jones explained that a letter of good standing must be obtained, which was delayed because Broome County's Hazard Mitigation Plan update, required for this letter of good standing, only recently was completed and became available. Mr. Jones added that work on this project was stopped after the September 2011 Flood, adding that the Town must start the process over now. He stated that the Town must apply each year, adding that residents might receive a discount of 1% to 3%. Mr. Finch stated that the Town of Kirkwood receives a 1% discount and the Town of Union and Village of Johnson City each receive a 2% discount. Mr. Finch stated that this process should be completed "as soon as possible, because it will help everyone." Mr. Minoia is to work with Mr. Jones to get this process completed.

NEW BUSINESS:

RESO 2012-197: AUTHORIZE 2013 HOLIDAY SCHEDULE

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 Employees for 2013:

| | |
|-------------------------------|------------------------|
| January 1, 2013 (Tuesday) | New Year's Day |
| January 21, 2013 (Monday) | Martin Luther King Day |
| February 18, 2013 (Monday) | Presidents' Day |
| March 29, 2013 (Friday) | Good Friday |
| May 27, 2013 (Monday) | Memorial Day |
| July 4, 2013 (Thursday) | Independence Day |
| September 2, 2013 (Monday) | Labor Day |
| November 11, 2013 (Monday) | Veterans' Day |
| November 28, 2013 (Thursday) | Thanksgiving Day |
| November 29, 2013 (Friday) | Day After Thanksgiving |
| December 25, 2013 (Wednesday) | Christmas Day |

Seconded by Mr. Francisco.

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

RESO 2012-198: RE-APPOINT NORMAN PRITCHARD/MEMBER/ZONING BOARD
OF APPEALS/5 YEAR TERM/1-1-2013 TO 12-31-2017

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints Norman Pritchard as a member of the Town Zoning Board of Appeals for a five year term to run January 1, 2013, through December 31, 2017.

Seconded by Mr. Francisco.

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

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RESO 2012-199: RE-APPOINT JAMES HAUSS/MEMBER AND
CHAIRMAN/PLANNING BOARD/5 YEAR TERM/1-1-2013 TO 12-31-2017

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints James Hauss as a member and chairman of the Town Planning Board for a five year term to run January 1, 2013, through December 31, 2017.

Seconded by Mr. Minoia.

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

RESO 2012-200: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF
COMMERCE/REGISTRATION FEE/LISA HOUSTON/ANNUAL LABOR &
EMPLOYMENT LAW UPDATE/10-24-2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4980, account code A1220.4, in the amount of \$38.00 to the Greater Binghamton Chamber of Commerce for the registration fee for Lisa Houston to attend the Annual Labor and Employment Law Update on October 24, 2012.

Seconded by Mr. Francisco.

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

RESO 2012-201: RATIFY PAYMENT/SHERRIEJACOBS
/REIMBURSEMENT/REGISTRATION FEES TO GREATER BINGHAMTON
CHAMBER OF COMMERCE/ANNUAL LABOR AND EMPLOYMENT LAW UPDATE
& EGGS AND ISSUES MEETING

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4982, account code A1410.4, in the amount of \$38.00 to Sherrie Jacobs for reimbursement for registration fees to the Greater Binghamton Chamber of Commerce to attend the Annual Labor and Employment Law Update on October 24, 2012, and the Eggs and Issues meeting on November 8, 2012.

Seconded by Mr. Francisco.

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

RESO 2012-202: RATIFY PAYMENT/TRACTOR SUPPLY COMPANY/PURCHASE
OF TSC FUEL TANK & PUMP

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 #5039, account codes A7110.4 and SW8340.4, in the amount of \$959.96, with a cash refund of \$140.00, net amount of \$819.96, to Tractor Supply Company for the purchase of a TSC Fuel Tank and Pump.

Seconded by Mr. Bullock.

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

Mr. Finch stated that this fuel tank and pump were purchased in preparation for possible repercussions from Hurricane Sandy.

RESO 2012-203: AUTHORIZE PAYMENT OF CLAIMS/BILL LIST
DATED 11-13-2012/\$67,105.87

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 on the Bill List dated November 13, 2012, in the total amount of \$67,105.87:

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|----------------------|--------------------|
| General | \$37,694.04 |
| Highway | 7,156.16 |
| 2011 Flood Emergency | 2,504.75 |
| Light Districts | 2,153.28 |
| Sewer District | 1,643.50 |
| Water District | 6,177.97 |
| Water District 6 | 4,088.67 |
| Non-Budget | <u>5,687.50</u> |
| Total | \$67,105.87 |

Seconded by Mr. Minoia.

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

DOG CONTROL OFFICER AGREEMENT WITH TOWN OF BINGHAMTON

Mr. Finch stated that he and Town of Binghamton Supervisor Tim Whitesell met and discussed the shared services agreement for the Dog Control Officer position, which will be for one year minimum. The Town of Conklin will pay \$8,000 per year toward this person's salary. Mr. Finch noted that John Simmons, DCO for the Town of Binghamton and Acting DCO for the Town of Conklin, has spent time "straightening out records" for the Town of Conklin.

RESO 2012-204: AUTHORIZE EXECUTION OF AN INTERMUNICIPAL
AGREEMENT WITH THE TOWN OF BINGHAMTON/DOG CONTROL

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Binghamton and the Town of Conklin currently issue dog licenses and provide dog control services within their respective municipalities, and

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WHEREAS, New York State Agriculture and Markets Law (AML), Section 113, requires that each Town in which licenses are issued, shall appoint one or more dog control officers for the purpose of assisting with the control of dogs, licensing and the enforcement of AML, and

WHEREAS, AML Section 113 authorizes that in lieu of the appointment of a dog control officer, any Town may contract for dog control officer services with any other municipality, and

WHEREAS, Binghamton has appointed a dog control officer and Conklin has not appointed a dog control officer; the parties are desirous to contract with one another to allow Conklin to receive dog control officer services from Binghamton, and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Conklin in regular session duly convened as follows:

1. The Deputy Supervisor is hereby is authorized to execute said intermunicipal agreement, with is attached.

2. This resolution shall take effect immediately.

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on November 13, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 13th day of November, 2012.

Sherrie L. Jacobs, Town Clerk

Seconded by Mr. Francisco.

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

LIGHTS AT TOWN HALL

Mr. Francisco stated that the light poles at the entrances to the driveways at the Town Hall are not working correcting and added that the Town needs to “get them fixed.” He will work with Parks Superintendent Tom Delamarter to take care of this issue.

GATES AT TOWN PARKS

Mr. Francisco asked if the gates to the Town parks are locked after the fall sports season has ended and Mr. Finch stated that the gates are locked at that time.

CHRISTMAS IN CONKLIN

Mr. Finch stated that the Conklin Business Association is hosting several holiday events under the theme of Christmas in Conklin. There will be a Scavenger Hunt based on the movie “A Christmas Story” which will take participants through participating businesses in Conklin and

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which will end on December 15, with the first ten people to solve all of the clues winning a prize. On December 2, there will be a tree lighting and carol sing at the Floyd Maines Community Center. Woodside Wood Products will bring its wooden train to the Community Center on that day to begin the "Fill the Train" with toys for children in need in the community. The train will be at the Town Hall from December 3 through 14, and then it will return to the Community Center for a Community Christmas Party on December 15. The Business Association is also sponsoring a "Light Up Conklin" home and business decorating contest, with the top three winners receiving cash prizes.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:35 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Conklin Town Clerk