

REGULAR TOWN BOARD MEETING
NOVEMBER 26, 2013

RESO 2013-158: HIRE ATTORNEY ALAN POPE/NEGOTIATE AGREEMENT
EXTENSION/JOINT SEWAGE TREATMENT BOARD

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin hires attorney Alan Pope to negotiate the extension of the agreement between the Town of Conklin and the Binghamton-Johnson City Joint Sewage Treatment Board.

Seconded by Mr. Francisco.

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

Mr. Finch acknowledged receipt of correspondence from Shumaker Engineering and Consulting regarding the Town Landfill agreement. He stated that all of the ditches and grounds have been cleaned up and the building at the site is scheduled to be painted in the spring of 2014.

Mr. Finch acknowledged receipt of correspondence from the Upstate Association of Towns stating that the group has hired attorney Scott Kurkoski to write a brief on behalf of natural gas drilling. He added that the downstate Association of Towns has added 52 municipalities to the Dryden-Middlefield Lawsuit (specifying areas in which gas drilling will be prohibited).

Mr. Finch acknowledged receipt of correspondence regarding the grant for the proposed extension of the Town water and sewer systems, adding that the next step is for the engineering study to be completed.

Mr. Finch acknowledged receipt of correspondence regarding another grant for which four towns can apply as a group, adding that the Comprehensive Plan must be completed, including zoning to show where natural gas drilling would be feasible within the Town. He stated that the four towns that will apply together will be Conklin, Kirkwood, Windsor, and Sanford, adding that it will cost \$4,000 total to write the grant proposal. Mr. Finch stated that the guidelines for drilling have changed from one well per 640 acres to the new guideline of one drill stand per 1,280 acres. He added that there are distinctions drawn between subsurface drilling and surface disturbance.

Mr. Finch acknowledged receipt of correspondence from Broome County regarding the proposed Road Use Agreement designed by Delta Engineering. He stated that the County is willing to pay the \$8,000 to institute the copyrighted plan, including the cost of road coring. Mr. Finch stated that Town Engineer Dan Griffiths has already been paid by the Town to conduct road core drilling tests, adding that the Town should have its own Road Use Agreement. Mr. Finch stated that the Delta plan only covers new businesses, not existing businesses. He added that the Road Use Agreement used by the Town of Windsor and written by Attorney Sacco addresses damage done to Town roads by heavy vehicles. He added that the Code Officer would be charged with enforcing the agreement. Mr. Bullock asked if only Town roads would be covered by the agreement and Mr. Finch stated that only Town roads would be covered, as the County would cover damage to County owned roads. Mr. Finch stated that the Town of Windsor will be receiving an additional \$48,000,000 for the newest gas pipeline to be run through the town.

PUBLIC COMMENTS:

None.

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OLD BUSINESS:

NEW YORK RISING GRANT/UPDATE

Mr. Finch stated that the next meeting for the New York Rising Grant will take place on December 2 at 3 P.M., adding that progress is being made on the grant application. He stated that this grant would address expansion of the Town water and sewer systems, creation of a drainage district, and creation of an evacuation route from the center of Town, to be used in the event of an emergency.

COMMUNITY FLOOD INSURANCE

Mr. Finch stated that the cost of flood insurance for the community is scheduled to increase 25-30% for residents who live in the flood zone, adding that it could cost \$15,000 to \$20,000 per year for flood insurance. He added that Mr. Gary Whistle, an engineer, will do a flood elevation study and issue a certificate for the cost of \$350 per lot. Mr. Finch stated that FEMA (Federal Emergency Management Agency) is \$18,000,000,000 in debt from the flood buyout programs, with more than 10% of the total being spent in New York State. He stated that FEMA representatives have stated that there will be no buyout program offered if Conklin should undergo a third catastrophic flood.

TOWN-WIDE INSURANCE

Mr. Finch stated that the Town is seeking quotes for insurance on Town properties.

UPDATE/ALL AROUND EXCAVATING LAWSUIT

Mr. Finch stated that the lawsuit filed by All Around Excavating against the Town of Conklin regarding the bids for demolition of flood buyout properties will be presented to the judge on December 6, 2013, at which time attorney Bob McKertich predicts it will “probably be thrown out.” Mr. Rusty Luce, of All Around Excavating, wants the lawsuit to go to trial.

UPDATE/TOWN OF CONKLIN COMPREHENSIVE PLAN

Mr. Finch stated that the next meeting of the Town of Conklin Comprehensive Plan will be held December 4, 2013, at 6:00 P.M. at the Town Hall.

NEW BUSINESS:

RESO 2013-159: RATIFY ACH PAYMENT/PITNEY BOWES/METERED POSTAGE
REFILL

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an ACH payment, account code A1670.4, in the amount of \$500.00 to Pitney Bowes for refill of the metered postage.

Seconded by Mr. Francisco.

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

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RESO 2013-160: RATIFY PAYMENT/U.S. POSTAL SERVICE/POSTAGE FOR 4TH
QUARTER WATER & SEWER BILLING

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6663, account code SW8310.4, in the amount of \$303.60 to the U.S. Postal Service for postage for the 4th Quarter Water and Sewer billing.

Seconded by Mr. Francisco.

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

RESO 2013-161: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF
COMMERCE/ANNUAL BUSINESS MEETING

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6669, account codes A1220.4, A1410.4, and A7110.4, in the amount of \$60.00 to the Greater Binghamton Chamber of Commerce for attendance at the Annual Business Meeting.

Seconded by Mr. Minoia.

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

RESO 2013-162: RATIFY PAYMENT/UPSTATE NEW YORK ASSOCIATION OF
TOWNS/ANNUAL BUSINESS MEETING

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6678, account codes A1220.4 and A7110.4, in the amount of \$30.00 to Upstate New York Association of Towns for attendance at the Annual Business Meeting.

Seconded by Mr. Francisco.

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

RESO 2013-163: AUTHORIZE PAYMENT OF CLAIMS/
BILL LIST DATED 11-26-2013/\$67,603.01

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the payment of the following claims on Bill List dated November 26, 2013, in the total amount of \$67,603.01:

General	\$25,599.77
Highway	18,159.66
Light District	2,211.79
Sewer District	535.41

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Water District	21,096.38
Total	\$67,603.01

Seconded by Mr. Minoia.

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

RESO 2013-164: CANCEL DECEMBER 24, 2013 REGULAR TOWN BOARD MEETING/CHRISTMAS HOLIDAY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels the December 24, 2013 Regular Town Board Meeting due to the Christmas holiday.

Seconded by Mr. Francisco.

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

DISCUSSION/EMPLOYEE POLICY MANUAL/SICK TIME/ ARTICLE 11 1.A,B, AND C

Mr. Finch initiated a discussion of Article 11 1.a, b, and c, of the Town Employee Policy Manual, which discusses sick time. Mr. Minoia asked if employees can “buy back” unused sick time. Ms. Sacco stated that she thought employees could do this, but Assistant to the Supervisor Lisa Houston stated that the policy was changed in 2012 and employees can no longer “buy back” sick time. Mr. Finch stated that employees can currently save up to 30 days of sick time, adding that the Town is not set up with the NYS Retirement system to save 60 days. Ms. Houston explained that employees earn one sick day per month worked, and can currently only “carry over” three of these days, so they would lose nine days, if the sick days were not used in the calendar year. Speaking from his experience in the corporate sector, Councilman-Elect William Damian, Jr. stated that his company combines sick time and vacation time into PTO (Personal Time Off) and days can be accrued. Mr. Minoia stated that he recalls when, working in construction, he had no sick time and had to wait for two weeks to receive disability payments, adding that he received \$45 per week. “What year was this?” asked Ms. Houston. “1972,” answered Mr. Minoia. The Town Board decided to discuss this matter further at the December 10 Town Board meeting.

LIGHT AT VETERANS MEMORIAL

Mr. Bullock stated that the light illuminating the American flag at the Conklin Veterans Memorial is not very bright and is not aimed correctly to shine on the flag. Public Works Superintendent Tom Delamarter stated that he has addressed this with the Veterans Memorial Committee, which has oversight of the memorial, but the Committee has not yet resolved the problem. Mr. Bullock asked if the ground lights at the Memorial are solar-powered. Mr. Francisco stated that if the lights were to be added to the NYSEG (New York State Electric and Gas Corporation) service, it would need approval from NYSEG.

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MATS AT COMMUNITY CENTER

Mr. Bullock stated that the mats at the Community Center had not been replaced with clean ones by the carpet service employed by the Town. Mr. Finch replied that they are only scheduled to be replaced every two weeks, instead of weekly.

HIGHWAY EQUIPMENT DISCUSSION

Mr. Bullock asked how long the County has been plowing County-owned roads in the Town of Conklin, instead of the Town plowing them, and Mr. Finch replied, "Four years." Mr. Bullock asked if a study had been conducted to analyze the decrease in man-hours and less wear and tear on equipment, with less hours spent plowing. Mr. Francisco stated that adjustment for the increase in fuel prices could impact the amount of money saved. Mr. Delamarter stated that it takes two and a half hours to plow the Town roads. Mr. Minoia stated that when he was Highway Superintendent, it took two hours, and that included the County-owned roads. He stated that the Town may only need three big Highway trucks instead of four. Mr. Bullock asked if both GMC trucks are currently operating and Mr. Delamarter stated that they are.

LIGHTS AT SCHNURBUSCH PARK

Mr. Minoia asked why the pole lights at Schnurbusch Park are turned on all day during daylight hours. Mr. Francisco replied that those lights are on a photoelectric eye. Mr. Delamarter stated that the company that installed the lights has been on site to check them out and has stated that there is nothing that can be done differently. Mr. Bullock stated that the lights should be shut off for the winter season.

DEBRIS PILE/SHIPMAN ROAD

Mr. Minoia stated that there is a large pile of debris on Shipman Road and asked if it is on property owned by the Town. Mr. Finch stated that it is located on private property.

UNMOWED GRASS/STILLWATER ROAD

Mr. Bullock asked about the three lots on Stillwater Road he stated are owned by the Town and which have unmowed grass. Mr. Delamarter stated that this area is part of the Agricultural District and FEMA representatives had told him it was not necessary to mow them, adding that if the Board wants them mowed, he will add them to the properties mowed by his staff. Mr. Bullock stated that the Town should clean up its own property and set a good example, adding that Code Officer Robert Jones should generate a list of properties obtained in the 2006 Flood Buyout Program.

ASSESSMENT ON 2011 POTENTIAL BUYOUT PROPERTIES

Mr. Minoia stated that all properties on the 2011 Flood Buyout List are assessed at \$101. Mr. Finch replied that this is true for properties that the Town owns which must remain "forever green." Mr. Minoia stated that the properties that are on the potential Buyout List are all assessed the same way, including, he stated, property owned by Bill Slater, "who has two new businesses" in his building. Mr. Finch suggested that Mr. Minoia discuss this with Town Assessor John McDonald, who will be in his office on November 27. Mr. Minoia stated that he has been looking at these properties on the County GIS, asking if the maps on that system have been updated. Ms. Sacco commented that there is only a certain window of time in which Mr.

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McDonald can change the assessment on a property. Mr. Minoia stated that he is making a list of properties, reiterating that they are all assessed at \$101, but “people are living in them.”

STREET LIGHT REPAIRS

Mr. Francisco stated that NYSEG has agreed to repair the street lights on the list which he submitted, adding that he will follow up to see that this is accomplished.

VERIZON TRAILER

Mr. Francisco stated that he has contacted Verizon and learned that the company is finished drilling under the railroad tracks and will be moving its trailer.

BACK-UP GENERATORS

Mr. Francisco stated that an action list is needed for the installation of the back-up generators, which is being funded by a grant received by the Town. He stated that he would like to be involved in this process, adding that the Town will need to obtain three quotes. Ms. Sacco stated that it might be necessary to go out to bid, depending upon the price. Mr. Bullock will also help with this project.

LIGHTS AT COMMUNITY CENTER

Mr. Bullock stated that the light at the Community Center is now working. Mr. Francisco stated that he is looking into the problem. Mr. Bullock asked about exit lighting for the building. Mr. Francisco stated that the Electrical Code requires tandem lighting.

CREDIT CARD MACHINES

Mr. Finch stated that he is researching the possibility of procuring the ability to process credit cards for the Town Clerk’s office, the Code office, and the Water and Sewer Billing department.

FOIL/MAINES PROPERTY/TERRACE DRIVE & CONKLIN ROAD

Mr. Finch stated that the Town received a request under FOIL (Freedom of Information Law) regarding environmental issues on properties belonging to Maines Paper and Food Service, Inc., located on Terrace Drive and Conklin Road. Town Clerk Sherrie Jacobs stated that Code Officer Robert Jones is compiling the information for the response to this FOIL request and will have it compiled by tomorrow morning (November 27).

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:35 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk