

REGULAR TOWN BOARD MEETING
DECEMBER 27, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on December 27, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston

Town Counsel	Mark S. Gorgos
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Patrick Latting
Assistant to Supervisor	Lisa Houston
Dog Control Officer	Darlene Weidman
Substitute DCO	Kelly Wildoner

GUESTS: **Country Courier** Elizabeth Einstein
 Conklin Vol. Fire Dept. Bill Gorman
 John Colley
 Laurie Francisco
 Peter J. Motsavage

MINUTES: DECEMBER 13, 2011 REGULAR TOWN BOARD MEETING

Mr. Finch stated that he would like a clarification on page 3 of the December 13, 2011 Regular Town Board Meeting minutes under the heading "Sullivan Park." He stated that Mr. Sullivan asked him whether or not the Town Board had discussed the mineral rights to the area known as Sullivan Park, and Mr. Finch replied that the Town Board did not discuss this.

Mr. Bullock moved to approve the December 13, 2011 Regular Town Board Meeting minutes as presented, with the clarification noted above.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of a report from the Supervisor's office.

PUBLIC COMMENTS:

VERIZON TRAILER ON TERRACE DRIVE

Conklin Volunteer Fire Chief Bill Gorman stated that Verizon has a trailer parked on Terrace Drive that will present a hazard when snow plowing begins. He asked when this trailer will be moved. Mr. Francisco stated he believes it is a temporary switching trailer. The Town Board agreed that the trailer needs to be moved soon.

REPORT: SUPERVISOR'S REPORT

Refer to written report.

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OLD BUSINESS:

None.

NEW BUSINESS:

RESO 2011-197: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE
REIMBURSEMENT/DECEMBER 2011

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3537, account code A1220-4-400, in the amount of \$152.07 to Debra Preston for mileage reimbursement for December 2011.

Seconded by Mr. Francisco.

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

RESO 2011-198: RATIFY PAYMENT/LOWES OF VESTAL/REPLACEMENT
PURCHASE OF FLOODED SNOW BLOWER/PURCHASE ORDER # 11-01952

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3535, account code HA-8760-4G, in the amount of \$599.00 to Lowe's of Vestal for the replacement purchase of a flooded snow blower, Purchase Order #11-01952.

Seconded by Mr. Francisco.

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

RESO 2011-199: RATIFY PAYMENT/KOMOR CONSTRUCTION/PAYMENT
DUE/COMPLETION OF GARAGE RUBBER ROOF/HIGHWAY GARAGE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3536, account code A5132-2, in the amount of \$2,250.00 to Komor Construction for payment due upon completion of a rubber roof on the Town Highway Garage, Purchase Order #11-01883.

Seconded by Mr. Minoia.

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

RESO 2011-200: RATIFY PAYMENT/BRIGHAM BUILDERS/2ND PERCENTAGE OF
COMPLETION PAYMENT/COMMUNITY CENTER RESTORATION PROJECT

Mr. Bullock 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 #3538, account code HA8760.4E, in the amount of \$4,389.75 to Brigham Builders for payment for the second percentage of completion of the Community Center Restoration Project, Purchase Order #11-01803.

Seconded by Mr. Finch.

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

Mr. Finch asked if the Community Center Restoration Project is completed yet and Supervisor Preston replied that it is not yet completed.

RESO 2011-201: RATIFY PAYMENT/SIGFONT, INC./LASER SIGNATURE FEE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3539, account code A1220.4, in the amount of \$29.95 to Sigfont, Inc., for a laser signature fee.

Seconded by Mr. Francisco.

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

RESO 2011-202: APPOINT YOUTH COMMISSION/2012/J. BRUETSCH/B. STOCK/R. STORM/R.FINCH/D.HOGAN

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints the following to the Youth Commission for the year 2012: Joseph Bruetsch, Brian Stock, Rusty Storm, Rob Finch, and Dan Hogan.

Seconded by Mr. Finch.

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

RESO 2011-203: APPROVE PAYMENT/BILL LIST/12-27-2011/\$84,797.54

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 December 27, 2011, in the total amount of \$84,797.54:

General	\$34,329.04
Highway	25,410.47
2011 Flood Fund	15,903.72
Light Districts	2,200.50
Sewer District 1	1,986.80
Water District	<u>4,967.01</u>
Total	\$84,797.54

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Seconded by Mr. Finch.

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

RESO 2011-204: AUTHORIZE BUDGET MODIFICATIONS OF STATED FROM AND TO BUDGET LINES AS OF DECEMBER 27, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Budget modifications of the stated from and to Budget Lines as of December 27, 2011 (see attached).

Seconded by Mr. Bullock.

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

RESO 2011-205: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUES

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenues (see attached).

Seconded by Mr. Finch.

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

Mr. Finch asked if the work on the Town Landfill has been completed and Supervisor Preston replied that the survey is not yet completed.

RESO 2011-206: DESIGNATE CONKLIN VOLUNTEER FIRE DEPARTMENT AS ENTITY TO PROVIDE EMERGENCY MEDICAL CARE IN TOWN OF CONKLIN & AUTHORIZE SUPERVISOR TO SEND LETTER MAKING SUCH DESIGNATION TO NYS DEPARTMENT OF HEALTH

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates the Conklin Volunteer Fire Department, Inc., as the entity to provide emergency medical care in the Town of Conklin and authorizes the Supervisor to send a letter making such designation to the New York State Department of Health.

Seconded by Mr. Francisco.

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

RESO 2011-207: RE-APPOINT HAROLD COLE/MEMBER OF TOWN ZONING BOARD OF APPEALS/FIVE-YEAR TERM/JANUARY 1, 2012 – DECEMBER 31, 2016

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin re-appoints Harold Cole to the position of member of the Town Zoning Board of Appeals for a five –year term to run from January 1, 2012, through December 31, 2016.

Seconded by Mr. Francisco.

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

RESO 2011-208: RE-APPOINT SHARON A. PLATT/MEMBER/TOWN PLANNING
BOARD/FIVE-YEAR TERM/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 re-appoints Sharon A. Platt to the position of member of the Town Planning Board for a five-year term to run from January 1, 2012, through December 31, 2016.

Seconded by Mr. Francisco.

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

RESO 2011-209: AUTHORIZE SUPERVISOR/ENTER
CONTRACT/MEGA/INTEGRYS/22-MONTH TERM TO END 10-31-2014

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter into a contract with MEGA (Municipal Energy and Gas Alliance) to allow Integrys to supply energy to the Town for a 22-month term to end October 31, 2014.

Seconded by Mr. Minoia.

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

RESO 2011-210: ACCEPT WITH REGRET/RESIGNATION/DEBRA A.
PRESTON/TOWN SUPERVISOR/EFFECTIVE DECEMBER 31, 2011

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts with regret the resignation of Debra A. Preston from the position of Town Supervisor, effective December 31, 2011.

Seconded by Mr. Bullock.

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

Supervisor Preston thanked the Town residents for allowing her to serve as Town Supervisor.

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POSSIBLE FLOOD DAMAGE LITIGATION

Town Counsel Mark Gorgos stated that the Town of Conklin could potentially be involved with some pending flood damage litigation and stated that he will keep the Board apprised if anything further develops.

FAREWELL AND BEST WISHES TO DEBRA PRESTON

Mr. Gorgos stated that he has been the Town Attorney since 1989 and has worked with four Supervisors, each of whom has brought his or her own gifts to the position. He stated that Debra Preston's gift was her passion to serve the people, whom he stated were well served during her tenure as Town Supervisor. Mr. Gorgos added that it was an honor to serve with Supervisor Preston.

Mr. Bullock wished Supervisor Preston good luck with her future position as Broome County Executive, a role that she assumes beginning January 1, 2012. Mr. Minoia added his wishes for good luck in the new position and thanked Supervisor Preston for her service to the Town of Conklin.

Mr. Francisco stated Supervisor Preston has faced many challenges as Supervisor of the Town of Conklin and he is sure she will bring the same energy and passion to tackling the challenges facing Broome County. Mr. Finch added that "we appreciate what you've done."

Mr. Finch stated that the Supervisor's salary, currently \$20,000 per year, should not be as high for a new Supervisor, suggesting that it be decreased to \$15,000 per year. Mr. Gorgos stated that since the 2012 Budget has been adopted, with the salary set at \$20,000, that amount cannot be changed by Board resolution, but added that perhaps it can be changed by adopting a local law following a Public Hearing on the matter. He will research the possibility of utilizing this approach.

Town Clerk Sherrie Jacobs commented that she became Town Clerk and Debra Preston became Town Supervisor in the same year, adding that this is a difficult transition because Supervisor Preston will be very much missed. Town Clerk Jacobs congratulated Supervisor Preston on her new position and stated that it has been an honor to serve with her.

Supervisor Preston's Swearing-In Ceremony as Broome County Executive will take place in the State Office Building on January 1, 2012.

Supervisor Preston stated that she is enlarging her community and her family with the new position and thanked the Board and the residents for allowing her to serve the Town of Conklin.

RESO 2011-211: AUTHORIZE COUGHLIN & GERHART, LLP/PROCESS
PAPERWORK FOR 2011 FLOOD BUYOUT PROGRAM/\$2,250 PER PARCEL

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Coughlin & Gerhart, LLP, to process paperwork for the 2011 Flood Buyout Program at a cost of \$2,250 per parcel.

Seconded by Mr. Finch.

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

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:23 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk`

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PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Assistant to Supervisor	Lisa Houston
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner
	Zoning Board of Appeals	Hal Cole
	Zoning Board of Appeals	Paul Preston
GUESTS:	Country Courier	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Bill Gorman
		Ruth Joyner
		Dolly Stout
		Joseph Bartosik
		Mario Masciarelli
		John Colley
		Laurie Francisco
		Peter J. Motsavage

Supervisor Preston offered her congratulations to Attorney Cheryl Sacco for being named partner at Coughlin & Gerhart, LLP, effective January 1, 2012.

MINUTES: NOVEMBER 9, 2011 REGULAR TOWN BOARD MEETING

Mr. Finch moved to approve the November 9, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of reports from the Supervisor's Office, the Town Clerk, the Highway Superintendent, the Code Officer, the Water and Sewer Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

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WATER & SEWER COMMITTEE REQUESTED TO STUDY SOUTHERN END OF
ROUTE 7

Mario Masciarelli, owner of Fountain Bleau Mobile Home Park in the 1800 block of Route 7, requested that a Water and Sewer Committee be established to study the water and sewer issues that impact the southern end of Route 7 in the Town of Conklin. Supervisor Preston stated that this committee will consist of two Town Board members and will be set up after January 1, 2012.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that the annual leaf pick-up went very well, adding that the residents were “very cooperative” in their placement of leaves. He reported that FEMA (Federal Emergency Management Agency) repairs are going well, with six locations town-wide that will require work by a contractor. Mr. Latting reported that emergency repairs to Fallbrook Road have been completed and the road is safe to travel.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that Shawsville Cemetery was mowed and raked by inmates under supervision of the Broome County Sheriff's Department. He reported that the quarterly water meter readings were complete, with only 32 estimated reads after the September flood. Mr. Delamarter reported that everything is going well with the Town sewer system. He stated that the Fourth Quarter testing of the Town Landfill was completed by Eastern Labs.

Mr. Delamarter stated that he believes the FEMA repair work to mitigate damage done by the September flood will be completed by February 2012. He reported that it will cost \$15,000 to renovate the Little League concession building, adding a second floor. The addition of a second floor to the pool house was also considered but the pump will not work if this is done. The Town will instead utilize a company that can strip the pool house of essential items with a twelve-hour advance notice of any major flood. Mr. Delamarter reported that the berm has been completed along Carlin Creek in Schnurbusch Park and FEMA will pay for this mitigation work. He reported that the cables at three of the Town's sewer stations were flooded in September, so they will be raised even higher than they were following the June 2006 Flood.

Supervisor Preston stated that \$200,000 in damages from the September flood have been submitted to FEMA, with another \$300,000 yet to be submitted from the Highway Department.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his office has been busy with building permits and inspections, primarily of homes and businesses impacted by the September flood. He reported that seven FEMA trailers have been installed in Pride Manor Mobile Home Park, 1832 Conklin Road, with an eighth trailer installed on Bradley Avenue.

REPORT: DOG CONTROL OFFICER

Refer to written report.

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REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

(Copies of all written reports are available in the office of the Town Clerk.)

OLD BUSINESS:

SULLIVAN PARK

Supervisor Preston stated that the donation of Sullivan Park to the Town of Conklin was jeopardized by a Town Board member telling Mr. Robert Sullivan that he would be able to maintain the mineral rights to the property being donated to the Town. She stated that this is illegal, as drilling cannot be done in a public park and no one can own the mineral rights in a park, according to New York State law. Attorney Cheryl Sacco further explained that special legislation must be obtained from New York State, under "Alienation of Park Lands," and the park land would have to be replaced with an equivalent size parcel of land, before any drilling could occur. Mr. Sullivan approved the transfer of the property and Sullivan Park was donated to the Town of Conklin.

NEW BUSINESS:

RESO 2011-171: AUTHORIZE PAYMENT OF CLAIMS/BILL LIST/
12-13-2011/\$61,294.42

Mr. Finch 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 December 13, 2011, in the total amount of \$61,294.42:

General	\$31,089.49
Highway	13,769.03
Fire District	253.08
2011 Flood Emergency	11,943.42
Sewer District 1	266.72
Water District	2,202.88
Light Districts	<u>1,769.80</u>
Total	\$61,294.42

Seconded by Mr. Bullock.

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

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RESO 2011-172: AUTHORIZE SUPERVISOR/MAINTAIN CHECKING & SAVINGS
ACCOUNTS/NBT BANK/FOR GENERAL ACCOUNT, PAYROLL, AND TRUST &
AGENCY ACCOUNT, & WATER & SEWER ACCOUNT/2012

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to maintain checking and savings accounts at NBT Bank for the General account, Payroll and Trust and Agency account, and for the Water and Sewer account for 2012.

Seconded by Mr. Minoia.

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

RESO 2011-173: AUTHORIZE LISA HOUSTON/SECRETARY TO THE
SUPERVISOR/TRANSFER FROM VARIOUS TOWN OF CONKLIN CHECKING
ACCOUNTS TO PAYROLL/TRUST & AGENCY ACCOUNT TO COVER 2012
BI-WEEKLY AMOUNTS ONLY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Lisa Houston, Secretary to the Supervisor, to transfer from various Town of Conklin checking accounts to the Payroll/Trust & Agency account to cover 2012 bi-weekly amounts only.

Seconded by Mr. Finch.

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

RESO 2011-174: DESIGNATE COUNTRY COURIER AS OFFICIAL NEWSPAPER OF
TOWN & PRESS & SUN BULLETIN AS ADDITIONAL NEWSPAPER WHEN
DETERMINED NECESSARY BY TOWN BOARD/2012

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates the **Country Courier** as the Official Newspaper of the Town of Conklin for the year 2012, with the **Press & Sun Bulletin** as an additional newspaper when determined necessary by the Town Board.

Seconded by Mr. Finch.

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

RESO 2011-175: AUTHORIZE HIGHWAY SUPERINTENDENT/USE HIGHWAY
EQUIPMENT/2012/IN WATER DISTRICTS, SEWER DISTRICTS, FIRE
PROTECTION DISTRICT, SOIL CONSERVATION DISTRICT, & TOWN
PARKS/RENTAL FEES SET BY BROOME COUNTY

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to use Highway Equipment in 2012 in the Water Districts, the Sewer Districts, the Fire Protection District, the Soil Conservation District, and in the Town Parks, with rental fees set by Broome County.

Seconded by Mr. Francisco.

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

RESO 2011-176: APPOINT COUGHLIN & GERHART, LLP/TOWN COUNSEL FOR TOWN BOARD, TOWN PLANNING BOARD, & TOWN ZONING BOARD OF APPEALS/2012/ANNUAL RETAINER OF \$69,600

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Coughlin & Gerhart, LLP, as Town Counsel for the Town Board, the Town Planning Board, and the Town Zoning Board of Appeals for the year 2012 for an annual retainer of \$69,600.

Seconded by Mr. Francisco.

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

RESO 2011-177: AUTHORIZE TOWN BOARD MEETINGS/CONTINUE TO BE HELD SECOND TUESDAY & FOURTH TUESDAY OF MONTH AT 7:00 P.M. IN CONKLIN TOWN HALL/2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Board meetings to continue to be held on the second Tuesday and fourth Tuesday of the month at 7:00 P.M. in the Conklin Town Hall for the year 2012.

Seconded by Mr. Francisco.

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

RESO 2011-178: AUTHORIZE SHUT-OFF DATE FOR RECEIVING VOUCHERS/15TH AND 30TH OF MONTH PRIOR TO FIRST AND SECOND MEETING OF THE FOLLOWING MONTH/2012/EXCEPTION - LAST MONTH OF TOWN'S FISCAL YEAR

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a shut-off date for receiving vouchers as the 15th and 30th of the month prior to the first and second meeting of the following month in 2012, with the exception of the last month of the Town of Conklin's fiscal year.

Seconded by Mr. Finch.

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

RESO 2011-179: SET BI-WEEKLY PAY PERIODS TO RUN CONCURRENTLY FROM SATURDAY THROUGH FRIDAY/CHECK AND DIRECT DEPOSIT TO BE DISTRIBUTED THE FOLLOWING THURSDAY AFTER END OF PAY CYCLE/2012

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets bi-weekly pay periods to run concurrently from Saturday through Friday, with check and direct deposit to be distributed the following Thursday after the end of the pay cycle in 2012.

Seconded by Mr. Francisco.

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

RESO 2011-180: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENT/TOM DELAMARTER/PATRICK LATTING/NICHOLAS PLATT/\$40.00 PER MONTH/2012

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a monthly cell phone reimbursement to be paid to Thomas Delamarter, Patrick Latting, and Nicholas Platt in the amount of \$40.00 per month for the year 2012, account codes A7110.4 and A5010.4 respectively.

Seconded by Mr. Minoia.

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

RESO 2011-181: APPROVE PAYMENTS TO PRIOR INSPECTED 2012 PARK PERMIT DEPOSIT REFUNDS/PARK PAVILION CLEAN-UP RENTALS INSPECTIONS PERFORMED BY THOMAS DELAMARTER

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payments, account code A688, to prior inspected 2012 Park Permit deposit refunds, with Park Pavilion clean-up inspections to be performed by Thomas Delamarter.

Seconded by Mr. Minoia.

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

RESO 2011-182: APPROVE PAYMENTS TO PRIOR INSPECTED 2012 COMMUNITY CENTER DEPOSIT REFUNDS/COMMUNITY CENTER CLEAN-UP INSPECTIONS PERFORMED BY PAUL PRESTON

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin approves payments, account code A688, to prior inspected 2012 Community Center deposit refunds, with Community Center clean-up inspections to be performed by Paul Preston, for a fee to be determined at a later date.

Seconded by Mr. Francisco.

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

RESO 2011-183: APPROVE PAYMENTS/BANDS FOR CONCERTS IN THE PARK SERIES/DESIGNATED BY TOWN SUPERVISOR

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payments, account code A7110.4.401, to bands in the Concerts in the Park series, to be designated by the Town Supervisor. Paul Preston will continue to book the bands.

Seconded by Mr. Francisco.

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

RESO 2011-184: ACCEPT HICKORY LANE/TOWN OF CONKLIN INVENTORY OF HIGHWAYS

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts Hickory Lane, .09 miles long, into the Town of Conklin Inventory of Highways to allow “CHIPS” (Consolidated Highway Improvement Program) reimbursement.

Seconded by Mr. Francisco.

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

RESO 2011-185: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/PARKING RESTRICTIONS FOR SNOW REMOVAL

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** of parking restrictions for snow removal for the Town of Conklin roads.

Seconded by Mr. Francisco.

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

RESO 2011-186: AUTHORIZE FILING/JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION/\$30,801.94

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes filing of the Justice Court Assistance Program Grant Application for the amount of \$30,801.94 by Town Justice J. Marshall Ayres.

Seconded by Mr. Bullock.

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

RESO 2011-187: RATIFY PAYMENT/U.S. POSTAL SERVICE/
4TH QUARTER WATER & SEWER BILLING POSTAGE

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3376, account code SW8310.4, in the amount of \$266.80 to the U.S. Postal Service for postage for the Fourth Quarter Water and Sewer billing.

Seconded by Mr. Francisco.

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

RESO 2011-188: RATIFY PAYMENT/DEBRA PRESTON/NOVEMBER 2011
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 #3404, account code A120.4, in the amount of \$86.58 to Debra Preston for mileage reimbursement for November 2011.

Seconded by Mr. Francisco.

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

RESO 2011-189: RATIFY PAYMENT/BRIGHAM BUILDERS/DOWN
PAYMENT/PURCHASE ORDER #11-01803/FLOYD MAINES COMMUNITY CENTER
RESTORATION PROJECT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3457, account code HA8760.4.4E, in the amount of \$8,779.50 to Brigham Builders for down payment of Purchase Order #11-01803, Floyd Maines Community Center Restoration Project.

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Seconded by Mr. Bullock.

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

Supervisor Preston commented that it will cost \$17,000 total for the restoration project, which she added will not be ready for use by January 1, 2012. The Conklin Senior Citizens Club, which meets at the Community Center, is currently meeting at the East Side Methodist Church until the repairs are completed on the Community Center. Mr. Finch asked if the floor tiles are being replaced and Code Officer Robert Jones replied that 900 to 1000 feet of tile was removed. Supervisor Preston stated that FEMA and the Town's insurance carrier disagree on the amount of tile that needs to be replaced, adding that the insurance will only pay for half.

RESO 2011-190: RATIFY WIRE ACH PAYMENT/POSTAGE ON CALL/POSTAGE
METER PURCHASE

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

RESO 2011-191: APPROVE 2012 HOLIDAY SCHEDULE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following 2012 Holiday Schedule:

January 2, 2012 (Monday)	New Year's Day
January 16, 2012 (Monday)	Martin Luther King's Birthday
February 20, 2012 (Monday)	Presidents' Day
April 6, 2012 (Friday)	Good Friday
May 28, 2012 (Monday)	Memorial Day
July 4, 2012 (Wednesday)	Independence Day
September 3, 2012 (Monday)	Labor Day
November 12, 2012 (Monday)	Observation of Veterans' Day
November 22, 2012 (Thursday)	Thanksgiving
November 23, 2012 (Friday)	Day after Thanksgiving
December 25, 2012 (Tuesday)	Christmas Day

Seconded by Mr. Bullock.

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

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RESO 2011-192: AUTHORIZE OFFICERS & EMPLOYEES/RECEIVE
REIMBURSEMENT OF MILEAGE/USE OF PERSONAL VEHICLES/AT CURRENT
IRS STANDARD MILEAGE RATE PER MILE/FOR PERFORMANCE OF THEIR
DUTIES ON OFFICIAL BUSINESS ONLY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the officers and employees herein named to receive reimbursement of mileage at the current IRS Standard Mileage Rate per mile for use of personal vehicles for performance of their duties on official business only: Supervisor, Town Clerk, Highway Superintendent, Zoning Board of Appeals members, Planning Board members, Town Historian, Town Justice, Secretary to the Supervisor, Supervisor Clerk, Code Officer, Town Assessor, Youth Commissioner, Water Superintendent, Town Board members, Deputy Town Clerk, and Justice Clerks.

Seconded by Mr. Francisco.

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

Secretary to the Supervisor Lisa Houston stated that the current mileage reimbursement rate is \$.55 per mile and added that it is adjusted twice a year.

RESO 2011-193: AUTHORIZE EXECUTION OF SETTLEMENT/LITIGATION
MATTER/TAX CERTIORARI/VERIZON

Mr. Finch moved for the following resolution:

WHEREAS, a tax certiorari matter was commenced, which was captioned Verizon New York, Inc . vs. the Assessor, Board of Assessment Review and the Town of Conklin, Index number 2011-1622

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQRA”), entering into a stipulation is a non-action and thus no SEQRA review is necessary, and

WHEREAS, at the advice of the Assessor and Legal Counsel, it is in the best interest of the Town to enter into this settlement;

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

1. Legal Counsel is hereby is authorized to execute said Stipulation papers on behalf of the Town.

2. This resolution shall take effect immediately.

Seconded by Mr. Bullock.

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

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

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the Town of Conklin on December 13, 2011. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 13 day of December, 2011.

Sherrie L. Jacobs, Town Clerk, Town of Conklin

RESO 2011-194: CREATE OFFICE/TOWN OF CONKLIN OFFICE/DEPUTY TOWN SUPERVISOR

Mr. Francisco moved for the following resolution:

WHEREAS, pursuant to Town Law Section 42, the Town Board of the Town of Conklin may at any time establish the office of Deputy Supervisor;

WHEREAS, the Deputy Supervisor shall be appointed by the Supervisor and shall serve at the pleasure of the Supervisor;

WHEREAS, during the absence or inability to act by the Supervisor, or while the office of the Supervisor is vacant, the Deputy Supervisor shall preside, when present, at the meetings of the Town Board and shall be vested with all of the powers and may perform all of the duties of the Supervisor as allowed under law;

NOW THEREFORE, in pursuance of the power vested in the Town Board pursuant to Town Law section 42, we create the position of Deputy Supervisor.

This Resolution shall be effective immediately.

Seconded by Mr. Bullock.

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

It was noted that the Deputy Supervisor does not immediately succeed to the position of Supervisor in the absence of a Supervisor.

Supervisor Preston appointed James Finch to the position of Deputy Supervisor.

DONATION/\$10,000/CLEANER SUPPLY

Supervisor Preston stated that she is looking to the Town Board for suggestions concerning the best way to distribute the \$10,000 donated by Cleaner Supply to aid flood survivors. Mr. Finch suggested using it to offset the water bills incurred by residents using additional water to clean their residences. Supervisor Preston stated that she felt the money should be given to the Town's businesses, noting that 74 businesses in the Town of Conklin were flooded in September. She added that Raymour and Flanagan had donated 100 gift cards, which had been given to people who obtained building permits to rebuild their flood-damaged homes. The Board decided to divide the \$10,000 between the 74 businesses that were damaged, at \$100 each, and then donate the balance to the Conklin Volunteer Fire Department.

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RESO 2011-195: AUTHORIZE DISTRIBUTION/\$10,000 DONATION TO TOWN
BUSINESSES

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes distribution of the \$10,000 donation from Cleaner Supply to be divided at \$100 each between the 74 Town of Conklin businesses damaged by the September 2011 Flood, with the balance donated to the Conklin Volunteer Fire Department, Inc.

Seconded by Mr. Finch.

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

BUYOUTS OF FLOOD-DAMAGED PROPERTIES

Supervisor Preston stated that a Buyout Program for flood-damaged properties will be offered but added that it will be based on “substantial damage” determinations. She suggested that the Town Counsel handle the Buyout paperwork, calling it “a massive job.” Supervisor Preston stated that a preliminary list has been sent to FEMA, adding that there are 45 homes in the Town of Conklin that could qualify. She also suggested that John Mastronardi of Griffiths Engineering handle the grant process and write the letter of intent. Supervisor Preston stated that this time, FEMA would pay 75 % and the resident would have to pay the remaining 25% (not the Town of Conklin) of the cost of appraisal, asbestos abatement, and demolition.

FIRE DEPARTMENT AUDIT

Supervisor Preston stated that New York State Law S209Z requires that a volunteer fire department have an independent audit of its books conducted if its budget is over \$200,000. However, she noted, this is not the responsibility of the Town Board but rather of the New York State Comptroller’s Office. The Conklin Volunteer Fire Department, Inc., has an independent audit conducted annually.

CONKLIN ROTARY CLUB PROPOSAL/PURCHASE NEW FLAGS &
FLAGPOLE/COMMUNITY CENTER

Conklin Rotary Club President Chuck Francisco brought a proposal to the Town Board. The Conklin Rotary Club is offering to purchase a new flag for inside the Community Center and a new flag, flagpole, and appropriate lighting for outside the Community Center. After installation, the flags and flagpole would become the property of the Town of Conklin. If approved, the Conklin Rotary Club will begin fundraising to complete this project.

RESO 2011-196: ACCEPT FUTURE DONATION/TWO AMERICAN
FLAGS/FLAGPOLE/APPROPRIATE LIGHTING/CONKLIN ROTARY CLUB

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the future donation from the Conklin Rotary Club of two American flags, a flagpole, and appropriate outdoor lighting for the outdoor flag for the Floyd Maines Community Center.

Seconded by Mr. Minoia.

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

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APPOINTMENT OR ELECTION OF NEW SUPERVISOR TO FILL UNEXPIRED
TERM OF DEBRA PRESTON

Supervisor Preston, who will be leaving her office December 31, 2011, to become the new Broome County Executive, stated that after January 1, 2012, the Board can choose who the new Supervisor will be to fill her unexpired term, which ends December 31, 2012. She explained that any Board member wishing to be appointed as Supervisor must first resign his Board seat (to the Town Clerk), then the Board would appoint someone to fill that vacant Board seat and a vote would be taken. The person wishing to be appointed Supervisor cannot vote for himself. A majority of the five Town Board seats, or three votes, would be needed for the appointment to take place. Supervisor Preston stated that if a tie vote occurs or no agreement can be reached, the Town has the following options:

1. Ask the Governor to call a special election to fill the position.
2. Allow the Supervisor's position to remain vacant until the November 2012 Election decides who the next Supervisor would be. This could mean the Town of Conklin would operate with the Deputy Supervisor and three Board members, or another person could be appointed to fill the vacant Board seat. The new Supervisor does not have to be the same political party as Supervisor Preston.

CHILDREN'S CHRISTMAS PARTY

The Town of Conklin Children's Christmas Party will be held on December 17, 2011, from 1 to 3 P.M. Supervisor Preston wished those present a "Merry Christmas!"

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
JANUARY 11, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 11, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Code Officer	Robert Jones
Assistant to Supervisor	Lisa Houston
Highway Superintendent	Patrick Latting
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
Dog Control Officer	Darlene Weidman
Substitute DCO	Kelly Wildoner

GUESTS: **Country Courier** Elizabeth Einstein
Broome Co. Legislature Julie Lewis
Conklin Vol. Fire Dept. Bill Gorman
Dolly Stout
Joe Bartosik
Stephen Schilling
Charles D. Hunt
Jade Ebeling
John Colley
Laurie Francisco
George Frailey
Peter J. Motsavage

MINUTES: DECEMBER 14, 2010 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the December 14, 2010 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of reports from the Supervisor's Office, the Town Clerk, the Highway Superintendent, the Water and Sewer Superintendent, the Code Officer, and from the Dog Control Officer. She also acknowledged receipt of applications for renewal of the on premise liquor license from Jane Lazaros, owner, Tripi, LLC/Jane's Diner and from Katherine B. Birtch, Secretary/Treasurer, Birtchy's Co., Inc.

**ABC APPLICATION/TRIPI, LLC/JANE'S DINER/NO OPPOSITION LIQUOR
LICENSE**

Supervisor Preston acknowledged receipt of correspondence from Jane Lazaros, owner of Tripi, LLC/Jane's Diner, applying for renewal of the on premise liquor license to sell alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

ABC APPLICATION/BIRTCHY'S CO. INC./NO OPPOSITION LIQUOR LICENSE

Supervisor Preston acknowledged receipt of correspondence from Katherine B. Birtch, Secretary/Treasurer of Birtchy's Co., Inc., applying for renewal of the on premise liquor license

REGULAR TOWN BOARD MEETING
JANUARY 11, 2011

to sell alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

WELCOME TO NEW FIRE CHIEF/BILL GORMAN

Supervisor Preston welcomed newly elected Conklin Volunteer Fire Department Fire Chief Bill Gorman and congratulated him on his new position. Mr. Gorman provided his cell phone number for residents in case they need to contact him, and announced that the Fire Department will be holding a Recruitment Day on January 15, 2011, from 12:00 to 3:00 P.M. at Fire Station 1, 1034 Conklin Road. Supervisor Preston mentioned that she will be signing the Fire Protection contract for 2011 in the next week or two.

PUBLIC COMMENTS:

THANK YOU/FIXING FRONT WALK/COMMUNITY CENTER

Joe Bartosik thanked the Town Board, on behalf of the Conklin Senior Citizens Club, for repairing the front sidewalk at the Floyd Maines Community Center, noting that the repairs make it much safer to walk from the parking lot to the sidewalk.

COMPLAINT/SCHILLING/NOISE AT MITY FORMS/POWERS ROAD & PROGRESS PARKWAY

Mr. Stephen Schilling of Powers Road complained about noise created by a machine attached to the building at Mity Forms on Progress Parkway. Mr. Schilling's property abuts the property owned by Mity Forms. Mr. Schilling stated that he has discussed this issue with Code Officer Robert Jones, who in turn has contacted the owners of Mity Forms regarding the complaint. Mr. Jones stated that the machine is similar to a large vacuum cleaner and it is mounted on the roof of the building. Mr. Schilling stated that Mr. Jones has told the owners of Mity Forms that this machine must be shut down and the noise stopped, adding that Mr. Jones told him that he would receive a letter regarding the progress made on resolving this issue. Mr. Schilling stated that to date, he has not received such a letter.

Mr. Schilling stated that his neighbor, Mr. Charles Hunt, filed a Freedom of Information request and received a copy of Mity Forms' application to the Town Planning Board and the minutes of the Planning Board meeting at which the case was discussed. Mr. Schilling stated that Mity Forms has violated the terms of their application and approval, in that the company stated on its application form that there would be no noise and no changes to the exterior of the building, except for beautification, as is required in an Industrial Light (IL) zone, which is the zoning designation of the Progress Parkway area in which Mity Forms is located. Mr. Schilling stated that Mity Forms is also violating its agreed upon hours of operation, starting earlier and ending later than was stated on the application. He stated that sometimes the machinery operates from 6:45 A.M. until 3 A.M. the following morning. Mr. Schilling stated that this violation of work hours shows "flagrant disregard" and he noted that the 30 foot buffer required in an IL zone is non-existent. Supervisor Preston stated that she will check with the Planning Board, assuring Mr. Schilling that there would be no more industrial noise until conditions are satisfied.

Mr. Schilling reiterated that Mity Forms had been "untruthful" in its application, in that the exterior was modified in ways that had nothing to do with aesthetics. Supervisor Preston stated that the Town wants to make sure this issue is thoroughly investigated, adding that the Town is working with Town Attorney Cheryl Sacco. Supervisor Preston stated that Attorney Sacco is comparing actual actions by the company with the conditions for site plan approval, adding that Ms. Sacco will send a letter to Mr. Schilling with her results. Supervisor Preston stated that the piece of equipment in question is currently shut down.

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JANUARY 11, 2011

BROOME COUNTY LEGISLATOR/6TH DISTRICT/JULIE LEWIS

Mr. Finch asked Julie Lewis, newly elected Broome County Legislator for the 6th District, if Broome County had reconsidered paying the Towns to plow County-owned roads. Ms. Lewis stated that the Legislature is “skeptical” that the new arrangement of the County plowing all of its own roads will work, however, no complaints have been received yet, so the Legislature is adopting a “wait and see” attitude. Supervisor Preston stated that she has received four complaints, including one via e-mail, mostly complaining that the tax rate went up. She stated that the Town of Conklin sent a letter to all of its residents explaining the new arrangement, and noted that it was Broome County, not the Town of Conklin, that raised the tax rate 5.3%.

Fire Chief Bill Gorman asked if, in the event of a major structure fire, he could call the Town of Conklin to come and plow a County-owned road to allow access for emergency vehicles, and Supervisor Preston stated that he “absolutely” could do so and advised Mr. Gorman to call Highway Superintendent Patrick Latting.

Mr. George Frailey commented that this new arrangement by the County is “a big step backward in consolidation of services,” noting that there will now be three separate entities plowing snow in Conklin – New York State, which owns Route 7, Broome County, and the Town of Conklin. Supervisor Preston stated that this is ironic in light of the fact that the Governor is encouraging shared services.

Mr. Latting stated that in an emergency, Broome County should also be contacted, adding that he is “anticipating problems.” He added that he is not sure how many Broome County trucks are plowing in the Town of Conklin, calling it a “hodgepodge method.” Mr. Latting stated that “safety is the number one priority.”

Mr. Bullock asked if the County trucks are utilizing the wings on the trucks and Mr. Latting explained that the union contracts require that two employees are present in every plow truck, and that no inexperienced drivers be allowed to operate the wings. It was noted that Broome County is using salt on the roads, not salt mixed with sand, which is the method used by the Town of Conklin. Mr. Bullock commented that he has received complaints from residents about the quality of the sand utilized by the Town trucks, stating that it turns to mud. Mr. Finch asked if the Town is using different sand from that which is used by the County trucks, and Mr. Latting replied that Broome County will no longer sell sand to the municipalities because of the new agreement. Mr. Finch commented that the sand which the Town of Conklin is purchasing from Gorick Construction is “more mud than sand,” and asked if it was the State bid price. Mr. Latting replied that Gorick Construction holds the County bid for sand.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting thanked the Supervisor and the Town Board for the letter that was sent to Town residents explaining the new snow plowing arrangement. He stated that snow removal from lake effect snows has been ongoing, although to date no major snow event has occurred.

Mr. Latting stated that his department has been working to bring the Town into compliance with the new signage regulations enacted by the State. He stated that this is a time-consuming and costly project and added that his department has been proactive in trying to save the Town money by recycling current sign posts and signs where possible. Attorney Cheryl Sacco stated that these new regulations are another unfunded mandate from New York State, adding that the Town of Conklin has better records than New York State regarding the signage.

RESO 2001-1: AUTHORIZE HIGHWAY SUPERINTENDENT/ENTER OGS
CONTRACT/2011-2013/PURCHASE DIESEL FUEL

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to enter an OGS (NYS Office of General Services) contract for the 2011-2013 contract period to purchase diesel fuel.

Seconded by Mr. Francisco.

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

In response to a question from Mr. Gorman, Mr. Latting stated that one of the Town trucks did some damage to a mailbox owned by Mr. Doane on Terrace Drive, adding that it was located on a “blind knob.”

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that the water meters were read for the last quarter of 2010. He stated that Well 6 is now online, with the valve replaced, and Well 5 is now offline. Mr. Delamarter reported that there was a water main break at the intersection of Conklin Road and Lotus Avenue and thanked the Highway Department for digging the hole to allow repairs to be made to the water main.

Mr. Delamarter reported that the generator at Well 6 had a bad sensor and the heater burned out and had to be replaced. He stated that Rural Water performed a leak detection test on the Town’s water system and found many leaks that were caused by the 2006 flood washing away soil and leaving voids under the pipes. He stated that water usage has been lower.

Mr. Delamarter reported that the leachate at the Town Landfill has been released into the Joint Sewage system. He reported that the SoftStart at Sewer Station 4 is not working properly and is being repaired, adding that the sewer station is running on Pump 2. Mr. Delamarter reported that there was a fire in the electrical wiring at Sewer Station 3, adding that the damage has since been repaired.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that neighbors are working on cleaning up the debris at the 66-68 Stillwater Road site. He stated that the Town will need to pursue clean-up at 986 Conklin Road, but that the owners of 11 Clearview Avenue are researching contractors to clean up the debris at that site. All three properties will be the subject of Public Hearings at the January 25 Town Board meeting. Mr. Jones will have a report on the current condition of each property ready for the January 25 meeting.

Supervisor Preston noted that Mr. Jones has been working on several issues and added that letters have been sent to the respective property owners.

Mr. Minoia asked about the Conklin Road property that is the former site of City Line Garage, stating that although the Town has stated that no work is allowed to be conducted there, until the property ownership dispute is settled, there is ongoing activity at the site. Mr. Finch asked if the Town water service at that site has been shut off and Mr. Delamarter replied that it has not been shut off. Supervisor Preston instructed Mr. Delamarter to shut the water off tomorrow (January 12). Attorney Cheryl Sacco stated that a letter was sent to the business owner using the property informing him of a deadline by which to cease work. Mr. Minoia stated that a pile of used tires is now on the property.

REPORT: DOG CONTROL OFFICER

In addition to her written report, Dog Control Officer Darlene Weidman responded to a request from Mr. Finch for the names of the persons’ whose complaints she addresses. He requested that Ms. Weidman put the names of the complainants on her written report. Attorney Sacco stated that this is illegal due to privacy issues. Town Clerk Sherrie Jacobs reminded the Board that all written reports are available upon request to the public.

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REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

(All written reports are available to the public during normal business hours in the office of the Town Clerk.)

OLD BUSINESS:

None.

NEW BUSINESS:

RESO 2011-2: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE
REIMBURSEMENT/NOVEMBER & DECEMBER 2010

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #1884, account code A1220-4-400, in the amount of \$182.00 to Debra Preston for mileage reimbursement for November and December 2010.

Seconded by Mr. Minoia.

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

RESO 2011-3: RATIFY DECEMBER WIRE PAYMENT/POSTAGE PROS
PLUS/REIMBURSE POSTAGE METER

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies a December 2010 wire payment, account codes A1670-4-400 and A1355-4-400, in the amount of \$1,000.00 to Postage Pros Plus to reimburse the postage meter.

Seconded by Mr. Bullock.

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

RESO 2011-4: RATIFY PAYMENT/CHUCK FRANCISCO/REIMBURSEMENT FOR
RENTAL OF SANTA CLAUS SUIT/TOWN CHILDREN'S CHRISTMAS PARTY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #1957, account code A7550-4-400, in the amount of \$140.00 to Chuck Francisco for reimbursement of the cost of rental of a Santa Claus costume for the Town Children's Christmas Party.

Seconded by Mr. Bullock.

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

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Mr. Finch asked how much it would cost to purchase a new Santa Claus suit and suggested that the Town purchase one. Supervisor Preston replied that a new suit would cost approximately \$500.00.

**RESO 2011-5: RATIFY PAYMENT/U.S. POSTAL SERVICE/POSTAGE/SNOW
REMOVAL INFORMATION LETTER MAILED TO RESIDENTS**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of checks #1964, 2008, and 2009, account code A16740-4-400, in the total amount of \$571.69 to the U.S. Postal Service for postage costs for the snow removal information letter mailed to Town residents.

Seconded by Mr. Finch.

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

**RESO 2011-6: APPOINT YOUTH COMMISSION/2011/J. BRUETSCH/ B. STOCK/R.
STORM/R. FINCH/D.HOGAN**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints the following to the Youth Commission for the year 2011: Joseph Bruetsch, Brian Stock, Rusty Storm, Rob Finch, and Dan Hogan.

Seconded by Mr. Finch.

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

**RESO 2011-7: AUTHORIZE OFFICERS & EMPLOYEES/RECEIVE MILEAGE
REIMBURSEMENT/USE OF PERSONAL VEHICLES FOR PERFORMANCE OF
DUTIES/OFFICIAL BUSINESS ONLY/CURRENT IRS STANDARD MILEAGE RATE**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the officers and employees herein named to receive reimbursement of mileage for use of personal vehicles, at the current IRS (Internal Revenue Service) Standard Mileage Rate per mile, for performance of their duties on official business only: Supervisor, Town Clerk, Highway Superintendent, Zoning Board members, Planning Board members, Town Historian, Town Justice, Secretary to the Supervisor, Supervisor Clerk, Code Enforcement Officer, Town Assessor, Youth Commissioner, Water Supervisor, the Town Board members, Deputy Town Clerk, and Justice Clerks.

Seconded by Mr. Francisco.

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

**RESO 2011-8: APPROVE CLOSE-OUT/2006 FLOOD EMERGENCY FUND
(HA)/TRANSFER BALANCE OF MONIES TO FOLLOWING FUNDS/
EFFECTIVE 12-31-2010**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the close-out of the 2006 Flood Emergency Fund (HA) and the transfer of the balance of monies to the following funds, effective December 31, 2010:

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General Fund (A)	\$36,584.34
Highway Fund (DA)	\$44,531.68
Water Fund (SW)	<u>\$21,349.38</u>
Total	\$102,465.40

Seconded by Mr. Francisco.

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

RESO 2011-9: APPROVE TRANSFER OF GENERAL FUND (A) FUNDS TO SAFE ROUTES TO SCHOOL FUND (HS)/\$97,267.54/EFFECTIVE 12-31-2010/TEMPORARY TRANSFER AWAITING APPROVED REIMBURSEMENT FROM FEDERAL GRANT

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the transfer of General Fund (A) funds to the Safe Routes to School Fund (HS) in the amount of \$97,267.54, effective December 31, 2010, as a temporary transfer while awaiting approved reimbursement from the Federal grant.

Seconded by Mr. Finch.

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

RESO 2011-10: RATIFY PAYMENT/BILL LIST DATED 12-29-2010/\$68,889.92

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following Bill List dated December 29, 2010, in the total amount of \$68,889.92:

General	\$40,786.20
Highway	22,140.91
Light Districts	1,782.92
Sewer District 1	1,541.29
Water District	<u>2,638.60</u>
Total	\$68,889.92

Seconded by Mr. Francisco.

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

RESO 2011-11: AUTHORIZE PAYMENT/2010 BILL LIST/\$29,279.25

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2010 Bill List in the total amount of \$29,279.25:

General	\$16,812.08
Highway	3,282.22
Light Districts	583.61
Sewer District 1	1,907.33
Water District	3,949.91
Water District 6	<u>2,744.10</u>
Total	\$29,279.25

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING
JANUARY 11, 2011

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

RESO 2011-12: AUTHORIZE PAYMENT/2011 BILL LIST/\$252,857.56

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2011 Bill List in the total amount of \$252,857.56:

General	\$183,045.58
Highway	39,123.03
Sewer District 1	850.00
Sewer District 3	23,047.50
Water District	6,538.45
Water District 6	<u>253.00</u>
Total	\$252,857.56

Seconded by Mr. Finch.

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

RESO 2011-13: AUTHORIZE PAYMENT/HARBRIDGE CONSULTING GROUP/\$3,000/PURCHASE ORDER #10—1691GASB#45 ACTUARIAL 2010 VALUATION SERVICES CONTRACTED

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of Purchase Order #10-01691, account code A1320-4, in the amount of \$3,000.00 to the Harbridge Consulting Group for GASB#45 Actuarial 2010 Valuation Services contracted, as required by New York State.

Seconded by Mr. Francisco.

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

RESO 2011-14: AUTHORIZE BUDGET MODIFICATIONS/STATED FROM AND TO BUDGET LINES/AS OF DECEMBER 31, 2010

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Budget modifications of the stated from and to Budget lines as of December 31, 2010 (see attached).

Seconded by Mr. Finch.

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

RESO 2011-15: RATIFY 2010 MEDICAL ABSTRACTS

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the attached medical abstract payments for 2010, account codes A9060.802-3, DA9060.802-3, and SW9060.802-3 (see attached).

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING
JANUARY 11, 2011

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

RESO 2011-16: ACCEPT WITH REGRET/RESIGNATION/THOMAS
VOLOSHEN/CHAIRPERSON/TOWN PLANNING BOARD

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts with regret the resignation of Thomas Voloshen from the position of Chairperson of the Town Planning Board.

Seconded by Mr. Francisco.

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

RESO 2011-17: ACCEPT TRANSFER OF PROPERTY TO TOWN OF CONKLIN/140
STILLWATER ROAD & 29 JR BOULEVARD

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the transfer of ownership of the properties located at 140 Stillwater Road and 29 JR Boulevard to the Town of Conklin.

Seconded by Mr. Francisco.

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

Supervisor Preston explained that Broome County bought out these two parcels through its flood mitigation program and had the buildings demolished, and is now transferring ownership to the Town of Conklin. She stated that the property can only be used for green space. In response to a question from Mr. Finch, Supervisor Preston explained that there will be no taxes on the property, only a bond for the sewer system on the JR Boulevard property.

RESO 2011-18: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/PLANNING
BOARD POSITION

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for applications for the position of member of the Town of Conklin Planning Board.

Seconded by Mr. Francisco.

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

RESO 2011-19: AUTHORIZE APPOINTMENT/MARIE DAWN/SCHOOL CROSSING
GUARD PART-TIME/\$31.80 PER DAY/EFFECTIVE JANUARY 1, 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes appointment of Marie Dawn to the position of School Crossing Guard Part-Time at a salary rate of \$31.80 per day, effective January 1, 2011.

Seconded by Mr. Finch.

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

REGULAR TOWN BOARD MEETING
JANUARY 11, 2011

RESO 2011-20: AUTHORIZE LONG-TERM SERVICE PAY INCREASE/\$.15 PER HOUR/LISA HOUSTON/EFFECTIVE 12-16-2010/IN ACCORDANCE WITH TOWN OF CONKLIN POLICY MANUAL ARTICLE 8 PARAGRAPH 1

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a Long-Term Service pay increase of \$.15 per hour for Lisa Houston, effective December 16, 2010, in accordance with the Town of Conklin Policy Manual Article 8, Paragraph 1. Ms. Houston's new annual rate of pay will increase \$156.00 per job title as follows:

Secretary to the Supervisor	\$20,862.00
Budget Officer	\$14,800.00

Seconded by Mr. Francisco.

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

Supervisor Preston stated that Ms. Houston has been employed by the Town of Conklin for ten years, thus meriting the Long-Term Service pay increase per the Policy Manual.

LIGHTS NEAR CONKLIN ROAD/COMMUNITY CENTER

Mr. Francisco asked about the possibility of petitioning NYSEG (New York State Electric and Gas Corporation) to extend an "arm" from its electrical pole near the entrance to the Community Center from Conklin Road to provide light for the dimly lit area. He noted that the driveway is very hard to see at night.

"SAFE ROUTES TO SCHOOL" PROJECT/CULVERT

Mr. Francisco asked about the possibility of extending the culvert and filling in the adjacent area at the north end of the sidewalk of the "Safe Routes to School" project, noting that it is on the east side of Conklin Road. He stated that it would be easy for someone to step backwards into the culvert. Attorney Sacco stated that this is a New York State project and the State has jurisdiction over any changes that could be made to the project. She added that she will provide the telephone number of the State engineer who was in charge of the project to Mr. Francisco so that they can discuss it directly.

RESO 2011-21: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/INTEGRYS/ELECTRICITY

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with Integrys to provide electricity.

Seconded by Mr. Francisco.

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

Supervisor Preston explained that this will replace the former agreement with MEGA (Municipal Electric and Gas Alliance) and will save the Town 2.1 cents per kilowatt hour.

DONATION FROM CONKLIN SENIOR CITIZENS CLUB

Supervisor Preston stated that she received a letter and a check for \$200 from the Conklin Senior Citizens Club, thanking the Town for the use of the Floyd Maines Community Center. Mr. Joseph Bartosik, a member of the Seniors Club, stated that the Town could use the money toward

REGULAR TOWN BOARD MEETING
JANUARY 11, 2011

the upkeep of the building or donate it to the Fair Committee. Supervisor Preston thanked the Seniors Club and stated that the money would be used toward the heating bill for the Community Center.

RESO 2011-22: ACCEPT WITH GRATITUDE/DONATION/CONKLIN SENIOR CITIZENS CLUB

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts with gratitude the \$200.00 donation from the Conklin Senior Citizens Club.

Seconded by Mr. Bullock.

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

CALENDARS/REQUIRED REPORTING/NYS RETIREMENT/ELECTED OFFICIALS

Supervisor Preston gave newly re-elected Councilman Finch calendars for tracking hours worked, as required by New York State for retirement purposes for all elected officials at the beginning of their terms of office.

RESO 2011-23: EXECUTIVE SESSION/PERSONNEL ISSUE

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 8:10 P.M. to discuss a personnel issue.

Seconded by Mr. Francisco.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:10 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Cheryl Sacco. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.

RESO 2011-24: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:26 P.M.

Seconded by Mr. Finch.

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

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

The meeting adjourned at 8:27 P.M.

Respectfully submitted,

Sherrie L. Jacobs,
Town Clerk

REGULAR TOWN BOARD MEETING
NOVEMBER 9, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on November 9, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Robert McKertich
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner
	Deputy Town Clerk	Marilou Gabello
	Administrative Clerk	Josephine DeLamarter
	Planning Board	Christopher Ostrowsky
	Planning Board	Dell Boyle
	Zoning Board of Appeals	Paul Preston
GUESTS:	Country Courier	Darla Klinko Joseph Bartosik Laurie Francisco John Colley Peter J. Motsavage Steve Reilly

MINUTES: OCTOBER 25, 2011 REGULAR TOWN BOARD MEETING

Mr. Finch moved to approve the October 25, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of reports from the Supervisor's Office, the Town Clerk, the Highway Superintendent, the Code Officer, and from the Dog Control Officer.

PUBLIC COMMENTS

CONGRATULATIONS TO DEBBIE PRESTON/
BROOME COUNTY EXECUTIVE ELECT

Dog Control Officer Darlene Weidman offered her congratulations to Supervisor Preston for her recent victory in winning the seat of Broome County Executive. Mrs. Preston's term of office will begin January 1, 2012. Mrs. Weidman's sentiments were echoed throughout the Board room. Supervisor Preston thanked everyone for their support, adding that it is bittersweet to leave her post as Town Supervisor, but reminding those present that "her door will be open to the

REGULAR TOWN BOARD MEETING
NOVEMBER 9, 2011

public every Tuesday morning” when she assumes her role as County Executive. Supervisor Preston stressed the importance of all of the municipalities working together for the betterment of our larger community.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting also offered his congratulations to Supervisor Preston. He reported that his department has been diligent in its flood-debris and leaf removal, adding that it is going well even though one of the department’s trucks is out of service awaiting repairs. Mr. Latting stated that the clean-up has diminished and added that Chris Ostrowsky and Gorick Construction have aided in removing the flood debris from the Highway Garage yard.

Mr. Latting commented that his crew had to remove about two inches of snow in the hills following the early season snowstorm of October 29, adding that his department is prepared for winter snow removal, although the lingering nice weather has allowed his crews to complete a small amount of final blacktop work for the season. Mr. Latting reported that his paperwork has been completed and submitted to FEMA (Federal Emergency Management Agency) for reimbursement.

Mr. Latting reported that he is working with the DEC (New York State Department of Environmental Conservation) and with CP Rail to address the drainage issues on Millburn Drive. He stated that Keith Travis from the Kirkwood DEC office inspected the area, and added that the railroad company agreed to address the problem.

Mr. Latting stated that his department acquired two workers from the Broome-Tioga Work Force, at no cost to the Town, to rake yards for the last three weeks to remove small debris from flood clean-up in time to ensure more safety for trick-or-treaters at Halloween.

Mr. Finch asked about the creek near Hobart Stone, which he stated is filled with debris at the bridge/pipe area. Mr. Latting stated that he will look into the problem.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that the Reliable Market plans to break ground on its new building in the spring of 2012. He stated that FEMA trailers will be delivered to this area next week. Mr. Jones reported that the Sunoco Gas Station and Nirchi’s Pizza have both re-opened, adding that his office continues to help with flood recovery work. Mr. Jones thanked the Board for allowing Deputy Town Clerk Marilou Gabello, who works part-time in the Code Office also, to work full-time with him in the Code Office for several weeks following the September flood processing paperwork. Supervisor Preston stated that the Code Office did a “good job” in its response to the flood. She stated that over \$48 million in damage was done to homes in the Town of Conklin during the flood.

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: DOG CONTROL OFFICER

Refer to written report.

(Copies of all written reports are available in the office of the Town Clerk.)

REGULAR TOWN BOARD MEETING
NOVEMBER 9, 2011

OLD BUSINESS:

None.

NEW BUSINESS:

**RESO 2011-167: AUTHORIZE PAYMENT OF CLAIMS/
BILL LIST DATED 11-09-2011/\$89,015.71**

Mr. Bullock 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 9, 2011, in the total amount of \$89,015.71:

General	\$48,715.87
Highway	1,803.68
2011 Flood Emergency	37,663.04
Water District	<u>833.12</u>
Total	\$89,015.71

Seconded by Mr. Francisco.

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

**RESO 2011-168: AUTHORIZE BUDGET MODIFICATIONS/STATED FROM AND TO
BUDGET LINES/AS OF NOVEMBER 9, 2011**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Budget modifications of the stated from and to Budget lines, as of November 9, 2011 (see attached).

Seconded by Mr. Bullock.

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

RESO 2011-169: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUES

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenues (see attached).

Seconded by Mr. Minoia.

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

CONGRATULATIONS TO DEBBIE PRESTON

Mr. Minoia, Mr. Francisco, Mr. Finch, and Town Clerk Sherrie Jacobs all offered their congratulations to Supervisor Preston for winning the Broome County Executive seat.

REGULAR TOWN BOARD MEETING
NOVEMBER 9, 2011

COMPUTEL CONSULTING/CABLE FRANCHISE

Mr. Finch asked if the payment had been received for reimbursement of overpayment to the Cable franchise. Supervisor Preston replied that the Town will receive approximately \$22,000 but stated that it has not been received yet. She stated that the process will be completed by the end of the year. Mr. Finch thanked Tom Augustini for his help with this project.

COMMUNITY SERVICE AWARD

Supervisor Preston stated that the 2011 Community Service Award was presented to Lawrence “Bud” Henecy at a meeting of the Conklin Senior Citizens Club and read a thank-you note sent by Mr. Henecy. The award is traditionally presented at the Conklin Town Fair, which was cancelled this year due to the devastating flooding in September.

DONATION FOR FLOOD RELIEF

Supervisor Preston asked the Board for ideas regarding the best way to distribute the \$10,000 which was donated for flood recovery. She asked if the Board thought it was appropriate to distribute the money to area businesses, adding that 40 or 50 businesses in the Town of Conklin were impacted by the flood. She asked the Board to contact her with any ideas that they have regarding appropriate disbursement of the funds.

RESO 2011-170: CANCEL NOVEMBER 22, 2011 TOWN BOARD MEETING

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels the November 22, 2011 Town Board meeting.

Seconded by Mr. Finch.

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

Supervisor Preston stated that both the December 13 and December 27 meetings will be held as scheduled.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:19 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
OCTOBER 25, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on October 25, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	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
GUESTS:	NYS Assembly	Clifford Crouch
	Country Courier	Elizabeth Einstein
	Project Renew	Jeanne Westcott
	Project Renew	Yasmin Van
	Project Renew	Joel M. Beck
		Robert Krause
		Karen Krause
		Michael Lewis
		James Kisner
		Esther Kisner
		Dolly Stout
		Joseph Bartosik
		John Colley
		Nicole Latting
		Laurie Francisco
		Kim Mitchell
		Brian Mitchell
		William Slater
		Peter J. Motsavage

MINUTES: OCTOBER 11, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the October 11, 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 a report from the Water and Sewer Department.

PUBLIC COMMENTS:

Supervisor Preston welcomed New York State Assemblyman Clifford Crouch to the Town Board meeting, adding that he would speak after the upcoming Public Hearings scheduled for this meeting.

PROJECT RENEW

Jeanne Westcott, Joel Beck, and Yasmin Van, all from Project Renew, a part of the Mental Health Association of the Southern Tier, explained that they are available to provide crisis counseling to people recovering from the recent flooding. The team is going house-to-house to

REGULAR TOWN BOARD MEETING
OCTOBER 25, 2011

offer its free services to those in need, allowing people to talk about their experiences. Supervisor Preston noted that this group was present after the 2006 Flood and stated that she is “glad you’re here. There are many in need.” The Project Renew team distributed fliers, which provide a phone number to call for further assistance.

PICK-UP OF FLOOD DEBRIS

Robert Krause asked how much longer the Town will be picking up flood debris and Supervisor Preston stated that the last day for pick-up will be October 31, 2011.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING THE PROPOSED 2012 GENERAL AND
HIGHWAY BUDGET FOR THE TOWN OF CONKLIN

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:05 P.M. and asked those present to speak either for, or in opposition to, the proposed 2012 General and Highway Budget for the Town of Conklin.

Supervisor Preston stated that the proposed Budget for 2012 provides for an increase of \$35,000 over the 2011 Budget. In a discussion regarding increases in salaries for employees, Mr. Finch stated that he favors a \$.50 per hour increase for everyone over a 3% increase for everyone. No employees received raises in 2011. Supervisor Preston stated that the cost increase of a 3% raise would be \$16,280 as opposed to a cost of \$18,164 for a \$.50 per hour raise. In an unofficial poll, Mr. Finch, Mr. Bullock, and Mr. Minoia favored the \$.50 per hour raise, while Supervisor Preston and Mr. Francisco favored the 3% increase. Supervisor Preston stated that the \$.50 per hour raise results in less money for all of the salaried employees, adding that she would also have to increase employee contribution to health care by 2% instead of the planned 1%. Attorney Cheryl Sacco stated that a supermajority of the Board would be required to exceed the 2% tax cap and added that such a decision would have to be advertised legally and could not be decided at this meeting. Assistant to the Supervisor Lisa Houston pointed out that giving salaried employees a 3% raise and hourly employees a \$.50 per hour raise would cost \$18,171, a difference of \$1,891 over the budgeted \$16,280.

Supervisor Preston stated that the proposed total increase in the budget over last year is \$35,818, which she stated means that a house assessed at \$100,000 will see an increase in taxes of \$20.

John Colley suggested that perhaps an increase of 3% for salaried employees and \$.30 per hour for hourly employees might be a good compromise.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED 2012 FIRE PROTECTION
CONTRACT/CONKLIN VOLUNTEER FIRE DEPARTMENT, INC.

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:15 P.M. and asked those present to speak either for, or in opposition to, the proposed 2012 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

Supervisor Preston noted that the increase in the Fire Protection contract for 2012 is only \$11,000 and commented that the Conklin Volunteer Fire Department does a “fine job” and “deserves it.”

Mr. Finch noted that there is an increase of \$5,000 in the equipment fund and asked where the other \$6,000 increase is slated. He noted that in 2011 the debt payment was \$30,000 and is \$0

REGULAR TOWN BOARD MEETING
OCTOBER 25, 2011

for 2012, but the truck fund increased from \$70,000 to \$100,000. Mr. Finch asked if the fire department will need a new truck in 2012. Mr. Francisco called the Fire Protection contract a “fair budget.”

There being no further public comments or questions, Supervisor Preston declared the Public Hearing closed at 7:18 P.M.

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CONTINUED DISCUSSION OF 2012 GENERAL AND HIGHWAY BUDGET

Supervisor Preston noted that raising the employees’ health care contribution 2% will increase contribution to 25%. Mr. Francisco stated that a 3% raise for all employees is “a good approach.” Supervisor Preston cautioned that the Board must be careful not to exceed the tax cap. Attorney Cheryl Sacco stated that the Board can vote to override the tax cap, but must do so with a Local Law, which requires an advertised Public Hearing, and would mean the 2012 Budget cannot be approved at this meeting. She added that the Board must, by law, adopt a budget by November 20. Supervisor Preston stated that there is a difference of approximately \$20,000 between her proposed Budget and the tax cap figure.

Mr. Bullock suggested giving a 2% raise to salaried employees and a \$.50 per hour raise to hourly employees. “Where will you get the extra money?” asked Supervisor Preston. “Take 2% from the Fire Protection budget,” responded Mr. Finch. “No way. I won’t,” stated Supervisor Preston, reminding the Board of the work accomplished by the Fire Department in last month’s flood.

Mr. Minoia stated that he thought it was “too late to do this” (make changes to the proposed 3% for all). “I’m not for upsetting the apple cart.”

Supervisor Preston stated that \$2,000 is needed. She stated that if the Board approves a 3% increase for salaried employees and \$.50 per hour increase for hourly employees and only raises employee contributions to health care by 1%, it will leave a cushion of \$18,000 between the 2012 Budget and the tax cap figure.

There being no further public comments or questions, Supervisor Preston declared the Public Hearing closed at 7:28 P.M.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING THE PROPOSED 2012 WATER & SEWER RATES

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:30 P.M. and asked those present to speak either for, or in opposition to, the proposed 2012 Water and Sewer billing rates.

Supervisor Preston stated that the proposed billing rates for 2012 are as follows:

Sewer	\$10.00 Quarterly Fee	\$6.55 per 1,000 gallons
Water	\$10.00 Quarterly Fee	\$2.74 per 1,000 gallons

There being no public comments or questions, Supervisor Preston declared the Public Hearing closed at 7:31 P.M.

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REGULAR TOWN BOARD MEETING
OCTOBER 25, 2011

RESO 2011-154: ADOPT 2012 WATER & SEWER BILLING RATES

Mr. Bullock moved for the following resolution:

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

SEWER

Quarterly Basic Fee:	\$10.00
Unit Charge not to exceed	\$6.55 per Thousand Gallons

WATER

Quarterly Basic Fee:	\$10.00
Unit Charge not to exceed	\$2.74 per Thousand Gallons

This billing change becomes effective November 1, 2011, and will be billed starting the first billing cycle in 2012: February 2012.

Section 4. This resolution shall take effect immediately.

Seconded by Mr. Francisco.

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 25, 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 25, 2011

Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

RESO 2011-155: AUTHORIZE SUPERVISOR TO ENTER FIRE PROTECTION
CONTRACT/2012/CONKLIN VOLUNTEER FIRE DEPARTMENT, INC.

Mr. Finch moved for the following resolution:

Whereas, the Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), on the 25th day of October, 2011, commencing at 7:15 PM at the Conklin Town Hall, 1271 Conklin Road, Conklin NY, duly held a public hearing on the Town year 2012 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 2011 between Town of Conklin and Conklin Volunteer Fire Department, Inc.

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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.

Seconded by Mr. Francisco.

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 25, 2011. Said resolution was adopted by the following roll call vote:

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

Dated: October 25, 2011

Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

RESO 2011-156: ADOPT 2012 BUDGET FOR TOWN OF CONKLIN

Mr. Finch moved for the following resolution:

Whereas, the Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), on the 25th day of October, 2011, commencing at 7:05 PM at the Conklin Town Hall, 1271 Conklin Road, Conklin, NY, duly held a public hearing on the Town year 2012 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, 2012, 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 2012 preliminary budget submitted, approved, and filed, as aforesaid, be and the same is hereby adopted and established as the year 2012 annual budget for the Town for the fiscal year beginning January 1, 2012. 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.

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Seconded by Mr. Bullock.

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 25, 2011. Said resolution was adopted by the following roll call vote:

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

Dated: October 25, 2011

Town of Conklin Seal _____

Sherrie L. Jacobs, Town Clerk of the Town of Conklin

The 2012 Budget will include an increase of 3% for salaried employees and \$.50 per hour for hourly employees, as well as a 1% increase in employee contributions to health care. Supervisor Preston stated that she felt the budget she had presented, with a 3% increase for all employees, was “a fair budget” and added that this change to \$.50 per hour increase for hourly employees is “too much for residents.”

PUBLIC COMMENTS:

COMMUNITY PLAN FOR FLOOD VICTIMS

Kim Mitchell asked the Town Board if a Community Plan exists for those who have had substantial flooding twice, adding that her insurance company is requiring that she produce such a plan. Ms. Mitchell stated that she already has a letter from Code Officer Robert Jones stating that her home sustained more than 50% damage, but the insurance company is still requiring a copy of the Community Plan. Supervisor Preston explained that the Town of Conklin is under the Broome County Community Plan. Ms. Mitchell stated that she will need to see a copy of this plan in writing.

NYS ASSEMBLYMAN CLIFFORD CROUCH

New York State Assemblyman Clifford Crouch addressed those present at the Town Board meeting. He stated that Governor Cuomo’s 2% tax cap is actually an idea that was presented by the minority in the NYS Assembly years ago, adding that it was aimed at school districts to help control spending. Mr. Crouch stated that Governor Cuomo campaigned on the tax cap idea. Mr. Crouch stated that he has misgivings about the tax cap, as it creates problems for the municipalities. He also noted that unfunded mandates create problems and added that mandate relief is needed.

Mr. Finch urged Assemblyman Crouch to “keep doing as good a job as you have been.” Mr. Finch added that perhaps Mr. Crouch could urge the State to pay all 25% of the amount left to be paid after FEMA (Federal Emergency Management Agency) payments have been taken into account. Typically, for repairs or mitigation, FEMA pays 75% of the costs, New York State pays 12.5%, and the municipality pays 12.5%. Following the June 2006 Flood, New York State paid the entire 25% balance.

Mr. William Slater stated that many people do not have the money they had in 2006, adding that the three weeks grace period given to pay 2011 School Tax “doesn’t mean much.” He added that 600 buildings in the Town of Conklin were compromised more than 50% devaluation. “How will the Town balance the budget?” asked Mr. Slater. Mr. Crouch stated that the State Legislature is currently on hiatus, adding that he had hoped a special session would be called to

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address all of the pressing issues caused by the September flooding. Mr. Slater stated that the residents need tax abatement – no taxes for several years. He added that no money should be spent on welfare.

Mr. Slater went on to comment that no hydraulic mitigation has occurred, adding that the dams and river are “silting in.” Supervisor Preston added that she also believes in dredging but the federal government refuses to do so.

Supervisor Preston stated that following the 2006 Flood, the Town of Conklin lost \$17 million in assessed values, adding that in the five years since that flood, less than \$2 million of that initial loss has been recouped. Now, with last month’s flood, she stated, all that was gained back is “all gone.” Supervisor Preston stated that businesses receive no money from FEMA for recovery. The only financial help available to businesses is a low-interest loan. Supervisor Preston stated that, due to the loss of population following the 2006 Flood, recorded in the 2010 Census, the Town of Conklin lost \$100,000 in sales tax revenue. She stated that when the 2020 Census is recorded, the entire County “will take a hit.” She stated that sales tax abatement is needed.

Mr. Slater stated that the area needs money to rebuild businesses and needs flood control. He stated that no building is allowed within 200 yards of the river in Delaware County, adding that FEMA “wants the same for Broome County.”

Assemblyman Crouch stated that changes are needed at the federal level. He stated that he introduced stream reclamation legislation but it received no support. He suggested a letter-writing campaign to Governor Cuomo. “And to Senator Schumer,” added Supervisor Preston. She went on to comment, “Businesses are leaving.” Mr. Slater stated, “We need tax abatement and grants.” He added that the current infrastructure needs to be maintained and asked, “Where is the money coming to New York State for this being spent?”

Mr. Finch commented on the 75%-12.5%-12.5% split on recovery costs and asked, “Why doesn’t New York State give us a break on the prevailing wage requirement for clean-up contractors?” Supervisor Preston stated that the prevailing wage requirement raised the cost of repairing the Floyd Maines Community Center from \$11,000 to \$32,000.

Mr. Minoia commented that the Army Corps of Engineers and the DEC (New York State Department of Environmental Conservation) have been “studying stream reclamation since the 1940’s” and recently stated that streams and rivers have “only silted in 2 or 3 inches since the 1940’s.” Mr. Minoia stated that this finding is “obviously wrong.” He added that any stream declared a “navigable waterway” falls under the jurisdiction of the Army Corps of Engineers. Assemblyman Crouch noted that the DEC was “better to work with in 2011, than in 2006.”

Mr. Finch commented that the Highway Department has been kept busy with clean-up of flood debris and has had no time to clean creeks. Mr. Minoia stated that the Army Corps of Engineers and the DEC have decreed “no machines in the water.” He added that the local DEC office has equipment for stream reclamation but added that “the only work they do is in their yard.”

OLD BUSINESS:

FRANCHISE AGREEMENT RESEARCH BY COMPUTEL CONSULTANTS

Discussion of the franchise agreement research conducted by Computel Consultants will be held over until the next Town Board meeting.

NEW BUSINESS:

RESO 2011-157: CANCEL NOVEMBER 8, 2011 TOWN BOARD MEETING
(ELECTION DAY)/RESCHEDULE FOR NOVEMBER 9, 2011

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin cancels the Regular Town Board Meeting scheduled for November 8, 2011 (Election Day), and reschedules it for November 9, 2011, at 7:00 P.M.

Seconded by Mr. Bullock.

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

RESO 2011-158: RATIFY PAYMENT/NYS UNEMPLOYMENT INSURANCE/3RD
QUARTER UNEMPLOYMENT CLAIM

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3255, account code A9050.8, in the amount of \$1,831.24 to New York State Unemployment Insurance for the Third Quarter unemployment claim.

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – No, Preston – Yes. Motion carried: 4 – Yes, 1 – No.

RESO 2011-159: RATIFY PAYMENT/SERVICE MASTER
CLEANING/GRIFFIG/COMMUNITY CENTER FLOOD RESTORATION/BALANCE
DUE UPON COMPLETION

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3257, account code HA8760.4E, in the amount of \$6,750.00 to Service Master Clean/Griffig for Community Center flood restoration, with the balance due upon completion.

Seconded by Mr. Minoia.

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

RESO 2011-160: RATIFY PAYMENT/DEBRA PRESTON/FLOOD MILEAGE &
PHONE USAGE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3258, account code A8760.4, in the amount of \$309.52 to Debra Preston for flood mileage reimbursement and phone usage reimbursement.

Seconded by Mr. Francisco.

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

RESO 2011-161: APPROVE END DATE/TOWN-WIDE FLOOD DEBRIS
REMOVAL/EFFECTIVE OCTOBER 31, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves an end date for Town-wide flood debris removal effective October 31, 2011.

Seconded by Mr. Bullock.

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

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Highway Superintendent Patrick Latting stated that flood debris should be put to the curb or taken to the Highway Garage by the ending date of October 31, 2011. He added that there has been some misuse of the flood debris removal and added that FEMA wants the numbers of man-hours and vehicle-hours and other expenses so that this project can be closed out. Mr. Latting stated that the Town of Conklin has continued flood debris removal longer than most other municipalities.

RESO 2011-162: APPROVE PAYMENT/OCTOBER 25, 2011 BILL LIST/\$92,427.31

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following October 25, 2011 Bill List in the total amount of \$92,427.31:

General	\$18,741.60
Highway	4,340.71
Flood Emergency	61,339.21
Water District	3,720.77
Sewer District	2,202.82
Light Districts	<u>2,082.20</u>
Total	\$92,427.31

Seconded by Mr. Francisco.

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

LANDFILL SURVEY REQUIREMENT

Attorney Cheryl Sacco explained that the EPA (Environmental Protection Agency) and the DEC require that a survey be completed of the Town Landfill as part of the deed restrictions requirement set by the EPA. She stated that Hawk Engineering completed a Boundary Line Map over 20 years ago in either 1986 or 1987 and added that no other survey of the Landfill exists. Ms. Sacco stated that Shumaker Surveying and Consulting agreed to complete a survey of the Landfill for a cost of more than \$25,000 but added that she has persuaded them to reduce the cost twice to a current proposed cost of \$16,175. Mr. Francisco asked when the deadline for completion of this survey would be and Ms. Sacco replied, “Two months ago.”

RESO 2011-163: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/SHUMAKER SURVEYING & CONSULTING/CREATE BOUNDARY LINE MAP & SURVEY/TOWN LANDFILL/COST NOT TO EXCEED \$16,175

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with Shumaker Surveying and Consulting to create a boundary line map and survey of the Town Landfill for a cost not to exceed \$16,175.00.

Seconded by Mr. Francisco.

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

EXTENSION OF WATER DISTRICT 6/PRIDE MANOR MOBILE HOME PARK

Attorney Sacco stated that the wells providing water for Pride Manor Mobile Home Park have been deemed insufficient and health issue by the Broome County Health Department and consultation with both the former and the soon-to-be-new owners of the mobile home park finds that all parties want to move forward with the extension of Water District 6 to include the mobile home park. The next step in that process would be to ask Town Engineer Griffiths Engineering to complete a Map Plan and Report for the project. She explained that if the extension project is

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completed, the residents of the mobile home park would pay for the engineering costs. If the project is not completed, the Town will be responsible for the engineering costs of this preliminary Map Plan and Report. If completed, the residents of the Water District 6 extension would pay for all of the costs of extending the water service.

Mr. Finch asked if Griffiths Engineering is the cheapest engineering firm to conduct the Map Plan and Report and Attorney Sacco replied that she does not know whether or not Griffiths Engineering is the least expensive company but they have a history and knowledge of the project, adding that hiring a new engineer could cost more money in the long term.

RESO 2011-164: AUTHORIZE TOWN ENGINEER/GRIFFITHS
ENGINEERING/CREATE MAP PLAN & REPORT/WATER DISTRICT 6 EXTENSION

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Engineer Griffiths Engineering to create a Map Plan and Report for the extension of Water District 6.

Seconded by Mr. Finch.

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

FLOOD RELIEF DONATIONS

Supervisor Preston stated that the Town received a donation of \$10,000 to start a relief fund in the Town of Conklin, as well as a donation of \$100 from a former resident of the Town. She stated that applicants for flood relief must prove need, whether homeowner, renter, or business owner, adding that the Town Board will decide the criteria. Supervisor Preston stated that she has received two letters applying for one of the gift cards donated by Raymour and Flanagan, adding that she will probably deny both applications, as need was not proven in either case. Criteria for receipt of flood relief funds will be established at the November 9 Town Board meeting.

RESO 2011-165: AUTHORIZE TOWN/ACCEPT FLOOD RELIEF DONATIONS

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town to accept Flood Relief donations.

Seconded by Mr. Francisco.

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

RESO 2011-166: AUTHORIZE SETUP OF SEPTEMBER 2011 FLOOD ACCOUNT

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the setup of the September 2011 Flood account.

Seconded by Mr. Francisco.

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

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 8:25 P.M.

Respectfully submitted,
Sherrie L. Jacobs, Town Clerk

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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:	Country Courier	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

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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.

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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.

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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>
Total	\$32,616.02

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.

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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

REGULAR TOWN BOARD MEETING
SEPTEMBER 27, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on September 27, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Deputy Town Clerk	Marilou Gabello
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Planning Board	Dell Boyle
GUESTS:	Country Courier	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Bill Gorman
		Aaron Marshall
		John Colley
		Peter J. Motsavage
		Dolly Stout
		Joe Bartosik
		David Rhea
		Laurie Francisco
		Betty Gianakos

MINUTES: AUGUST 23, 2011 REGULAR TOWN BOARD MEETING

Assistant to the Supervisor Lisa Houston stated that the August 23, 2011 minutes should be corrected on page 8, line 16 from the top, to correct the effective date of John McDonald's resignation to September 29, 2011, instead of September 27, 2011.

Mr. Francisco moved to approve the August 23, 2011 Regular Town Board Meeting minutes as corrected.

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 Supervisor's office, the Town Clerk, the Highway Superintendent, the Code Officer, and from the Water and Sewer Superintendent.

PUBLIC COMMENTS:

TIMELINE/REPAIR OF COMMUNITY CENTER/CONKLIN SENIORS USE

Joe Bartosik, on behalf on Conklin Senior Citizens Club President Bob Tokos, asked if the Conklin Seniors Club should plan to make alternate arrangements for a meeting place until after the first of next year, pending repairs to the Community Center, which was damaged in the recent flood. Supervisor Preston stated that the Community Center has been cleaned out but the Town will need to hire a contractor to rebuild the interior, adding to Mr. Bartosik, "Anything you had in there is gone." She confirmed that the Community Center will not be available until after January 1, 2012.

REGULAR TOWN BOARD MEETING
SEPTEMBER 27, 2011

THANK YOU TO TOWN EMPLOYEES FROM FIRE CHIEF BILL GORMAN

Conklin Volunteer Fire Chief Bill Gorman thanked the employees of the Town of Conklin, in particular Highway Superintendent Patrick Latting, Water and Sewer Superintendent Tom Delamarter, and Code Officer Robert Jones, for their help during the recent devastating flood, adding that he “couldn’t have asked for any more help than we got from those guys and they did a fantastic job and I just want them to be recognized for the work they did. It helped us tremendously with gas and everything that was going on up there.” Speaking to Supervisor Preston, he added, “Your role in this was fantastic, too.” He added that the Town employees “sometimes don’t get the credit they deserve.” “Neither do you guys,” stated Supervisor Preston, referring to the Fire Department, adding that she went to the most recent meeting of the Fire Department to thank them on behalf of herself, the residents, and the Town Board for all that they did during the flood. “That was the smoothest operation I’ve ever seen,” commented Supervisor Preston. She thanked Fire Chief Gorman for attending tonight’s meeting to thank the Town employees.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 1, 2011
A REVISION TO AN EXISTING LOCAL LAW ENTITLED, “CHAPTER 97 PARKS”

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:05 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 1, 2011, A Revision to an Existing Local Law entitled, “Chapter 97 Parks.”

Attorney Cheryl Sacco reminded the Board that the proposed local law is a revision to Section 97-11 of the Town Code, which would change the subtitle from “Disorderly Conduct” to “Inappropriate and/or Disorderly Conduct,” and adding a subsection which would state that “no person shall smoke legal or illegal substances, including, but not limited to, tobacco, within the boundaries of any Town park.”

There being no public comments or questions, Attorney Sacco closed the Public Hearing at 7:07 P.M. She stated that there is no need for SEQR (State Environmental Quality Review) for this proposed law.

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RESO 2011-129: ADOPT LOCAL LAW 1, 2011
A REVISION TO AN EXISTING LOCAL LAW ENTITLED, “CHAPTER 97 PARKS”

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
SEPTEMBER 27, 2011

WHEREAS, a resolution was duly adopted by the Conklin Town Board for a public hearing to be held by said Board at the Conklin Town Hall, 1271 Conklin Road in said Town, on September 27, 2011, commencing at 7:05 P.M. to hear all interested parties on a proposed Local Law entitled “**A Local Law on Parks**”, and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on August 31, 2011, and posted on the Town Clerk’s sign board on August 25, 2011, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:05 o’clock P.M. on September 27, 2011, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQRA”), this local law 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 adopt said Local Law,

NOW, THEREFORE, Conklin Town Board hereby declares that the adoption of said Local Law is not an activity that meets the definition of an “Action” and thus no SEQRA review is necessary, and

NOW, THEREFORE, the Conklin Town Board hereby adopts said Local Law as Local Law No. 1-2011 entitled “**A Local Law on Parks**”, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town of Conklin, and to give due notice of the adoption of said Local Law to the Department of State.

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 September 27, 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: September 27, 2011

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk of the Town of Conklin

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that the Town’s water and sewer systems held up through the flooding, thanks in large part to all the replacements made after the 2006 Flood. He reported that there were a few “glitches” with

REGULAR TOWN BOARD MEETING
SEPTEMBER 27, 2011

Sewer Station 2, but all problems were quickly resolved. Mr. Delamarter reported that the pool was flooded again. Mr. Delamarter thanked Highway Superintendent Patrick Latting and his crew as well as Water and Sewer Department workers Jim Gates and Nick Platt for all the help with flood recovery.

Supervisor Preston thanked Mr. Delamarter for driving to Sayre, Pennsylvania, a five and one-half hour trip due to the flooding, to test the Town's water to make sure it was safe to drink. The Town of Conklin never had to issue a "boil water" advisory. Supervisor Preston stated that the Town of Conklin had no issues with sewer backup, as some municipalities experienced, reiterating that much of this was due to the mitigation work done following the 2006 Flood. She added that Mr. Delamarter has taken charge of keeping records of all that was lost in the Community Center and the parks, so that these lists could be submitted to the Town's insurance carrier. Supervisor Preston stated that Mr. Delamarter also immediately contacted the Broome County Sheriff's Department to secure help from its weekend inmates in cleaning up Schnurbusch Park.

Mr. Delamarter reported that the pool storage building is mostly cleaned out. Supervisor Preston stated that the fence at the Little League field was able to be saved and repaired, so the Town will not have the expense of replacing the fencing.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 2, 2011
A REVISION TO AN EXISTING LOCAL LAW ENTITLED, "CHAPTER 55 ANIMALS"

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:15 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 2, 2011, A Revision to an Existing Local Law Entitled, "Chapter 55 Animals."

Attorney Sacco stated that there are four changes to the existing Local Law, three of which are clarifications of references to other sections of the law. She stated that the fourth change addresses the right to farm under New York State Agriculture and Markets.

There being no public comments or questions, Attorney Sacco closed the Public Hearing at 7:16 P.M.

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RESO 2011-130: ADOPT LOCAL LAW 2, 2011
A REVISION TO AN EXISTING LOCAL LAW ENTITLED, "CHAPTER 55 ANIMALS"

PRESENT:

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

ABSENT:

Offered By: Mr. Minoia Seconded By: Mr. Francisco

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
SEPTEMBER 27, 2011

WHEREAS, a resolution was duly adopted by the Conklin Town Board for a public hearing to be held by said Board at the Conklin Town Hall, 1271 Conklin Road in said Town, on September 27, 2011, commencing at 7:15 p.m. to hear all interested parties on a proposed Local Law entitled “**A Local Law For the Licensing of Dogs**”, and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on August 31, 2011, and posted on the Town Clerk’s sign board on August 25, 2011, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:15 o’clock P.M. on September 27, 2011, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQRA”), this local law 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 adopt said Local Law,

NOW, THEREFORE, Conklin Town Board hereby declares that the adoption of said Local Law is not an activity that meets the definition of an “Action” and thus no SEQRA review is necessary, and

NOW, THEREFORE, the Conklin Town Board hereby adopts said Local Law as Local Law No. 2-2011 entitled “**A Local Law For The Licensing of Dogs**”, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town of Conklin, and to give due notice of the adoption of said Local Law to the Department of State.

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 September 27, 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: September 27, 2011

Town of Conklin Seal _____

Sherrie L. Jacobs, Town Clerk of the Town of Conklin

NYS WORKFORCE/ADDITIONAL CLEAN-UP HELP FOR PARKS

Supervisor Preston stated that she had been contacted by the New York State Work Force Program, which is putting people to work by providing assistance to municipalities for flood

REGULAR TOWN BOARD MEETING
SEPTEMBER 27, 2011

recovery. The program is funded through a grant and she is seeking to hire two people to help with flood recovery in the Town parks.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting stated that the Town's roadways fared "very well," considering the amount of water involved in the flooding. He also credited the mitigation following the 2006 Flood, including drainage system upgrades, with easing the damage brought by this year's flood. Mr. Latting stated that the greatest damage sustained from Hurricane Irene was slope damage on Fallbrook Road. He stated that this is severe damage, which will be costly to repair. Mr. Latting stated that FEMA (Federal Emergency Management Agency) representatives have looked at this site and he is obtaining estimates of the costs of repair to the site. He stated that other sites damaged earlier in the year are "still pending" in terms of FEMA reimbursement.

Mr. Latting stated that the three days in which access to the main part of Town was closed off by flood waters gave his crews time to complete clean-up in the hills, so that when access to the main part of Town was restored, his crews could devote themselves to the flood recovery. He stated that the infrastructure held up very well, and that the clean-up efforts in the flood-affected areas are being done daily, as the damage was "very severe." The Highway Department is picking up and removing flood debris, recyclables, and hazardous waste put to the curb by residents and business owners. He thanked his crew and "everyone who has helped us with this," noting in particular Councilman Jim Finch, who is in charge of waste removal following the flood. Mr. Latting stated that the residents have been very cooperative in separating their debris, as required by the Broome County Landfill.

Mr. Latting stated that he has been working with the DEC (New York State Department of Environmental Conservation) to help pump out areas around the Town, including Schnurbusch Park. He added that his department has also received assistance from the Broome County Sheriff's Department weekend inmates.

Mr. Bullock asked if the DEC is planning to do any mitigation with area streams to help prevent future flooding issues. Mr. Latting stated that he has not heard anything about planned stream clean-up, noting that it is not only gravel but large trees that have fallen that are causing problems. Mr. Bullock noted that it is "lucky we didn't lose Fallbrook Bridge." Mr. Latting commented that property owners upstream of Fallbrook Bridge have done quite a bit of mitigation, which probably helped save the bridge.

Mr. Bullock asked if the Highway Department would be doing leaf pick-up this year and Mr. Latting replied that his department would do "the best we can" to complete this program. Supervisor Preston added that residents may have to bring leaves to the Highway Garage, as the Highway Department is tied up with removal of flood debris.

Mr. Finch thanked Mr. Latting and the Highway Department for doing a "great job" during the flood clean-up. He mentioned numerous other municipalities and private contractors who "chipped in and worked together" making it all "run very smoothly." Supervisor Preston agreed, adding that she was glad to have the debris removed from the roadsides as soon as possible. Mr. Finch commented that it was unfortunate that so many "scavengers" came into Town and took all of the white goods, which he stated that Town could have picked up and sold at Gary's U-Pull-It to recoup some money for the Town. Supervisor Preston commented that quite a few arrests have been made due to this behavior, adding that she does not think this problem was as bad as it was in 2006.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that the clean-up of several houses that was being addressed before the flood has been "put on the back burner." He thanked the Board for giving him extra help to deal with the aftermath of the flood, including Marilou

REGULAR TOWN BOARD MEETING
SEPTEMBER 27, 2011

Gabello, who is temporarily assigned to the Code Office full-time, and Kevin Coates, who was hired to help with inspections. He stated that his office is keeping up with everybody and that building and demolition permits are going out daily. Supervisor Preston stated that Kevin Coates will be done with full-time work at the end of the week (September 30) and will only be coming back to work one or two days a week when rebuilding inspections are needed. Supervisor Preston stated that she thinks the aftermath of inspections went more smoothly than in 2006, adding that the restrictions set by the Code Office are in compliance with New York State and federal regulations. "You've done a really great job," said Supervisor Preston to Mr. Jones. Mr. Jones also thanked the Fire Department, the Highway Department, and the Parks Department for their assistance.

Mr. Minoia asked about cars parked on David Drive. Mr. Jones explained that Ned Woodruff owns a car repair shop on Conklin Road, as well as two properties on David Drive. The cars that were flooded in Mr. Woodruff's shop were brought to the David Drive properties and parked there so that Mr. Woodruff's insurance agent could examine them as part of the insurance claim. Mr. Woodruff will be removing the cars from David Drive as soon as possible. Supervisor Preston stated that it is a temporary situation, adding that "everyone will have to put up with a little inconvenience until people can get their lives back together a little bit."

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

(Copies of written reports are available in the office of the Town Clerk.)

NEW BUSINESS:

DISASTER RECOVERY CONSULTING

Supervisor Preston introduced David Rhea from Adjusters International, a disaster recovery consulting firm. She added that this firm has worked with FEMA in the past. Mr. Rhea stated that his company has been working with municipalities for the past 25 years, the past 16 of which have involved working with FEMA's public assistance program, working as an advocate for the municipality. He stated that they worked for NY SEMO (New York State Emergency Management Office) in the Town of Conklin after the 2006 Flood. Mr. Rhea stated that his company specializes in analyzing a municipality's situation, making sure all documentation and paperwork is in place, looking for "every opportunity" for hazard mitigation moving forward, and examining any past situations for which the FEMA paperwork has not yet been completed, to make sure everything is in order. He stated that their experience in working with FEMA for the past 16 years in every part of the nation enables them to work with FEMA to "help you get everything you're entitled to." Mr. Rhea stated that his company can also help with insurance claims, explaining that it is "insurance first, FEMA second, from the financial side."

Mr. Rhea stated that typically, one or two agents would be assigned for a week, at a flat rate, in the first phase, to assess the situation, spot any pitfalls, and look for mitigation opportunities. At the end of the week, a bullet-point report would be presented to the Board, assessing what the Town's situation is and what it potentially could be in the future. Mr. Rhea stated that his firm began work with the Town of Union on September 26 and will be presenting their program to the Binghamton-Johnson City Joint Sewage Treatment Board on September 29, and had met with City of Binghamton officials earlier today.

REGULAR TOWN BOARD MEETING
SEPTEMBER 27, 2011

Mr. Finch asked how the company bases its fees. Mr. Rhea stated that fees are based on time and expense, adding that this is required by law for the FEMA public assistance program. He added that in dealing with insurance claims, it is a contingency fee which can be negotiated. Mr. Rhea stated that, with insurance claims, there is no out-of-pocket expense until the claim is settled.

Attorney Sacco advised the Board that this work is the same work that Supervisor Preston did while she was full-time Supervisor after the 2006 Flood, with submitting documentation for the Buyout Program, etc. Mr. Finch stated that the Town is “spoiled because we had Debbie to do all of this last time.” Supervisor Preston stated that the Board will look at this proposal because not everything is in order yet. Mr. Rhea stated that his company makes sure all departments communicate so that there is no overlap, and documentation is completed through close-out and audit. Supervisor Preston stated that it would be beneficial to consider this option, adding that the \$3,500 did not seem excessive to bring someone in to help with documentation.

Mr. Rhea stated that Phase 2 would be under the 90-day emergency period, with a “Do Not Exceed” 90 days, with all documentation completed before the Town would need to go to Requests for Proposals (RFP) for demolition. He stated that anything related to a grant or a project worksheet is reimbursable through the program at 75 % from the federal government and 12.5% from New York State. Supervisor Preston stated that currently municipalities are responsible for 12.5% of the cost of any repairs or demolitions, with only 87.5% being reimbursed by FEMA. Mr. Rhea stated that approximately 90% of the work his company would do would be related to a grant and therefore reimbursable. Supervisor Preston stated that the Board would look at his company’s proposal and she would contact him regarding the Board’s decision.

OLD BUSINESS:

2012 BUDGET

Supervisor Preston distributed the Tentative Budget for the Town of Conklin for 2012 to the Town Board. She stated that revision would be made at the October 11 Town Board meeting, noting that the distribution of the Budget was delayed by the flood. Supervisor Preston stated that she believes it is a good budget, showing an increase of 1.92% or only \$17,000 difference between 2010 and 2011. She stated that this Budget was prepared before the flood, adding that she also has a “Flood Budget,” keeping the costs associated with the flood separate from the General Budget, adding that she feels it is “important to show the actual costs of the flood.” She stated that she is keeping a separate budget for the flood, and it is not included in the Tentative Budget which she just distributed.

Supervisor Preston gave credit to the department heads for keeping costs down. She stated that the 2012 Budget includes a 1% increase in cost to employees for health care insurance, and includes a 3% increase in pay for employees, noting that no raises were given in 2011. Supervisor Preston stated that the cost of salaries for personnel in the Parks Department was decreased because not as much summer help was needed. She stated that cuts were made to the Town Pool budget because Mr. Delamarter is utilizing a new chemical provider, which provides substantial savings. Supervisor Preston stated that cuts have been made across the board, including Central Printing and Central Storage, adding that she does not believe any more cuts should be made, or could be made without jeopardizing some services.

Supervisor Preston stated that she had just today received from the Broome County Board of Elections the proposed chargeback to the Town for the cost of elections. She stated that the cost in 2009 was \$9,800; in 2010, \$10,000 was budgeted and \$9,900 paid; and for 2011, \$10,000 has been budgeted and no bill received yet. The bill received today, which is going before the County Legislature, is for 2012 is for \$16,760. She added that the Town has one less polling site, which means four less inspectors are needed. Supervisor Preston stated that this is a 68% increase in cost to the Town. She stated, “I do not agree with this,” and asked her assistant, Lisa

REGULAR TOWN BOARD MEETING
SEPTEMBER 27, 2011

Houston, to research the amount the Town paid in 2008 during the Presidential election. Mr. Finch stated that he does not think the Town should pay any more than it did last year. Supervisor Preston added that the Community Center was to be used as a polling site in place of the Julius Rogers Utility Building. She stated that she informed the Board of Elections that neither the Community Center nor the Julius Rogers Utility Building will be useable for the November 2011 Election, so the Town Hall will once again need to be used as a polling site. Supervisor Preston stated that she asked the Board of Elections to inform voters who vote at the Julius Rogers polling site via postcard of the change in polling site. She suggested that maybe the Town, and the Fire Department, might start charging Broome County for the use of their facilities as polling places. Mr. Finch asked if the Town could print fliers to put in businesses to advise people of their correct polling sites and Supervisor Preston stated that the Town could do so, but feels it is the responsibility of the Board of Elections to take care of this need. Mr. Minoia stated that he thought the new voting machines were supposed to be more cost-effective, and it was noted, less inspectors are needed. Supervisor Preston stated that she budgeted \$10,000 for 2012. She stated that 2012 will bring three elections – a Presidential Primary in March, the general Primary in September, and the General Election in November.

Supervisor Preston stated that the Town lost \$100,000 in sales tax revenue due to the loss in population caused by the 2006 Flood and reflected in the 2010 Census; is facing a 68% increase from Broome County; and is dealing with flood issues, “and the people just can’t take it.”

Supervisor Preston asked the Board to look at the Budget and come back on October 11 with any recommendations, asking them to be “fair to the employees. They have worked hard, even though they did not get a raise last year, and they will be contributing more to their health care. They have done an excellent job getting their numbers down in the budget, without cutting services, and there are no frills here.”

She added that the flood means that purchase of equipment requested by the Highway Department will have to be delayed. Supervisor Preston stated that she has met with some financial advisors, and has meetings scheduled with others, in an attempt to refinance some debt to get a better rate, although she added, that she has done so much refinancing, and the Town has received such good rates, that there is not much more to be done on this front. She stated that there were “a couple of areas where I might be able to go below 2%,” which might mean the Town would be able to buy one piece of equipment, perhaps on State bid. She added that the Highway Department is struggling financially, because their fund balance is very low. Supervisor Preston added that the fund balance this year has been used to offset tax revenue lost to the tax cap. Attorney Sacco asked if the Town Budget will fall below the required tax cap, and Supervisor Preston affirmed that it will, with both the General and Highway Budget at 1.98%. Attorney Sacco stated that if the Town believes it will exceed the tax cap, it can do so, but only if it drafts a local law and holds a public hearing. Attorney Sacco stated that the tax cap limit is 2% or the CPI (Consumer Price Index), whichever is lower.

WATER DISTRICT 6 EXTENSION/PRIDE MANOR MOBILE HOME PARK

Supervisor Preston stated that Mr. Delamarter received a letter from the new owner of Pride Manor Mobile Home Park requesting addition to the municipal water system. She reiterated that all costs would have to be paid by the owner “up front.” Attorney Sacco suggested that the owner of the Mobile Home Park and the three residents on Walter Avenue be contacted to see if, after the recent flooding, they are still interested in the extension of the Water District. Mr. Finch stated that the Walter Avenue residents are still interested in the extension and Attorney Sacco stated that she will proceed with the necessary steps.

NEW BUSINESS:

REGULAR TOWN BOARD MEETING
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EMERGENCY BOND ANTICIPATION NOTE (BAN)

Supervisor Preston explained that the flood created a necessity for an Emergency Bond Anticipation Note (BAN) because “the Town will have to pay out money before it gets it in.” She stated that this will be part of the Flood Budget. Attorney Sacco stated that the BAN will be for up to \$300,000 and allows the maximum amount of time for repayment, and also allows various types of borrowing. Supervisor Preston stated that interest rates range from 1.6% to 2% to borrow this amount of money. Attorney Sacco stated that this bond needs to be done via permissive referendum, which she stated she will proceed with immediately.

RESO 2011-131: BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CONKLIN, BROOME COUNTY, NEW YORK, AUTHORIZING THE FINANCING OF REPAIR AND REPLACEMENT TO THE TOWN’S INFRASTRUCTURE, WHICH INCLUDES ITS ROADS, PARKS, AND BUILDINGS, AND, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT THEREFORE, AUTHORIZING THIS ISSUANCE OF NOT TO EXCEED \$300,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Offered By: Mr. Bullock

Seconded By: Mr. Francisco

WHEREAS, the Town Board of the Town of Conklin (the “Town Board”) is contemplating repairing damage and replacing its roads, parks, and buildings (“Infrastructure”) that occurred during the September 2011 flood, and

WHEREAS, the financing of the repairs constitutes a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and therefore no further action under SEQRA need be taken by the Town Board; and

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF CONKLIN, IN THE COUNTY OF BROOME, NEW YORK, HEREBY RESOLVES (by favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Conklin, in the County of Broome, New York, (herein called “Town”), is hereby authorized to finance the repair and replacement to the Town’s infrastructure. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto (including but not limited to engineering, legal, etc.) and the financing thereof, is \$300,000.00, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$300,000.00 serial bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Said Bonds may be issued with a prior right of redemption.

Section 2. Serial bonds, which shall be deemed to include Statutory Installment Bonds pursuant to Section 61.10 of the Law, of which the Town in the principal amount of \$300,000.00, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance said appropriation.

Section 3. The following addition matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the specific object or purpose for which serial bonds are authorized to be issued, within the limitations of Section 11.00a.20(b) of the Law (roads), is Ten (10) years, Section 11.00a.19(c) of the Law (parks) is fifteen (15) and Section 11.00a.12-a of the Law (buildings) is ten (10) years.

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- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provision of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of section 50.00, Section 56.00 to 60.00 and Section 62.10 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes, statutory installment bonds, and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewal of said bond anticipation notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This bond resolution is subject to permissive referendum.

Section 9. Upon this resolution taking effect, a summary thereof shall be published in full in the official newspaper of the Town for such purpose in substantially the form provided in Section 81.00 of the Law.

STATE OF NEW YORK)
 :ss.
COUNTY OF BROOME

I, Sherrie L. Jacobs, Clerk of the Town of Conklin, do hereby certify that the foregoing is a true copy of the resolution adopted by the Town Board of the Town of Conklin at a meeting

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thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on September 27, 2011. Said resolution was adopted by the following roll call vote:

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

Dated: September 27, 2011

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk of the Town of Conklin

2012 WATER AND SEWER RATES

Supervisor Preston stated that she is proposing a 1.5% increase in both water and sewer rates for 2012. Water rates would increase from \$2.70 per 1,000 gallons used to \$2.74, and sewer rates would increase from \$6.45 per 1,000 gallons used to \$6.55. Supervisor Preston stated that the Town has “no clue what will happen to us with the Joint Sewage plant.”

RESO 2011-132: SCHEDULE PUBLIC HEARINGS/2012 GENERAL AND HIGHWAY BUDGET/2012 FIRE PROTECTION CONTRACT/2012 WATER & SEWER RATES

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules the following Public Hearings on October 25, 2011:

7:05 P.M. To Receive Public Input Regarding the 2012 General and Highway Budgets

7:15 P.M. To Receive Public Input Regarding the 2012 Fire Protection Contract

7:30 P.M. To Receive Public Input Regarding the 2012 Water and Sewer Rates

Seconded by Mr. Minoia.

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

RESO 2011-133: AUTHORIZE TOWN SUPERVISOR/ENTER SERVICE CONTRACT/BROOME COUNTY DOG SHELTER/5-YEAR PERIOD/ 1-1-2012 – 12-31-2017/\$10,286 PER YEAR

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor, Debra Preston, to enter into a Service Contract with the Broome County Dog Shelter for a five-year period from January 1, 2012, through December 31, 2017, for a rate of \$10,286 per year.

Seconded by Mr. Bullock.

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

RESO 2011-134: RATIFY PAYMENT/DEBRA PRESTON/AUGUST 2011 MILEAGE REIMBURSEMENT

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 #3042, account code A1220.4, in the amount of \$143.19 for August 2011 mileage reimbursement.

Seconded by Mr. Francisco.

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

RESO 2011-135: RATIFY PAYMENT/CONCERT IN THE PARK BANDS

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following checks, account code A7110.401, in the amounts listed to the bands listed as performers at the 2011 Concert in the Park series:

Tom Cox, The Shambles	Check #2710	\$300.00
Dan Davis, The Dirig Brothers	Check #2719	\$300.00
Carl Petro, Brotherhood	Check #2783	\$300.00
Nick Putrino, Los Vega	Check #2826	\$300.00
Pearl Klein, String of Pearls	Check #2858	\$300.00
Butch Nira, Masterpiece	Check #2905	\$300.00
Rich Wilson Band	Check #2991	\$300.00
David Shoudy, Outer Reef	Check #2992	\$300.00
Katie Scott Hlavac, Persuasion	Check #3047	\$300.00
Tim Emmons, Old Friends	Check #3067	\$100.00
Jim Hull, Old Friends	Check #3069	\$100.00
Jim Wilding, Old Friends	Check #3071	\$100.00

Seconded by Mr. Finch.

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

RESO 2011-136: RATIFY PAYMENT/PRE-APPROVED SEPTEMBER 15, 2011 BILL LIST/\$169,235.03

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the pre-approved September 15, 2011 Bill List in the total amount of \$169,235.03:

General	\$ 39,326.57
Highway	80,216.80
Water District	6,079.60
Sewer District	43,335.07
Light Districts	<u>276.99</u>
Total	\$169,235.03

Seconded by Mr. Finch.

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

RESO 2011-137: DECLARE PUBLIC EMERGENCY/SEPTEMBER 2011 FLOOD/ALLOW EMERGENCY WORK WITHOUT COMPETITIVE BIDDING OR PROCUREMENT POLICY

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin declares a public emergency arising out of the September 2011 flooding (an unforeseen occurrence whereby circumstances affecting public buildings, public property, or the life, health, safety, or property of the Town's inhabitants require immediate action and cannot wait competitive bidding, contracts for public work, etc.) and therefore, under General Municipal Law Section 103(4), allows emergency work to occur that might otherwise require certain actions under competitive bidding or the procurement policy.

Seconded by Mr. Francisco.

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

**RESO 2011-138: RATIFY PAYMENT/SERVICE MASTER CLEAN BY GRIFFING/50%
DOWNPAYMENT/EMERGENCY CLEANING & RESTORATION/
COMMUNITY CENTER**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3153, account code HA8660-4-4E, in the amount of \$6,750.00 to Service Master Clean by Griffing for 50% downpayment of Purchase Order #11-01447 for emergency cleaning and restoration of the Floyd Maines Community Center.

Seconded by Mr. Francisco.

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

**RESO 2011-139: RATIFY ACH WIRE PAYMENT/POSTAGE ON CALL/POSTAGE
PURCHASE FOR METER**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the ACH wire payment, account code A1670.4, in the amount of \$1,000.00 to Postage on Call for postage purchase for the postage meter.

Seconded by Mr. Francisco.

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

**RESO 2011-140: APPROVE HIRING/JOHN MCDONALD/ASSESSOR PART-
TIME/EFFECTIVE OCTOBER 1, 2011/RATE OF PAY \$3,500 PER YEAR/(PRO-
RATED SALARY FOR REMAINDER OF 2011)**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of John McDonald to the position of Assessor Part-Time, effective October 1, 2011, with a rate of pay of \$3,500 per year (pro-rated salary for remainder of 2011).

Seconded by Mr. Francisco.

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

**RESO 2011-141: APPROVE PAYMENT/CURRENT SEPTEMBER 27, 2011 BILL LIST/
\$31,221.46**

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin approves payment of the current September 27, 2011 Bill List in the total amount of \$31,221.46:

General	\$ 5,957.24
Highway	6,590.37
2011 Flood Emergency	788.37
Water District	556.57
Water District 6	3,247.80
Sewer District	12,356.73
Light Districts	<u>1,724.38</u>
Total	\$31,221.46

Seconded by Mr. Finch.

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

RESO 2011-142: ISSUE NEGATIVE DECLARATION UNDER SEQRA/SULLIVAN PARK

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin, after completing the short form EAF (Environmental Assessment Form), issues a Negative Declaration under SEQRA (State Environmental Quality Review Act) stating that the acceptance of Sullivan Park by the Town of Conklin will not result in any significant adverse environmental impacts.

Seconded by Mr. Bullock.

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

RESO 2011-143: AUTHORIZE ACCEPTANCE OF GIFT OF LAND/SULLIVAN PARK

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. Francisco

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

WHEREAS, Robert Sullivan (“Sullivan”) wants to convey to the Town of Conklin, a municipal corporation organized and existing under the Laws of the State of New York (the “Town”)one lot situated in the Town of Conklin, and

WHEREAS, Sullivan is desirous of conveying this property to the Town as a gift without monetary consideration which lot is designated as 959 Conklin Road, Route 7, Conklin NY Tax Map no. 162.18-1-46, and

WHEREAS, Sullivan is gifting this property to be used as a park by the Town and he respectfully asks that the park be referred to as “Sullivan Park;” which the Town Board is agreeable to;

WHEREAS, Town Law section 64(8) authorizes a town to take by gift and hold real property absolutely upon such terms or conditions as may be prescribed by the donor and accepted by said town, and

WHEREAS, the Town is desirous of indicating its acceptance of such gift

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WHEREAS, Acceptance of a gift of land is an “Action” to be reviewed under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as SEQRA); and

WHEREAS, Acceptance of a gift of land is an Unlisted Action under 6 NYCRR 617.2;

WHEREAS, Acceptance of a gift of land for a park is subject to permissive referendum pursuant to Town Law Section 220;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination that the Project is an Unlisted Action under 6 NYCRR 617.2; and further

RESOLVED, that the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said acceptance of the gift of land; and further

RESOLVED, that the review will be not be a coordinated review.

RESOLVED, that, based upon on the information and analysis in the short environmental assessment form that the proposed action does not result in any significant adverse environmental impacts.

RESOLVED, that actions necessary under the permissive referendum requirement (including but not limited to posting and publication) be authorized;

RESOLVED, that upon the expiration of the permissive referendum time period; and if no petition is correctly filed thereunder, that the Supervisor of the Town be and hereby is authorized and empowered to take actions necessary to accept the gift of land on behalf of the town; including but not limited to executing and acknowledging the TP 584 and RP 5217 forms required to be filed in order for the deed of dedication to be recorded for the purpose of indicating the acceptance and approval by the Town of Conklin to accept this property as a unconditional gift from Sullivan pursuant to the provisions of Town Law section 64(8).

RESOLVED, this resolution shall be subject to permissive referendum.

CERTIFICATION

I, Sherri 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 September 27, 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: September 27, 2011

Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

Supervisor Preston reminded the Board that Willis Platt requested that the wishing well on the site be maintained and a plaque put on it stating that the site is the former home of Springer’s Miniature Golf Course. The Town will take care of this request.

SERVICE ORGANIZATIONS

Mr. Francisco stated that he has been contacted by the Office for the Aging requesting to relocate their Flu Clinic to the Town Hall on November 9, 2011, from 1:30 to 3:00 P.M. The Board approved this request. Mr. Francisco also asked about Meals on Wheels and

REGULAR TOWN BOARD MEETING
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Supervisor Preston stated that this organization should be able to operate out of the Castle if they so choose. Supervisor Preston stated that the Conklin Senior Citizens Club is too large a group to meet at the Castle and has found alternate accommodations. She stated that organizations which were displaced from the Floyd Maines Community Center will be looked at individually on a case by case basis to see if they could use the Town Hall or Castle for their activities. She reminded those present that the Town Hall will serve as a polling place for the General Election on November 8, 2011. Supervisor Preston stated that she did not want outside groups using the Board Room.

BUDGET FREEZE IN EFFECT

Supervisor Preston instructed the department heads that a budget freeze is in effect and they are not to buy anything unless it is a necessity and related to the flood.

TRAILERS ON STILLWATER ROAD

Supervisor Preston stated that she does not feel people should be living in the trailers on Stillwater Road, calling them “unsafe,” and she asked what the Town can do about this situation. Attorney Sacco will research this situation.

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

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
AUGUST 23, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on August 23, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
GUESTS:	Country Courier	Elizabeth Einstein
	S & B Water Supply	Tim Bailey
		Ruth Joyner
		Brian McManamon
		John Colley
		Laurie Francisco
		Dolly Stout
		Joe Bartosik
		Tom Kelly
		John Stilloe
		Peter J. Motsavage

MINUTES: JULY 26, 2011 REGULAR TOWN BOARD MEETING

Mr. Finch moved to approve the July 26, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of reports from the Supervisor's Office, the Town Clerk, the Code Officer, the Highway Superintendent, the Water and Sewer Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

PROBLEMS WITH CP RAIL

Brian McManamon, of 47 Edison Avenue, addressed the Town Board regarding issues he and his family are having with CP Rail. He complained about the trains blowing their horns night and day, even at 3 A.M., when there is no railroad crossing in the area. Mr. McManamon also complained that the rail cars slamming and banging shakes his house at all hours of the day and night and interferes with his telephone and television reception. He also complained about idling trains "less than a football field" from his house. He asked why the rail yard is allowed to be "in his backyard," and suggested that it could be moved. Mr. McManamon stated that his neighbors have similar complaints about not being able to sleep because of the railroad.

Supervisor Preston replied that the railroad yard near Mr. McManamon's home is the main changing yard, which she added is "not new to the Town of Conklin." She added that the Town has no control over the railroad or the noise, adding that Attorney Cheryl Sacco will give him the contact information for the railroad company. Supervisor Preston stated that part of the problem

REGULAR TOWN BOARD MEETING
AUGUST 23, 2011

is that the area where the rail yard is located is zoned IL (Light Industrial) right next to a Residentially-zoned area. Mr. McManamon suggested that the Town could build a wall to mitigate the noise and Attorney Sacco replied that it is private property and the Town cannot build a wall.

Attorney Sacco and Code Officer Jones will research the zoning in the area as well as the Town's noise ordinance. Supervisor Preston stated that no permit is needed for the railroad tracks.

In another matter, Mr. McManamon complained that road construction has not been maintained nor ditches cleaned. He added that he is "tired of cleaning gravel and of flooding" due to bad drainage. Supervisor Preston stated that Mr. McManamon's drainage issues are caused by runoff water from the nearby hill, which is in the Town of Binghamton. She stated that Highway Superintendent Patrick Latting will give him more information. Supervisor Preston stated that the washout at the entrance to the rail yard at Holmes Place is on property owned by the railroad.

NEW BUSINESS:

S & B WATER SUPPLY

Tim Bailey and John Stilloe of S & B Water Supply presented the Board with a proposal to remove water from the Susquehanna River at 51 Alta Road to provide water to natural gas drilling companies for hydrofracturing. Mr. Bailey explained that the 51 Alta Road site would provide a gravel access for filling and installation of a pump pad and two parking spots. He added that less than ¼ of an acre would be disturbed. Mr. Bailey stated that his company has applied to the Susquehanna River Basin Commission (SRBC) for a permit to remove water from the river. He stated that the company would use a dry hydrant and trailer-mounted pumps.

Mr. Finch asked if S & B Water Supply would bond to repair Town of Conklin roads and Mr. Bailey replied that his company would establish an escrow account for this purpose. Mr. Bailey explained that trucks would drive down Lawrence Boulevard, back into Alta Road, and then drive back out Lawrence Boulevard once they were filled.

Mr. Bailey stated that the site is zoned either R-12 or R-15 (both residential zones). Attorney Cheryl Sacco stated that either the area would have to be rezoned, or, more likely, a Use Variance would have to be sought, since the site is only 3.5 acres and the Town discourages "spot zoning." Mr. Bailey asked about a Special Use Permit, which would probably be tied to the SRBC permit, which has to be renewed every 15 years. Mr. Minoia asked if diesel pumps would be used and Mr. Bailey replied that they will be used. Mr. Minoia stated that this may raise a noise issue in that area. Mr. Bailey replied that perhaps electric pumps could be used. Attorney Sacco stated that the Town Planning Board will need to conduct a site plan review.

Mr. Francisco expressed concern about traffic pulling in and out onto Route 7, in a 50 mile per hour speed zone, causing problems. Mr. Bailey replied that the Susquehanna River is six feet deep in the spot in question, which he stated means that a truck can be filled in ten minutes. Mr. Finch stated that Mr. Bailey needs to "think bigger." All five members of the Town Board expressed interest in and support for the further development of this project. The Town of Conklin owns the property on either side of the 51 Alta Road site, but, Supervisor Preston reminded those present, both properties were acquired through the 2006 Buyout Program and are dedicated green space, which cannot be sold or built upon, and which will be inspected every two years by FEMA (Federal Emergency Management Agency).

Mr. Bailey stated that his company's SRBC permit application requests permission to withdraw 100,000 gallons per day from the river. Supervisor Preston stated that the DEC (New York State Department of Environmental Conservation) may have input into the permit request.

REGULAR TOWN BOARD MEETING
AUGUST 23, 2011

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that the FEMA road work is progressing well, adding that he is awaiting the second meeting with FEMA representatives. He reported that the “CHIPS” (Consolidated Highway Improvement Program) road work has been completed and the Town is awaiting receipt of the reimbursement money.

Mr. Latting reported that, in the process of removing dead trees, three of his workers came into contact with poison ivy or poison oak. He stated that he is looking for more information regarding this problem, possibly from Cornell Cooperative Extension, to provide a class or seminar on poisonous plants. Mr. Latting stated that, in addition to poison ivy and poison oak, his workers also encounter hogweed and parsnip. It was suggested that applying salt water to the lesions caused by the poison ivy/poison oak could hasten healing.

Mr. Latting reported that he contacted Ms. Holly Meier of 221 Felters Road and informed her that Broome County has conducted a road study and determined that there is no need to reduce the speed limit on Felters Road, as Ms. Meier had requested.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that there are two houses located at 9 and 10 Barbara Avenue that have not been repaired since the 2006 Flood, and which are open and are being used by vagrants and children, presenting an unsafe situation. Mr. Jones would like to hire a contractor to board up these two houses. He stated that he has contacted the property owner, Ms. Pamela Wasley of Endicott, New York, regarding the condition of the buildings and she has been “unresponsive.” Supervisor Preston stated that these buildings are not on the tax sale list for Broome County. Mr. Jones stated that the buildings are not repairable and will require complete demolition. Attorney Cheryl Sacco stated that this is an emergency situation and Town employees can therefore board up the building. Supervisor Preston stated that Highway Department workers can help with this project, keeping track of materials and man-hours used.

RESO 2011-112: ALLOW LEGAL COUNSEL/COMMENCE PROCEEDINGS/UNSAFE STRUCTURES/9 & 10 BARBARA AVENUE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin allows legal counsel to commence proceedings under the Unsafe Structures Law regarding structures located at 9 and 10 Barbara Avenue.

Seconded by Mr. Bullock.

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

RESO 2011-113: DECLARE EMERGENCY SITUATION/ALLOW HIGHWAY DEPARTMENT EMPLOYEES TO SECURE STRUCTURES/9 & 10 BARBARA AVENUE/BILL BACK TIME AND MATERIALS AT END OF PROJECT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin declares an emergency situation and allows the Highway Department employees to secure structures located at 9 and 10 Barbara Avenue, under the condition that the cost of materials and man-hours be billed back to the General Fund.

Seconded by Mr. Finch.

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

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In response to a query from Mr. Minoia, Supervisor Preston explained that a property listed for sale in the Broome County Tax Auction is held by the County if there are no buyers, adding that a municipality can ask to have the property deeded back to the municipality if it so desires. Mr. Minoia asked if Broome County makes each municipality whole at the beginning of the year, whether or not taxes are paid, or if the property is not sold. Supervisor Preston explained that Broome County collects the taxes and is liable for loss of tax money. Lost tax revenue is not billed back to the Town.

Mr. Bullock asked if Mr. Jones will send a registered letter to the property owner notifying her of the proceedings. Mr. Jones stated that he sent an unregistered letter on June 8.

Mr. Bullock asked about the status of the property located across Conklin Road from Pronto Cucina and Mr. Jones replied that some cleaning has been done at that location and added that he sent a letter to the property owner today. Mr. Jones stated that he has stopped several times at this location and no one answers the door.

When asked about the status of 11 Clearview Avenue, Mr. Jones reported that there is still masonry debris on the property which needs to be cleaned up.

In response to an inquiry regarding the property owned by Larry Soucie, next to Dino's Bar and Grill, Mr. Jones reported that the front of the property could be mowed. Supervisor Preston stated that the building on the property "should come down." Mr. Jones is to make an Unsafe Structures report, and send a letter to Mr. Soucie at the Broome County Jail, where he is incarcerated. A question was asked about personal property or hazardous materials that might be stored in the building in question. Attorney Sacco stated that the Town is obligated to store personal property for a set period of time. Mr. Jones stated that the Town could use its brush hog to clear the property, in the front of the property only. Supervisor Preston stated that the Parks Department will take care of boarding up the building. The back of the property will be left untouched. The cost of mowing and boarding up of the building will be billed to Mr. Soucie.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that Town soccer season has started and that the Town Pool was closed on August 22. He stated that the Buyout properties and Shawsville Cemetery have been mowed.

Mr. Delamarter reported that the water meters were read and this quarter's billing mailed. He stated that the SCADA system at Well 6 was upgraded, and that the Town received \$17,313 from NYMIR (New York Municipal Insurance Reciprocal). Mr. Delamarter stated that the leachate at the Town Landfill was tested and approved for release. He stated that there was a problem at the well, but it was repaired with the installation of a new circuit card, adding that it was still under warranty.

Mr. Francisco commented that traffic cones are needed to control traffic at the Concerts in the Park in Schnurbusch Park.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: SUPERVISOR'S REPORT

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

(Copies of all written reports are on file in the office of the Town Clerk.)

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OLD BUSINESS:

None.

NEW BUSINESS:

WATER DISTRICT 6 EXTENSION

Attorney Cheryl Sacco stated that a petition may be sent to the Town from the current and potential new owners of Pride Manor Mobile Home Park requesting that the park be added to the Town water supply system.

Supervisor Preston stated that a petition has been received from the three residences on Walter Avenue requesting that Water District 1 be extended to include those properties. Attorney Sacco will research the petition and will find out if approval by the New York State Comptroller is required. Supervisor Preston stated that the Town cannot afford to pay for the required engineering plan, and the legal and construction costs of this project, given the recently approved 2% cap on property tax. She added that the Town needs to know how much this will cost. She stated that the issue would be to get water to the front of the Pride Manor park, if that petition is received.

A question was raised regarding the potential large increase in costs to the Town from the Binghamton-Johnson City Sewage Treatment Plant, which sustained damage earlier this year.

Supervisor Preston stated that the cost of the water extension, if it happens, would have to be paid “up front,” and money put in an escrow account. She reiterated that an estimate of the cost would be the first step.

RESO 2011-114: ACCEPT PETITION/RESIDENTS OF WALTER AVENUE/EXTEND
WATER DISTRICT 1

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a petition from the residents of Walter Avenue requesting that Water District 1 be extended to include those residences.

Seconded by Mr. Finch.

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

EMPLOYEE POLICY MANUAL UPDATE

Supervisor Preston explained that the Employee Policy Manual will be amended to define the definition of “permanent full-time employee” as someone who works 30 or more hours per week, and “permanent part-time employee” as someone who works less than 20 hours per week.

RESO 2011-115: ACCEPT EMPLOYEE POLICY MANUAL AS AMENDED

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the Employee Policy Manual as amended.

Seconded by Mr. Finch.

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

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SMOKE FREE TOWN PARKS

Attorney Cheryl Sacco introduced Local Law 1, 2011, to amend Chapter 97 of the Town Code entitled, "Parks." She said the title would change to "Disorderly Conduct" and subsection 1 would be added to prohibit the smoking of legal or illegal substances in Town of Conklin parks. Supervisor Preston stated that smoking is prohibited in all Broome County parks.

RESO 2011-116: SCHEDULE PUBLIC HEARING/PROPOSED LOCAL LAW 1,
2011/REVISION OF CHAPTER 97 "PARKS"/SEPTEMBER 27, 2011/7:05 P.M.

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 7:05 P.M. on September 27, 2011, to receive input regarding proposed Local Law 1, 2011, a revision of Chapter 97, "Parks," of the Town of Conklin Code.

Seconded by Mr. Minoia.

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

RESO 2011-117: SCHEDULE PUBLIC HEARING/PROPOSED LOCAL LAW 2,
2011/REVISION OF CHAPTER 55 "ANIMALS"/SEPTEMBER 27, 2011/7:15 P.M.

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 7:15 P.M. on September 27, 2011, to receive input regarding proposed Local Law 2, 2011, a revision of Chapter 55, "Animals," of the Town of Conklin Code.

Seconded by Mr. Francisco.

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

Attorney Sacco explained that this revision corrects New York State Law reference issues in the Dog Licensing Law enacted in December 2010.

RESO 2011-118: APPROVE SUPERVISOR/SIGN CONSULTING
AGREEMENT/COMPUTEL CONSULTANTS/REVIEW CABLE TV FRANCHISE
AGREEMENT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Supervisor Debra Preston to sign a consulting agreement with Computel Consultants to review the Cable TV Franchise Agreement.

Seconded by Mr. Francisco.

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

Supervisor Preston stated that any overpayments would be split 50-50 with the Town and Computel Consultants.

RESO 2011-119: RATIFY PAYMENT/DEBRA PRESTON/JULY 2011 MILEAGE
REIMBURSEMENT

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 #2859, account code A1220.4, in the amount of \$121.55 to Debra Preston for mileage reimbursement for July 2011.

Seconded by Mr. Francisco.

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

RESO 2011-120: RATIFY PAYMENT/CHARLES FRANCISCO/JUNE 2011 MILEAGE REIMBURSEMENT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2906, account code A1010.4, in the amount of \$70.89 to Charles Francisco for mileage reimbursement for June 2011.

Seconded by Mr. Finch.

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

RESO 2011-121: RATIFY PAYMENT/U.S. POSTAL SERVICE/3RD QUARTER WATER & SEWER BILLING POSTAGE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2934, account code SW8310.4, in the amount of \$261.00 for 3rd Quarter Water and Sewer billing postage.

Seconded by Mr. Finch.

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

RESO 2011-122: RATIFY PRE-APPROVED AUGUST 9, 2011 BILL LIST/\$33,179.85

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following pre-approved August 9, 2011 Bill List in the total amount of \$33,179.85:

General	\$ 8,395.86
Highway	22,294.06
Light Districts	264.26
Water District	1,614.88
Sewer District	<u>610.79</u>
Total	\$33,179.85

Seconded by Mr. Finch.

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

RESO 2011-123: APPROVE PAYMENT/BILL LIST/\$39,963.27

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List in the total amount of \$39,963.27:

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General	\$20,388.56
Highway	14,155.11
Light Districts	1,688.80
Water District	2,123.44
Sewer District	<u>1,607.36</u>
Total	\$39,963.27

Seconded by Mr. Francisco.

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

RESO 2011-124: ACCEPT WITH REGRET/RESIGNATION/TOWN ASSESSOR/
JOHN MCDONALD/EFFECTIVE 9-27-2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts with regret the resignation of John McDonald from the position of Town Assessor, effective September 27, 2011.

Seconded by Mr. Minoia.

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

RESO 2011-125: CANCEL REGULAR TOWN BOARD MEETING ON 9-13-2011
(PRIMARY DAY)/RESCHEDULE FOR 9-14-2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels the Regular Town Board Meeting scheduled for September 13, 2011 (Primary Day), and reschedules the Regular Town Board Meeting for 7:00 P.M. on September 14, 2011.

Seconded by Mr. Minoia.

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

RESO 2011-126: APPROVE TOWN OF CONKLIN SPONSORSHIP/CONKLIN FAIR
PARADE/SEPTEMBER 10, 2011/NYS DOT PERMIT PROCESS

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the Town's sponsorship of the Conklin Fair Parade, to be held September 10, 2011, for purposes of the New York State Department of Transportation permitting process.

Seconded by Mr. Minoia.

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

2010 CONKLIN ROAD

Mr. Finch asked for an update on 2010 Conklin Road and Attorney Sacco stated that the property owner had contacted the Court and there is no resolution to the situation. She stated that this issue will be further discussed in Executive Session.

REGULAR TOWN BOARD MEETING
AUGUST 23, 2011

ONE-ROOM SCHOOLHOUSE AT DONNELLY ELEMENTARY SITE

Mr. Finch commented that the demolition of the one-room schoolhouse on the site of the Donnelly Elementary School was “a disgrace,” adding that it would have been more appropriate for it to be used as a museum by the Conklin Historical Society. Town Clerk Sherrie Jacobs agreed.

CHANGE IN POLLING PLACES FOR TOWN OF CONKLIN

Mr. Finch expressed his disagreement with the changes made to polling places for the Town of Conklin. The Town Hall is no longer a polling place for the Town, and residents are now forced to drive past polling places at which they have voted for decades to drive further to a different site. Mr. Finch stated that he went to the Broome County Board of Elections office in person, after he could not get anyone to answer his telephone calls, and also spoke to State Senator Thomas Libous, in an attempt to correct this situation. Town Clerk Sherrie Jacobs also sent a letter to both Election Commissioners expressing the Town’s concerns regarding the changes to the polling place. To date, there has been no response to this letter.

RESO 2011-127: EXECUTIVE SESSION/LITIGATION

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 8:30 P.M. to discuss litigation.

Seconded by Mr. Minoia.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:30 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Cheryl Sacco. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding proposed, pending, or current litigation.

RESO 2011-128: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:38 P.M.

Seconded by Mr. Francisco.

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

There being no further business to come before the Board, Mr. Minoia moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 8:39 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
JULY 26, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on July 26, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston

Town Counsel	Mark S. Gorgos
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Patrick Latting
Assistant to Supervisor	Lisa Houston
Code Officer	Robert Jones
Town Assessor	John McDonald
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter

GUESTS: **Country Courier** Elizabeth Einstein
Ken Boston
John Colley
Joseph Bartosik
Dolly Stout
Laurie Francisco
Peter J. Motsavage

MINUTES: JUNE 28, 2011 REGULAR TOWN BOARD MEETING

Town Clerk Sherrie Jacobs stated that Water and Sewer Superintendent Tom Delamarter stated that the June 28, 2011 Regular Town Board Meeting minutes should be corrected on page 3, line 20 from the bottom, to read “repairs **will be** completed on the software at the well,” rather than “have been completed.”

Mr. Bullock moved to approve the June 28, 2011 Regular Town Board Meeting as corrected.

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 Supervisor’s Office, the Town Clerk, the Code Officer, the Highway Superintendent, the Water and Sewer Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

VETERANS MEMORIAL/SCHNURBUSCH PARK

Mr. Ken Boston spoke to the Town Board about the proposed Veterans Memorial to be constructed in Schnurbusch Park. Mr. Boston stated that his committee had looked at three different locations within the park at which the memorial might be constructed: the site of the current stone commemorating veterans, which is located near the sports fields; the area on the opposite side of the park road from the current memorial, in the area which the Town filled in a few years ago; and near Route 7 in the area of the playground. He stated that his committee believes the site which was recently filled in by the Town provides the best location for the proposed memorial. Supervisor Preston agreed with this opinion.

Mr. Francisco commented that the grade would need to be raised at that site. Mr. Finch commented that it would be “a nice tribute,” adding that drainage will be put in beyond the memorial. Mr. Bullock asked if there is a timeline for the construction of the proposed memorial and Mr. Boston replied that his committee would like it to be completed for either Memorial Day

REGULAR TOWN BOARD MEETING
JULY 26, 2011

or Veterans' Day 2012. Mr. Francisco commented that there is an electrical panel across the park road from the preferred location. The Town Board approved construction at the site that was recently filled in. Bob Page reported that the Veterans Memorial Committee has raised \$8,450 to date toward construction of the memorial. Mr. Boston added that a non-profit organization has been formed to oversee the finances and construction of this project, with tax-exempt status currently being sought. The money that is being held by the Town for this project will be turned over to the non-profit organization.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting thanked Fire Chief Bill Gorman and the Conklin Volunteer Fire Department for their help with equipment.

Mr. Latting reported that Darden Way presents a maintenance issue for the Town due to heavy traffic. He reported that his department used 120 tons of binder to tighten up and repair the roadway near Corporate Drive, which he added is "not a permanent fix." Mr. Latting suggested use of a different egress to counteract the wear and tear, adding that the road was "built very well," but cannot hold up to the heavy traffic. He asked if Darden Way was ever formally turned over to the Town of Conklin by Broome County. Town Counsel Mark Gorgos will research this question and will send a letter to Maines Paper & Food Supply.

Mr. Latting reported that the "CHIPS" (Consolidated Highway Improvement Program) road repair work will not be completed by July 31, as he had hoped. He added that the final 150 tons of material is scheduled to be delivered on July 27. Mr. Latting stated that four miles of roadway, on nine roads, will be treated in 2011.

Mr. Minoia stated that neither Darden Way nor Hickory Lane (also in the Corporate Park) were ever deeded to the Town of Conklin, since no "CHIPS" money has ever been allocated for either road. Mr. Latting stated that both are included in the inventory of highways.

Mr. Latting stated that the kick-off meeting with FEMA (Federal Emergency Management Agency), attended by Mr. Latting, Assistant to the Supervisor Lisa Houston, and Town Engineer John Mastronardi, to discuss road damage was "very informative," adding that a FEMA Team Leader was on hand to assess the situations. He stated that four locations are to be considered for FEMA reimbursement for road repairs.

Mr. Latting reported that he was able to obtain a license plate number and call the Broome County Sheriff's Department and have a ticket issued to a Binghamton resident who was caught stealing scrap metal from the dumpster in the Highway Garage yard.

Mr. Latting reported that Roger from Southern Tier Surveying met with John Mastronardi and Mr. Latting to look at the school crossing on Morris Boulevard where some work needs to be completed. He stated that the location of the property line was determined and the area in need of repair determined to fall within the right-of-way of the Town of Conklin and New York State. Mr. Latting asked if easements are required for the work to be completed. Supervisor Preston stated that she will meet with the property owners but added that no easements are needed and she wants Mr. Latting to move forward to complete the project.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that his department has completed the quarterly water meter readings. He stated that a pressure sensor on the water tanks had to be replaced, as it was registering a false read of rapid water loss, similar to what would happen in the event of a major water main break. Mr. Delamarter reported that all is well with the sewer system.

Mr. Delamarter reported that the Town softball and baseball seasons are finished, and Town soccer season has started. He reported that the Town Pool was inspected for the second time and was approved. Mr. Delamarter reported that the Town Landfill was mowed, as were the Buyout

REGULAR TOWN BOARD MEETING
JULY 26, 2011

properties. He added that Shawsville Cemetery was mowed in time for July 4. Mr. Delamarter reported that the concession stands in Schnurbusch Park have been broken into twice and candy stolen. He stated that he changed the locks at the Pool and money from the Pool is now being deposited in a drop box at the Town Hall. Mr. Delamarter reported that the water has been shut off at 560 Conklin Road.

Mr. Delamarter stated that he and Code Officer Robert Jones looked at the new boat launch (Sullivan Park) and will send their findings to Town Attorney Cheryl Sacco. He stated that Mr. Jones observed that something is needed to keep cars from driving off the side of the entrance. Mr. Delamarter stated that lights are needed at the site, as well as a sign stating that the park "Closes at Dusk." He commented that cars get stuck when backing boats down to the river because of the pitch of the driveway. Mr. Jones commented that signage is needed to indicate that the park is "walk-in access only," meant for kayaks, canoes, and small motor boats. Supervisor Preston wants these improvements in place before the August 23 Town Board meeting.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he and Code Clerk Marilou Gabello met with John Mastronardi and Tom Brett for five hours to discuss the CRS (Community Rating System) program. He stated that the Town's rating could be brought down to less than "8" if all requirements are met, adding that the Town gets points for houses lost in the 2006 Flood (the Buyout properties), as well as mitigation completed by the Town. Supervisor Preston explained that this lower rating could result in up to a 10% discount on everyone's flood insurance, including the Town's flood insurance. Mr. Jones stated that the Town of Conklin is ahead of other communities in its progress with this CRS process.

Mr. Jones stated that a letter was sent by Attorney Cheryl Sacco to the property owners with the ditch in the cul-de-sac on Stillwater Road instructing them that the ditch needs to be filled in, as it is a safety hazard and is in the Town's right-of-way. Mr. Latting and Mr. Mastronardi looked at the site in question, which is used as a cornfield. Mr. Latting stated that the property owners dug the ditch to keep ATV and motorcycle riders out of the cornfield, adding that the farmer growing the corn wants guard rails installed. Mr. Latting added that it is a four foot drop from the paved area to the bottom of the ditch. Mr. Mastronardi stated that the old, damaged guard rail should be removed and the area re-tapered and better maintained. He was also checking property lines.

Mr. Minoia asked about the clean-up at 11 Clearview Avenue. Mr. Jones will send a letter to the property owners, since no further progress has been made and the deadline for completion of the clean-up was June 30. Supervisor Preston stated that the clean-up must be completed by the August 23 Town Board meeting, adding that the grass-mowing and filing fees are reimbursable to the Town and the property owners will be charged these costs.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

In addition to her written report, Supervisor Preston stated that the Town of Conklin water system had been inspected by the Broome County Health Department and found to be "efficiently and safely run."

(Copies of all written reports are on file in the office of the Town Clerk and may be viewed during normal work hours.)

REGULAR TOWN BOARD MEETING
JULY 26, 2011

OLD BUSINESS:

2012 BUDGET

Supervisor Preston reported that all department heads have submitted their requests for the 2012 Budget and she thanked them for their prompt attention to this deadline.

NEW BUSINESS:

RESO 2011-99: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/TOWN OF KIRKWOOD/SUMMER ARTS & CRAFTS PROGRAM

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with the Town of Kirkwood to provide a Summer Arts and Crafts Program.

Seconded by Mr. Bullock.

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

RESO 2011-100: RATIFY PAYMENT/D. PRESTON/MILEAGE REIMBURSEMENT/JUNE 6-17, 2011

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2709, account code A1220.4, in the amount of \$77.01 to Debra A. Preston for mileage reimbursement for the period June 6 through June 17, 2011.

Seconded by Mr. Francisco.

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

RESO 2011-101: RATIFY PAYMENT/NYS UNEMPLOYMENT INSURANCE/2ND QUARTER SELF-FUNDED UNEMPLOYMENT INSURANCE CLAIM

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2849, account code A9050.8, in the amount of \$3,328.00 to New York State Unemployment Insurance for payment of 2nd Quarter Self-Funded Unemployment Insurance claim.

Seconded by Mr. Francisco.

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

RESO 2011-102: APPROVE \$.15 PER HOUR WAGE INCREASE/THOMAS L. NICKERSON/PER TOWN OF CONKLIN POLICY MANUAL PAGE 7, ARTICLE 8, PARAGRAPH 1/EFFECTIVE JULY 24, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves an increase of \$.15 per hour wage increase, effective July 24, 2011, for Thomas L. Nickerson, per the Town of Conklin Policy Manual, Page 7, Article 8, Paragraph 1.

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING
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VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

RESO 2011-103: RATIFY INCREASE IN PAY RATE TO \$8.00 PER
HOURLY/ALEXANDER A. MARTIR/EFFECTIVE JULY 6, 2011/PROMOTION TO
ASSISTANT POOL MANAGER

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an increase in pay rate to \$8.00 per hour, effective July 6, 2011, for Alexander A. Martir, due to his promotion to Assistant Pool Manager of the Town Pool.

Seconded by Mr. Finch.

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

RESO 2011-104: AUTHORIZE JULY 12, 2011 PRE-APPROVED PAYMENTS/BILL
LIST/\$79,614.09

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the July 12, 2011, pre-approved payments of the following Bill List in the total amount of \$79,614.09:

General	\$ 8,124.85
Highway	25,995.41
Sewer District	42,013.21
Water District	<u>3,520.62</u>
Total	\$79,614.09

Seconded by Mr. Finch.

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

RESO 2011-105: AUTHORIZE RECLASSIFICATION/INVOICES/FROM DA-5110.4
(GENERAL ROAD REPAIR – CONTRACTUAL) TO DA-8760.4 (EMERGENCY
DISASTER WORK – CONTRACTUAL)

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes reclassification of the following invoices from DA-5110.4 (General Road Repair – Contractual) to DA-8760.4 (Emergency Disaster Work – Contractual) (see attached).

Seconded by Mr. Minoia.

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

RESO 2011-106: AUTHORIZE PAYMENT/BILL LIST/\$53,277.31

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$53,277.31:

General	\$24,692.05
Highway	22,784.55
Light District	1,963.36

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Sewer District	733.65
Water District	<u>3,103.70</u>
Total	\$53,277.31

Seconded by Mr. Francisco.

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

REQUEST FOR EXECUTIVE SESSION

Attorney Mark Gorgos, who has not been the legal representative at the Town Board meetings for some time, commented that “it’s good to be back,” adding that he is requesting an Executive Session for a Personnel issue and Litigation.

LIGHTS AT SCHNURBUSCH PARK

Mr. Francisco commented that he is working with Parks Superintendent Tom Delamarter regarding lighting at Schnurbusch Park.

DRAINAGE ON FALL BROOK ROAD & MONEY FROM AUDIT OF TIME WARNER

Mr. Finch had two questions: he asked for an update on the drainage issue on Fallbrook Road and Mr. Gorgos stated that this would be discussed in Executive Session. Mr. Finch asked for an update on the money from the audit of Time Warner Cable and Supervisor Preston stated that her assistant, Lisa Houston, is working on this project.

RESO 2011-107: SECHEDULE SPECIAL TOWN BOARD MEETING/SEPTEMBER 10, 2011/12:30 P.M./COMMUNITY CENTER GROUNDS

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Special Town Board Meeting at 12:30 P.M. on September 10, 2011, at the Floyd Maines Community Center Grounds, 942 Conklin Road.

Seconded by Mr. Bullock.

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

COMPLETE SMOKING BAN IN TOWN PARKS

Supervisor Preston asked the Town Board to move forward toward adopting a complete ban on smoking in Town parks, including adding signage stating the ban. She noted that enforcement of such a ban is “not usually an issue.” Mr. Gorgos stated that he will draft a local law to be introduced at the August 23, 2011 Town Board meeting and, at that meeting, the Town Board will schedule a Public Hearing on this proposed local law for a later meeting.

RESO 2011-108: EXECUTIVE SESSION/PERSONNEL ISSUE & LITIGATION

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 7:58 P.M. to discuss a personnel issue and litigation.

Seconded by Mr. Finch.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 7:58 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston,

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Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, Town Assessor John McDonald, and Attorney Mark Gorgos. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation, and regarding proposed, pending, or current litigation.

RESO 2011-109: RE-OPEN REGULAR TOWN BOARD MEETING

After these discussions, Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:14 P.M.

Seconded by Mr. Minoia.

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

RESO 2011-110: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/ASSESSMENT APPRAISAL ASSOCIATION, INC./PROFESSIONAL SERVICES

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with Assessment Appraisal Association, Inc., for professional services.

Seconded by Mr. Finch.

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

RESO 2011-111: AUTHORIZE SURVEY/PORTION OF TAX MAP PARCEL 210.04-1-13/ AT COST NOT TO EXCEED \$5,100.00

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a survey be done of a portion of Tax Map Parcel 210.04-1-13, at a cost not to exceed \$5,100.00.

Seconded by Mr. Bullock.

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

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

The meeting adjourned at 8:17 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on June 28, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Robert McKertich
	Town Clerk	Sherrie L. Jacobs
	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:	Country Courier	Elizabeth Einstein John Colley Laurie Francisco Alfred F. Bryan, Sr. Robert Sullivan Robin Bailey Peter J. Motsavage

MINUTES: MAY 24, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco made a motion to approve the May 24, 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 a letter from Mr. Willis Platt regarding the sign for “Sullivan Park.” She also acknowledged receipt of reports from the Supervisor’s office, the Town Clerk, the Code Officer, the Highway Superintendent, the Water and Sewer Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

None.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that FEMA (Federal Emergency Management Agency) reimbursement for repairs for damage caused by drainage issues has been approved. He stated that both he and his department are “ready for the kick-off meeting” with FEMA representatives. Mr. Latting stated that the residents have been “very understanding” as his department makes needed repairs. He stated that since the heavy storms on April 25-26, his department has been “behind schedule” in making these repairs. Mr. Latting stated that the “CHIPS” (Consolidated Highway Improvement Program) funds received will be used to stone and oil four miles of roads, which he added will be completed by July 31, 2011. Mr. Latting stated that 100 loads of brush have been removed from the Highway garage. He stated that the roads owned by the Town of Conklin have been mowed once, with a second mowing scheduled for the near future.

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

RESO 2011-86: AUTHORIZE EXECUTION BY HIGHWAY SUPERINTENDENT OF
MEMORANDUM OF UNDERSTANDING WITH NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION

Supervisor Preston moved for the following resolution:

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) has reinstated a Memorandum of Understanding (“MOU”) relating to certain DEC activities commonly conducted by municipal highway departments/ departments of public works in situations where individual permits are not required (the “Projects”), and

WHEREAS, the Highway Superintendent of the Town of Conklin (the “Town”) has recommended to the Conklin Town Board that entering into such MOU will minimize paperwork and processing time relating to such Projects,

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

1. Patrick K. Latting, Highway Superintendent of the Town of Conklin be and hereby is authorized to execute said MOU on behalf of the Town.
2. A certified copy of this resolution shall be attached to said MOU.
3. This resolution shall take effect immediately.

CERTIFICATE OF TOWN CLERK

I, 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 June 28, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 28th day of June, 2011.

Sherrie L. Jacobs, Town Clerk

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously. No SEQR (State Environmental Quality Review) is needed for this action.

RESO 2011-87: AUTHORIZE HIGHWAY SUPERINTENDENT AND ALL
DEPARTMENT HEADS TO SEND SURPLUS EQUIPMENT TO BROOME COUNTY
AUCTION, TO BE HELD SEPTEMBER 24, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent and all department heads to send surplus equipment to the Broome County Auction, to be held September 24, 2011.

Seconded by Mr. Francisco.

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

Mr. Latting commented that maybe the Highway Department’s old roller will be sent to the Broome County Auction.

Continuing his report, Mr. Latting stated that developer Christopher Ostrowsky wants the Town of Conklin to formally accept the road into the cul de sac of his housing development. Supervisor Preston stated that Town Engineer Dan Griffiths will need to inspect this road to make sure it is consistent with Town of Conklin specifications and codes. She stated that Mr. Ostrowsky should contact Town Attorney Cheryl Sacco.

RESO 2011-88: ACCEPT HIGHWAY SUPERINTENDENT PROPOSAL FOR ROAD
REPAIR UTILIZING “CHIPS” FUNDING

Mr. Finch moved for the following resolution:

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

Be It Resolved: that the Town Board of the Town of Conklin accepts the Highway Superintendent's proposal for road repair utilizing "CHIPS" (Consolidated Highway Improvement Program) funding.

Seconded by Mr. Bullock.

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

Mr. Francisco asked if the problem of tires being illegally dropped at the Highway Garage at night by residents can be stopped and Mr. Latting stated that this problem could only be stopped by locking the gates at the Highway Garage. He added that it is illegal for the Town to store tires on site, according to DEC (New York State Department of Environmental Conservation) guidelines. Mr. Minoia asked if Broome County will waive the tipping fees to dispose of the tires at the Broome County Landfill and Mr. Latting replied that Broome County only waives the tipping fees for a short, specified time period each spring. He added that the recommendation from the DEC was for the Town to rent a trailer body and store the dropped off tires in it. Mr. Minoia suggested installation of a security camera at the Highway Garage. Mr. Latting stated that he has also had problems with residents putting garbage in the metal dumpster and with metal being stolen from the metal dumpster.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter stated that the Town Landfill received a good report from Shumaker Consulting and Engineering's annual inspection, adding that the Landfill meets all DEC and EPA (Environmental Protection Agency) requirements. He added that the 2010 quarterly testing showed no excess contaminations.

Mr. Delamarter stated that the rebuilt pump at one of the sewer stations has been re-installed and is working well. He stated that the problem with the "soft start" computer program at the sewer stations has also been resolved.

Mr. Delamarter reported that the annual water report has been approved by the Broome County Health Department and by the DEC and has been published. He stated that the Susquehanna River Basin Report has also been completed and approved by the DEC. Mr. Delamarter reported that the quarterly water meter readings were completed and the bills mailed to residents. He stated that repairs have been completed on the software at the well, with the Town's insurance paying the total cost of repairs of \$13,000.

Mr. Delamarter reported that Shawsville Cemetery was mowed in time for Memorial Day, and added that two burials have taken place at the cemetery since the last Town Board meeting. He stated that the Town Pool was inspected and is open for public use. Mr. Delamarter reported that Supervisor Preston and Mr. Finch attended Opening Day festivities for the Town softball and baseball program. He also reported that the Buyout properties have been mowed.

Mr. Delamarter reported that the drainage pipe on the property owned by Mr. Mark Vosbury, adjacent to Schnurbusch Park, is partially plugged again by beavers, and added that he is checking this situation weekly.

Supervisor Preston stated that the Town is waiting for an emergency permit from the DEC to allow the drainage work to be completed to relieve the drainage issues on Berota Court. Mr. Delamarter thanked the Conklin Volunteer Fire Department for its help with installation of the new flag at Schnurbusch Park, and with washing the sewer pump. He also thanked the Highway Department for making repairs.

Mr. Delamarter asked what could be done about the water at Julius Rogers Park, calling it a "swamp." He stated that the old fence had to be removed by hand because the ground is so wet. Supervisor Preston instructed Code Officer Robert Jones to contact Town Counsel Cheryl Sacco regarding this problem, which she stated is caused by water draining from Hobart Stone, which is adjacent to Julius Rogers Park.

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his office issued seven building permits last month, including two large additions to the Maines Paper & Food facility on Darden Way. He stated that the Zoning Board of Appeals May meeting was cancelled, however, the Planning Board met and reviewed five cases: Mity Forms, which is moving its cyclonic vacuum to the other side of its building; Cleaner Supply, which is changing its SWIPP (Surface Water Intake Protection Program) plan; Big Dipper 2, which was approved and is now open; Wayne's Welding, which was approved for a propane fill station; and Silverado, a food business on Conklin Road, which was also approved.

Mr. Jones stated that he has received numerous complaints regarding the abandoned house located at 12 Woodcrest Way. Mr. Jones plans to patch the holes that would allow access to the flood-damaged building, but Supervisor Preston stated that this building is Broome County's responsibility, and no Town of Conklin money or labor should be expended upon it. She instructed Mr. Jones to contact Kevin Keough at the Broome County Department of Real Property and Tax Service.

Supervisor Preston stated that the DEC will not pump the stagnant water on Millburn Drive, noting that the instance in 2006 when the DEC removed excess water was an exception. She stated that the paperwork has all been submitted to Congressman Maurice Hinchey's office for the grant to fund improvements to the drainage on Carol Court and David Drive, adding that the Town is awaiting receipt of the grant money before it can move forward with this project.

Supervisor Preston asked what the hours of operation will be for the Silverado food company, and Mr. Jones replied that it will be "almost 24/7, with trucks leaving early and returning late" in the day. He added that Silverado delivers to locations in New York, New Jersey, and Pennsylvania. Mr. Jones stated that he is not certain that hours of operation were set by the Planning Board. He added that the tires, which had been a concern on the property, have been removed and the dumpster emptied.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

(Copies of all written reports are available for public viewing in the office of the Town Clerk during normal business hours.)

OLD BUSINESS:

None.

NEW BUSINESS:

2012 BUDGET

Supervisor Preston stated that she met with the department heads on June 30 to begin the 2012 Budget process. Budget requests from each department are due back to Lisa Houston, Secretary to the Supervisor, by July 15, 2011.

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

ANNUAL EMPLOYEE BENEFITS STATEMENT

Supervisor Preston stated that the Annual Employee Benefits Statements were distributed to Town employees this month.

RESO 2011-89: CANCEL REGULAR TOWN BOARD MEETINGS/JULY 12 AND
AUGUST 9, 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels its Regular Town Board Meetings scheduled for July 12 and August 9, 2011.

Seconded by Mr. Finch.

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

Regular Town Board Meetings will be held July 26 and August 23, 2011.

RESO 2011-90: RATIFY PAYMENT/DEBRA A. PRESTON/MILEAGE
REIMBURSEMENT/MAY 6-MAY 25, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2611, account code A1220.4, in the amount of \$104.04 to Debra A. Preston for mileage reimbursement for the period May 6 through May 25, 2011.

Seconded by Mr. Francisco.

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

RESO 2011-91: RATIFY PAYMENT/BOARD OF ASSESSMENT REVIEW

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the following listed checks, account code A1355.401, in the amounts listed, for the members of the Board of Assessment Review:

<u>Check #</u>	<u>Name</u>	<u>Amount</u>
2612	William Brodsky – Member	\$175.00
2613	Mark Dedrick – Chairman	\$225.00
2617	Paul Preston – Member	\$175.00
2618	Karen Twining – Secretary	\$150.00

Seconded by Mr. Finch.

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

RESO 2011-92: RATIFY PAYMENT/THE HARTFORD GROUP/2ND QUARTER
DISABILITY INSURANCE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2693, account codes A9055.8, DA9055.8, and SW9055.8, in the amount of \$279.99 to The Hartford Group for 2nd Quarter Disability Insurance payment.

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

Seconded by Mr. Minoia.

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

RESO 2011-93: RATIFY ACH WIRE PAYMENT/POSTAGE ON CALL/POSTAGE METER PURCHASE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of ACH wire payment, account codes A1670.4, A1335.4, and SW8310.4, in the amount of \$1,000.00 to Postage on Call for postage meter purchase.

Seconded by Mr. Finch.

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

RESO 2011-94: AUTHORIZE PRE-APPROVED PAYMENTS/BILL LIST/\$107,727.31

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the pre-approved payments of the following Bill List in the total amount of \$107,727.31:

General	\$ 38,422.56
Highway	11,606.91
Light Districts	323.90
Sewer Districts	54,465.20
Water District	<u>2,908.74</u>
Total	\$107,727.31

Seconded by Mr. Finch.

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

RESO 2011-95: AUTHORIZE PAYMENT/BILL LIST/\$48,680.34

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$48,680.34:

General	\$17,645.94
Highway	14,724.85
Light Districts	1,651.26
Sewer Districts	11,672.81
Water Districts	<u>2,985.48</u>
Total	\$48,680.34

Seconded by Mr. Francisco.

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

RESO 2011-96: AUTHORIZE HIRING/LIFEGUARDS/EFFECTIVE JUNE 3, 2011/JOSHUA ELLIOTT/MELANIE ELDRED/KRISTAL BUCK/JOSHUA ROGERS

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

Be It Resolved: that the Town Board of the Town of Conklin authorizes the hiring of the following Lifeguards for the Town Pool, effective June 3, 2011:

Joshua Elliott	\$7.25 per hour
Melanie Eldred	\$7.25 per hour
Kristal Buck	\$7.25 per hour
Joshua Rogers	\$7.50 per hour

Seconded by Mr. Francisco.

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

LOTUS AVENUE WATER MAIN BREAK

Mr. Bullock asked if the area at the site of the water main break on Lotus Avenue has been re-seeded yet and Mr. Delamarter stated that this re-seeding has not been completed yet.

REQUEST BY CONKLIN ROTARY CLUB TO USE FORMER GO-KART TRACK/COMMUNITY CENTER/CHALK ART CONTEST/TOWN FAIR

Mr. Francisco stated that the Conklin Rotary Club would like to use the former go-kart track at the Maines Community Center as a location at which to offer a free chalk art contest on Saturday, September 10, during the 2011 Conklin Fair. Supervisor Preston gave the Rotary Club permission to use the former go-kart track, but noted that the fence needs to be repaired before the Fair.

STREET LIGHT AT ENTRANCE TO COMMUNITY CENTER

Mr. Francisco stated that he has been working with NYSEG (New York State Electric and Gas Corporation) to reduce the amount of light that enters the windows of the house across Conklin Road from the newly-installed street light at the entrance to the Maines Community Center. He added that NYSEG helped as much as it possibly could, including using reflective tape, but reminded those present that the street light was installed for safety reasons.

LETTER FROM WILLIS PLATT/SULLIVAN PARK

Mr. Finch addressed the request made by Mr. Willis Platt in his letter regarding the proposed “Sullivan Park.” Mr. Platt is requesting that the small wishing well and tool shed, which were originally part of “Springer’s Miniature Golf Course,” be kept intact, and a line added to the sign which would say “Sullivan Park” to read “Original Site of Springer’s Miniature Golf Course.” Supervisor Preston stated that Mr. Jones, Mr. Delamarter, and Mr. Robert Sullivan, who currently owns the property and wants to gift it to the Town, will look at the site to make sure everything is in compliance, with the goal of the gift of the property being accepted by the Town Board at the July 26 meeting. She added that Attorney Cheryl Sacco will make sure the DEC has approved the finished site.

EMERGENCY PURCHASE ORDERS

Supervisor Preston explained that emergency Purchase Orders occur when the Purchase Order is completed after the invoice has been received, for example, in the case of emergency repairs to a sewer station, which cannot wait to go through the normal process of issuing Purchase Orders. She asked that department heads make sure the dates of service are reflected on the invoices.

RESO 2011-97: EXECUTIVE SESSION/LITIGATION

Mr. Finch moved to close the Regular Town Board Meeting and move into Executive Session at 7:55 P.M. to discuss litigation.

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING
JUNE 28, 2011

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 7:55 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Robert McKertich. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding proposed, pending, or current litigation.

RESO 2011-98: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:26 P.M.

Seconded by Mr. Bullock.

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

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

The meeting adjourned at 8:28 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
MAY 10, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on May 10, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston

Town Counsel	Cheryl Sacco
Assistant to the Supervisor	Lisa Houston
Deputy Town Clerk	Marilou Gabello
Highway Superintendent	Patrick Latting
Code Officer	Robert Jones
Dog Control Officer	Darlene Weidman
Substitute DCO	Kelly Wildoner

GUESTS: **Country Courier** Elizabeth Einstein
 Dolly Stout
 John Colley
 Laurie Francisco

MINUTES: APRIL 26, 2011 REGULAR TOWN BOARD MEETING

Supervisor Preston stated that the April 26, 2011 Regular Town Board Meeting minutes should be corrected on page 3, line 21 from the top, to replace the word “grants” with the word “bonds,” adding that this is what she meant to say.

Mr. Bullock moved to approve the April 26, 2011 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of a letter from Ms. Bonnie Gates. She also acknowledged receipt of reports from the Supervisor’s office, the Town Clerk, the Code Officer, the Water and Sewer Superintendent, the Highway Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

None.

REPORT: WATER & SEWER DEPARTMENT

Refer to written report. Water and Sewer Superintendent Tom Delamarter was not at the meeting because he was attending the Annual New York Rural Water Conference.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that the brush and white goods clean-up concluded on Friday, May 6, 2011, adding that brush collected was moderate but the amount of white goods collected was minimal, which he surmised was due to the high price currently being paid for scrap metal.

Mr. Latting reported that he believes a solution has been found for the problems he has been having with the fuel system at the Highway Garage. He stated that the Broome County Department of Weights and Measures brought its test results of the fuel from the Conklin Highway Garage, noting that the test results showed “zero issues with our fuel.” Mr. Latting

REGULAR TOWN BOARD MEETING
MAY 10, 2011

added that he has treated the fuel for the algae issue, but added that this is not the bigger issue with the fuel. Mr. Latting stated that he contacted Dan Clemens, a specialist on algae who is employed by Giammarino Construction, who explained that there is a type of bacteria that clings to the inside of the fuel tank. The tank was drained, steam-cleaned several times, flushed, vacuumed, and then the fuel was restored to the tank. Mr. Latting stated that in addition to treating the tank, all of the equipment was also chemically treated to kill the bacteria. Supervisor Preston asked how long the problem will remain solved, and Mr. Latting stated that there is no way of knowing that, but added that the tank has been in place for ten years and this is the first time this issue has arisen. He added that the problem had been getting worse, with fuel filters on the trucks only averaging 400-500 miles before needing to be changed. Mr. Latting stated that Mr. Clemens is "very confident of the fix."

Mr. Latting reported that the three nights of heavy thunderstorms April 25 through 27 had caused moderate damage town-wide. He added that pages 2 and 3 of his report reflect the repair work that was completed by his department and the amounts and types of material used. Mr. Latting added that he has chosen to rent a second backhoe to use to keep up on the needed repairs, adding that the very wet spring, following a very difficult winter, has created the need for many repairs throughout the town.

Mr. Latting reported that he was recently made aware by Attorney Cheryl Sacco of permits required by the DEC (New York State Department of Environmental Conservation) regarding tires and their storage. He reported that he submitted a letter to the DEC summarizing the Town's collection dates and method of hauling tires. Mr. Latting stated that there are two permits required by the DEC pertaining to tires. He stated that the 360 Permit allows the Town to store used tires at the Highway Garage, but only for a period of two weeks. Mr. Latting stated that the 364 permit pertains to the transportation of used tires, adding that the DEC does not have a problem issuing this permit as long as Town equipment and employees are used for the transportation of used tires and residents are not required to pay a fee to take used tires to the Highway Garage.

Mr. Latting reported that the past two days, his crew has been pumping water at Schnurbusch Park, noting that the water levels are dropping.

RESO 2011-72: AUTHORIZE HIGHWAY SUPERINTENDENT/ENTER OGS
CONTRACT/2011-2012/SALT FOR SNOW REMOVAL

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to enter a contract with OGS (New York State Office of Government Services) to supply salt for snow removal for the 2011-2012 season.

Seconded by Mr. Francisco.

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

Mr. Latting stated that he used 1,500 tons of salt during the 2010-2011 season.

Supervisor Preston stated that Mr. Latting submitted an estimate of \$82,357 to Emergency Services for the Town's man-hours and equipment and materials.

Mr. Finch asked if the two week limitation for used tire storage set by the DEC is caused by concern about mosquitoes and the diseases they carry, and Mr. Latting stated that he believes that to be part of the reason for the limitation. "It's not a new law," added Supervisor Preston. Mr. Latting added that the Town is currently storing less than 1,000 tires, which meets the criteria set by the DEC, and so is in compliance. He added that the DEC will inform its three local DEC officers that the Town of Conklin is in compliance with the standards set by the DEC.

REGULAR TOWN BOARD MEETING
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REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that four cases will be presented to the Town Planning Board at its May 16 meeting. He reported that in the past week he has issued three demolition permits, two for garages, and one for a house, all three of which were damaged by heavy snow.

Mr. Jones reported that Maines Paper and Food Service has submitted plans for two additions to its facility on Darden Way, adding that Maines wants to add 20,000 square feet to its current facility. Mr. Jones stated that he is in the process of reviewing the plans and will probably issue a permit "very shortly." He added that these additions were approved when the Special Use Permit was issued for the initial building. Supervisor Preston asked if Maines is not required to appear before the Planning Board for a review of these new plans. She stated that she believes this requirement was one of the original conditions of the Special Use Permit.

Supervisor Preston stated that she has copies of two letters sent by the Code Office, one on April 10 and the second on May 11, 2011, to Rodney Tompkins of Cherry Drive regarding clean-up of his property.

Supervisor Preston asked Attorney Cheryl Sacco to provide an update on the meeting held between Ms. Sacco, Mr. Jones, and Supervisor Preston regarding the Planning Board. She stated that the process being used for Planning Board cases was clarified. Ms. Sacco stated that a concern had been raised about the Broome County Form 239 Review submissions and confirmed that Mr. Jones is submitting these 239 Review requests 30 days in advance, as Broome County requires. She stated that one of the cases in question was a preliminary sketch discussion, in which the parties involved meet to discuss the requirements of the project, and added that these do not require a 239 Review. Ms. Sacco stated that she and Mr. Jones discussed the preparation of agendas for the Planning Board meetings and the need to make sure everything is prepared for the meeting, adding that her office has promised to review agenda items with a three-day turnaround, to make sure everything that needs to be addressed prior to the meeting has been addressed. She added that they have "a good plan moving forward" and added that she "thinks the meeting went well."

Supervisor Preston asked that if Board members have issues they want Mr. Jones to investigate, that they put their requests in writing so that Mr. Jones has a working list of concerns to address.

Mr. Finch asked if the costs of the three demolitions are going to be paid by the property owners and Mr. Jones confirmed that this is the case. Mr. Finch asked about an update on the former Conklin Auto building and Mr. Jones stated that he contacted the property owner and informed him of the need to clean up the area, adding that if the property owner does not comply, the Town can clean up the site and bill the property owner for the cost. Supervisor Preston asked if the property owner had come to Conklin to meet with Mr. Jones, as the Town had requested, and Mr. Jones stated that the property owner has not yet done so. Supervisor Preston also commented that she had a copy of a letter sent to Douglas Ritter regarding his property located at 1539 Conklin Road.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

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(Copies of all written reports are available for public perusal in the office of the Town Clerk during normal working hours.)

OLD BUSINESS:

None.

NEW BUSINESS:

DISCUSSION/POTENTIAL NEW PARK

Supervisor Preston stated that the DEC (New York State Department of Environmental Conservation) has approved the disturbance of dirt on the riverbank of the Susquehanna River on property owned by Robert Sullivan. Supervisor Preston stated that this property abuts property already owned by the Town, and added that Mr. Sullivan would like to donate the property in question to the Town of Conklin, adding that the owner will complete grading and install a driveway, which would allow people to access the river for fishing. Mr. Sullivan requests that the Town Board name the property "Sullivan Park." Mr. Finch stated that Mr. Sullivan is "doing all the work and it won't cost us" (the Town) "a thing." Supervisor Preston stated, "We might have to put a couple of picnic tables down there, but as far as the excavating and all that, he's doing it." She added that Mr. Sullivan contacted the DEC and "can't go into the river but he can bank it up."

Mr. Bullock asked why the river bank was being excavated and Supervisor Preston stated that it will allow people to walk down to the river or maybe launch a small boat. Mr. Finch stated that as long as Mr. Sullivan does not dig into the river, he is in compliance with the DEC.

Supervisor Preston asked the Board whether or not they want to accept the donation of the property from Mr. Sullivan. Mr. Bullock stated, "At this time, I don't see how we can do it." Citing the loss of 500 residents, as stated in the 2010 Census, and other expenses the Town faces, Mr. Bullock stated that he doesn't "see where we can take on any more projects like this." He added, "I know it's free, but it's going to cost us in the long run down the line. Somebody's going to have to maintain it, and pick up garbage. I don't think it's necessary." Mr. Finch stated, "We mow our own property. What's the difference with mowing another 20 or 30 feet over?" "We haven't mowed that property in years," stated Mr. Bullock.

When asked his opinion, Mr. Minoia stated, "In a way, I feel like Gary (Bullock) does, as far as the maintaining it goes." He added, "I guess I don't have a problem with it if it isn't going to cost us anything, and it's deeded as a gift to the Town. If we were putting this up and it would cost us funds out of our budget, I'd say no." Mr. Finch stated that he thinks all of the Board members would agree with that position. "None of the excavation work is costing us a penny," stated Mr. Francisco. He added that the adjacent property is considerably higher, adding that in the event of flooding, only the Sullivan property would be flooded. "I don't see where it's going to be a problem," stated Mr. Francisco. Mr. Bullock asked if Mr. Sullivan is going to expand the existing driveway and Supervisor Preston stated that Mr. Sullivan is widening the driveway. Mr. Finch stated that Mr. Sullivan is planning on bringing stone in for the driveway, adding that the Town must agree to put up a sign that says "Sullivan's Park." He added, "I don't have a problem with it, as long as we aren't going to spend any money, but I don't think we should do anything more to improve it than is already being done. If you want to put in a pavilion or picnic tables later on, I think you should do that after this year. I don't think we should spend any money on it this year." Mr. Finch added that maybe there is a New York State grant that will become available to help improve the park in the future.

Supervisor Preston stated that she will meet with Mr. Sullivan and Parks Superintendent Tom Delamarter to explain that the Town cannot spend any money this year on the potential park. "If he wants to put money into it he can," stated Mr. Finch. "If he wants to deed it over and name it 'Sullivan's Park,' I don't think any of us have a problem with it," he added. Supervisor Preston and Mr. Finch agreed that it was "a nice gesture" on the part of Mr. Sullivan to offer to donate the property to the Town. Mr. Francisco stated that this will alleviate the issue with trying to

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install a river access on the property behind the Town Hall, which met with opposition from some of the neighbors when it was suggested in the past. Mr. Bullock asked if there would be any improvements made in 2012 and Mr. Finch stated that it depends upon the budget for that year. Supervisor Preston stated that maybe a couple of picnic tables would be put on the property.

RESO 2011-73: ACCEPT PROPERTY DONATION FROM ROBERT SULLIVAN/959
CONKLIN ROAD/AT NO COST TO TOWN OF CONKLIN/TO BE NAMED
“SULLIVAN’S PARK”/WITH NO IMPROVEMENTS TO BE MADE IN 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the property donation of 959 Conklin Road from Mr. Robert Sullivan, at no cost to the Town, with the stipulation that the land be named “Sullivan’s Park,” and with no improvements to be made to the property by the Town in 2011.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, based on no cost to the Town; Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

RESO 2011-74: AUTHORIZE HIRING/STEVEN J. RATHBUN/SUMMER
LABORER/TOWN PARKS/20 HOURS PER WEEK/PAY RATE \$8.50 PER HOUR

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the hiring of Steven J. Rathbun to the position of Summer Laborer to work in Town of Conklin parks for 20 hours per week at a pay rate of \$8.50 per hour.

Seconded by Mr. Bullock.

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

RESO 2011-75: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE
REIMBURSEMENT/APRIL 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2452, account code A1220.4, in the amount of \$133.62 to Debra Preston for mileage reimbursement for April 2011.

Seconded by Mr. Francisco.

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

Supervisor Preston stated that the mileage was “a little high” this month because she drove to Bradford County, Pennsylvania, to look at the gas well that exploded. A trip by Board members and other Town employees to observe this site is scheduled for June 9.

RESO 2011-76: AUTHORIZE PAYMENT/BILL LIST/\$28,421.34

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$28,421.34:

General	\$20,806.85
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REGULAR TOWN BOARD MEETING
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Highway	\$ 2,492.04
Sewer District	4,671.00
Water District	<u>451.45</u>
Total	\$28,421.34

Seconded by Mr. Finch.

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

NEW CELL PHONE PLAN

Supervisor Preston stated that she enrolled the Town in a new cell phone plan, effective June 1, 2011, which should save the Town approximately \$50.00 per month on cell phones used by Town employees in the performance of their duties.

PROPERTY ACROSS ROUTE 7 FROM TOWN HALL

Supervisor Preston stated that a letter was sent to Mr. and Mrs. James Slavitsky regarding possible purchase by them of the Town-owned property located across Route 7 from the Town Hall.

NYMIR REFUND

Supervisor Preston stated that the Town received a refund of \$2,743.59 from NYMIR (New York Municipal Insurance Reciprocal), adding that this is the third year for the refund, which was supposed to be the final year to receive this. She added that the agreement has been extended, so the Town may receive a refund in 2012.

RESO 2011-77: EXECUTIVE SESSION/LITIGATION

Mr. Francisco moved to close the Regular Town Board Meeting and move into Executive Session at 7:38 P.M. to discuss litigation.

Seconded by Mr. Minoia.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 7:38 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Cheryl Sacco. Darlene Weidman, Dog Control Officer, was present for part of the Executive Session, and Robert Jones, Code Officer, was present for a different part of the Executive Session. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding proposed, pending, or current litigation.

RESO 2011-78: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:39 P.M.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
MAY 10, 2011

RESO 2011-79: AUTHORIZE HIRING OF LEGAL SERVICES FOR A SPECIFIC
MATTER

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. Francisco

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 Board has retained Coughlin & Gerhart LLP to provide its general legal services; and

WHEREAS, a retainer agreement was executed, pursuant to authorization by the Town Board; in which the proposed services and fee structure are outlined; and

WHEREAS, Coughlin & Gerhart LLP has a conflict with the defendant in a specific litigation matter, and as such cannot represent either party to the matter;

WHEREAS, the Town Board deems it necessary to secure other legal counsel in a litigation matter;

NOW, THEREFORE, this 10th day of May, 2011, **BE IT RESOLVED** by the Town Board of the Town of Conklin, as follows:

RESOLVED, that Alan Pope, Esq., is hereby retained effective immediately to prosecute a dangerous dog and dog running at large matter captioned **The People vs. Thomas Cusimano, Jr.**

RESOLVED, that the hourly rate on this matter is \$165.

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 NY on May 10, 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	No
Councilman Jerry Minoia	Yes

Dated: May 10, 2011
Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 8:42 P.M.

Respectfully submitted,
Sherrie L. Jacobs, Town Clerk

REGULAR TOWN BOARD MEETING
APRIL 26, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting on April 26, 2011, at 7:00 P.M. at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Assistant to Supervisor	Lisa Houston
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner
GUESTS:	Country Courier	Elizabeth Einstein
	Broome Co. Legislature	Julie Lewis
		John Colley
		Ruth Joyner
		Joseph Bartosik
		Dolly Stout
		Laurie Francisco
		Peter J. Motsavage

MINUTES: APRIL 12, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco stated that the April 12, 2011 Regular Town Board Meeting minutes should be corrected on page 7, line 6 from the top to delete the words “driveway and parking lot” and replace them with the word “sidewalk.” Mr. Finch moved to approve the April 12, 2001 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of a corrected application from Robert Niederriter, President of Buffalo Head Bar and Grill, Inc., for an on premise liquor license.

ABC APPLICATION/BUFFALO HEAD BAR AND GRILL, INC./NO
OPPOSITION/LIQUOR LICENSE

Supervisor Preston acknowledged receipt of a corrected application from Robert Niederriter, President of the Buffalo Head Bar and Grill, Inc., applying for an on premise liquor license to sell alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

PUBLIC COMMENTS:

1539 CONKLIN ROAD

Dog Control Officer Darlene Weidman reported that she responded to a call at 1539 Conklin Road regarding four unlicensed dogs and found the house to be in “terrible shape.” She reported that children live in this building and that there are extension cords on the ground running into the building. Supervisor Preston instructed Code Officer Robert Jones to inspect the situation, write a report and e-mail it to Town Attorney Cheryl Sacco. Mr. Bullock stated that the situation

REGULAR TOWN BOARD MEETING
APRIL 26, 2011

should be reported to the Department of Social Services. Mr. Finch asked about the unlicensed dogs and Dog Control Officer Weidman stated that the dogs must be licensed by the end of May.

19 MELODY LANE/DAMAGE TO LAWN FROM SNOW PLOW

Bonnie Gates, of 19 Melody Lane, complained that the Town damaged her lawn with its snow plows while removing snow this winter. She stated that the snow plows peeled 22 inches from her lawn and added that she wants dirt put in its place and the area re-seeded with grass. Highway Superintendent Patrick Latting stated that it is policy for the Town to remove sod if it cannot be tamped back down after being disturbed by the snow plows. He stated that he has re-inspected this site and asked if the mail carrier might also be responsible for destroying that area of her lawn. Ms. Gates stated that this does not happen. Mr. Finch stated that the Town could put down topsoil with grass seed and cover it with hay. Mr. Latting replied that this would be a "big undertaking." Mr. Finch replied, "We should look at it." Mr. Minoia stated that when he was Highway Superintendent, if a roadside shoulder needed to be repaired, it was replaced with gravel, not grass. Mr. Latting stated that his department will repair the damage as soon as is possible, adding that there is considerable road damage in the hills from the recent rain, the repair of which is his first priority currently.

REPORTS:

None.

NEW BUSINESS:

2010 AUDIT

Town Auditor Cheryl DiStefano, of Vieira and Associates, presented her report on the 2010 Audit of the Town of Conklin. She started by discussing the Town's fixed assets, discussed in the management letter attached to the Audit report. Ms. DiStefano explained that prior to 2004, the government didn't track additions or deletions in fixed assets. She explained that with the adoption of the GASPE accounting system by New York State in 2004, fixed assets and their appreciation must be recorded on the books in governmental units. In 2005, Industrial Appraisal Company conducted an inventory of the Town of Conklin's fixed assets for insurance purposes. This inventory was adjusted in 2006 to try to conform to the GASPE requirements. Ms. DiStefano stated that there was a "disconnect" between what the Audit showed to be repairs, capital improvements, or infrastructure, with the findings of the Industrial Appraisal Company. Moving forward, stated Ms. DiStefano, the fixed assets of the Town are updated annually. She added that in 2011, the amount of fixed assets owned by the Town was reduced by \$521,000 to match the findings of the Industrial Appraisal Company.

Turning to page 17 of the Audit, Ms. DiStefano stated that the Town took in revenue in 2010 in the amount of \$2,583,000, but expended only \$2,454,000, leaving a surplus of \$129,000. She stated that there is \$329,000 less in the General Fund Balance, since the Town has been paying down its debt. Ms. DiStefano stated that the Town of Conklin is "in good financial condition." She stated that the Town received \$31,000 more in revenue than was budgeted for 2010, and expended \$210,000 less than was budgeted. She added that in Special Funds, expenditures were down significantly and revenues were down slightly from the amount budgeted.

Mr. Finch stated that the financial health of the Town is due to the personnel in the Town of Conklin and thanked Supervisor Preston and her assistant, Lisa Houston, for their hard work to keep the Town within its budget. Ms. DiStefano stated that when she started working with the Town of Conklin, there was no purchase order system in place, adding that the Town now has a much better system of controlling purchases. She added that Ms. Houston has done "a lot of work to reconcile past fixed assets."

Ms. Houston addressed the Board to explain the discrepancies in the fixed assets amounts, discussed in paragraphs three and four of the management letter. She explained that there had to be re-classifications and corrections regarding locations and values of fixed assets, including the

REGULAR TOWN BOARD MEETING
APRIL 26, 2011

Flood Buyout properties obtained following the 2006 Flood. Ms. Houston explained that the Industrial Appraisal Company has a \$2,500 threshold, beneath which an asset is not recorded. For example, each of the four Automatic External Defibrillators purchased by the Town costs less than \$2,500 individually, although the total cost for all four is over \$2,500, so these were not recorded as fixed assets by the Industrial Appraisal Company.

Ms. Houston explained that the paperwork needed to be better scrutinized, but in June 2006, the Town suffered a major flood, resulting in too much paperwork to be processed in relation to the flood recovery, putting the adjustments to the fixed assets records on the “back burner.” She stated that in May 2008, an attempt was made to correct the discrepancies between the two records, but added that 2006-2009 was devoted to processing FEMA (Federal Emergency Management Agency) paperwork relating to the flood recovery. In 2009, a new computer system was installed to handle the water billing, payroll, and accounting systems. Ms. Houston stated that now is a good point at which to correct the discrepancies and move forward. She stated that this issue will be addressed annually with the Town, the Auditors, and Industrial Appraisal Company, before the audit is conducted. Supervisor Preston stated that Ms. Houston will be delegating more of the general office work to Ms. Houston’s assistants, so that she can focus on this project. Supervisor Preston stated that in preparation for the 2012 Budget, a full appraisal will be conducted, as is required every ten years. She stated that the amount of fixed assets held by the Town is important because it affects large grants that the Town might pursue. Supervisor Preston, Mr. Bullock, and Mr. Francisco thanked Ms. Houston for her hard work in reconciling this discrepancy.

OLD BUSINESS:

11 CLEARVIEW AVENUE

Code Officer Robert Jones reported that the house at 11 Clearview Avenue has been removed completely and the foundation has been filled in. He stated that there is some debris on the ground, but the dumpster on site is full and will be moved out soon. Mr. Jones stated that the clean-up of this site is 90% complete, adding that the property owners have until June 30 to complete the clean-up project. He added that someone other than the property owners has brought garbage and dumped it on the property.

66-68 STILLWATER ROAD

Mr. Jones reported that the property at 66-68 Stillwater Road has been completely cleaned up and the debris buried. He added that the fireplace is gone, with only a concrete slab remaining.

Mr. Bullock asked about the debris still at 986 Conklin Road and Mr. Jones stated that he sent a letter to Gorick Construction and the debris will soon be removed.

JULIE LEWIS, BROOME COUNTY LEGISLATURE

Julie Lewis, Broome County Legislature, 6th District, reported that the County Legislature is still working on redistricting, adding that Marchie Diffendorf, 7th District, plans to not seek re-election when his term of office expires.

Ms. Lewis stated that the Legislature received opposition to its timber agreement in Aqua Terra Park and Hawkins Pond Park. She stated that the forest management agreement, in which the timber from the parks would be sold, will bring \$110,000 in revenue to the County. Ms. Lewis stated that Patrick Brennan, recently appointed Broome County Executive to fill this year of the unexpired term of Barbara Fiala, has oversight of this project. Mr. Bullock asked if forest reclamation after the timber harvesting is finished is required in the agreement and Ms. Lewis stated that she “believes so.”

NEW BUSINESS:

REGULAR TOWN BOARD MEETING
APRIL 26, 2011

RESO 2011-67: AUTHORIZE PAYMENT/BILL LIST/\$42,518.77

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$42,518.77:

General	\$25,324.52
Highway	10,500.99
Light Districts	1,674.64
Sewer District	2,842.84
Water District	<u>2,175.78</u>
Total	\$42,518.77

Seconded by Mr. Francisco.

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

RESO 2011-68: REQUESTING THAT THE BROOME COUNTY LEGISLATURE
REVISE THE SALES TAX SHARING FORMULA TO THE FORMULA IN EFFECT
PRIOR TO 2011

Mr. Finch moved for support of the following resolution:

In the mid 1990s, the New York State Legislature authorized Broome County to collect an additional 1% in sales tax, increasing the tax from a then 7% to the current 8%. The extra one percent was retained by the County and not shared equally with the 24 Broome County municipalities.

In 2005 the then County Administration, again facing rising Medicaid costs, changed the formula from a 50-50 arrangement on the first 3% that the County collects to a 55-45 formula with the remaining 1% to remain with the County. Thereafter, when the State of New York capped Medicaid costs at no more than 3% growth, the County at the request of its local municipalities repealed the 55-45 formula and returned to the original 50-50 formula.

In 2009, the County Legislature changed the formula again so that a cap has now been effectively placed on the amount a municipality can receive. The new formula provides that the local municipalities share during years 2011 through 2014 shall not exceed by more than one-half percent (.5%) the average distribution of the prior year.

A 50-50 sharing arrangement on the first 3% of sales tax revenues collected by Broome County with the 4th percent being wholly retained by the County is in essence an arrangement of two-thirds to one-third. Broome County retains two-thirds of the sales tax revenue and the remaining one-third is shared by the 16 towns, 7 villages and one city within Broome County. The new cap in place essentially says that the local municipalities can only share in bad economic times and can never enjoy good economic times.

To quantify the present allocation, during the fourth quarter of 2010, the local municipalities divided 37.5% (\$39,552,047.54) while Broome County received 62.5% (\$65,936,953.94) of the total \$105,499,001.48 received. The 2010 4th quarter which included holiday shopping total was only \$37,835 more than the 2009 4th quarter.

When Broome County looks to remove the exemption of sales tax on clothing and footwear in the near future and realizes projections of \$5-6 million in additional sales tax revenues, the municipalities will not benefit at all. When the economy gains strength like history tells us it will, the municipalities will not benefit. When Governor Cuomo reduces Medicaid expenses, thereby reducing the County's required match, the municipalities will not benefit. The simple point we put forward is that we suffer when sales tax declines and we believe we should benefit when sales tax is vibrant, but the current arrangement does not allow for that.

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All the municipalities recognize that Medicaid and social service costs are a burden to Broome County. But the extra unshared 1% was designated for that purpose. Local municipalities bear the super-majority of costs related to the economy in that of infrastructure and maintenance, which relates to the creation of sales tax revenues. For these reasons, each local municipality of Broome County strongly advocates for the previous arrangement, i.e., a 50/50 division of the first three percent of sales tax revenues.

Local municipalities as well as Broome County are faced with unprecedented financial challenges. The taxpayers who contribute to the local budgets are the same taxpayers who contribute to the County budget. The undersigned member of the Broome County Association of Towns and Villages respectfully requests that the sales tax formula be brought back again for discussion in the earnest hope that the new members of the Broome County Legislature will consent to reestablishing the former formula and equitably dividing the first three percent of the Broome County Sales tax equally with its local municipalities.

Seconded by Mr. Francisco.

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

Supervisor Preston stated that although an agreement with Broome County regarding distribution of sales tax revenue is currently in place, the results of the 2010 Census have forced municipalities such as Conklin to re-visit this agreement. She explained that the decreased population of the Town of Conklin recorded by the 2010 Census will mean a loss of \$100,000 in sales tax revenue to the Town. She added that the municipalities deserve the sales tax revenue, adding that the “towns have been fiscally responsible, and the County needs to do the same.”

Supervisor Preston stated that the Chairperson of the Broome County Legislature will not allow the topic of re-negotiating the sales tax distribution agreement to be brought to the table for discussion. She asked, “What is the problem with discussing a 50-50 split?” Legislator Julie Lewis replied, “The County doesn’t have any money.” Ms. Lewis added that she will work to bring this topic to the table for discussion. Supervisor Preston stated that all municipalities in Broome County will send this resolution to the Legislature.

STENSON ROAD DAMAGE

Supervisor Preston stated that she received a report from Town Engineer Dan Griffiths of Griffiths Engineering regarding damage on Stenson Road caused by water runoff, adding that the Town “lost everything we put in through FEMA” monies that the Town was granted. Highway Superintendent Patrick Latting stated that there is damage on both Fallbrook Road and Stenson Road, adding that the Town “almost lost the pipes on Fallbrook that were put in through FEMA.” He added that the problem on Stenson Road is an “ongoing issue” in which water is being diverted to the Town of Conklin ditch line instead of onto private property. Mr. Latting stated that some repairs have been completed already. Mr. Finch asked about riprap on Fallbrook Road and Mr. Latting stated that there are some maintenance issues on Fallbrook Road, including a yearly maintenance cost. Mr. Latting stated that repair work was also required on Ketchum Road.

Supervisor Preston stated that the Town was informed at the time of installation that this maintenance would be required. Mr. Finch asked how the Town will pay for the repairs and Supervisor Preston stated that she will transfer funds since this is an emergency. Mr. Latting stated that it is a minimum cost so far, but added that the situation is “precarious.” He added that it is a “tough situation in the creek.” Supervisor Preston asked Attorney Cheryl Sacco to research the property issue on Stenson Road and to discuss it with Mr. Latting.

ROAD REGULATIONS

Supervisor Preston stated that discussion of proposed road regulations regarding heavy equipment traffic will be tabled until the May 24 Town Board meeting.

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PROPANE GEL FOR HYDROFRACTURING

Supervisor Preston distributed information regarding a new process for hydrofracturing for natural gas. This process uses a propane gel in place of the water and chemicals usually used in hydrofracturing, adding that it was developed by a Canadian company. She stated that the process is more expensive, but is safer and involves less traffic on local roadways.

SPEED LIMIT REDUCTION/FELTERS ROAD

Attorney Sacco brought a resolution proposal to ask the State Department of Transportation to conduct a study with the intent of decreasing the speed limit on Felters Road to 30 miles per hour. Mr. Bullock asked if the current speed limit is posted and Mr. Latting replied that he researched the area and the speed limit is posted. He stated that he installed “Children At Play” and “Speed Zone Ahead” signs also, which he is authorized to do at his discretion. The Broome County Sheriff’s Department placed one of their “Your Current Speed Is...” signs on Felters Road to raise awareness of the speed travelled on the road.

RESO 2011-69: RECOMMENDATION TO IMPROVE TRAFFIC SAFETY BY
REDUCING THE SPEED LIMIT AND POSTING SPEED LIMIT SIGNS ON FELTERS
ROAD IN THE TOWN OF CONKLIN

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. Minoia

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 community and the Town of Conklin are concerned about traffic safety and the safety of residents;

WHEREAS, a letter was filed alleging that speed limit signs and a reduction in the speed limit was necessary for Felters Road;

WHEREAS, Felters Road is located off Conklin Road, and Felters Road runs in the City of Binghamton, Town of Binghamton and Town of Conklin;

WHEREAS, the portion of Felters Road in the Town of Conklin has become very residential, where a number of families with young children have moved into the area;

WHEREAS, the portion of Felters Road in the Town of Conklin is on a very steep hill, there are no side walks in the area, no shoulders on the road, and no street lights;

WHEREAS, the portion of Felters Road in the Town of Conklin has a number of hidden driveways, and families in the area take walks in the area;

WHEREAS, the nearby portion of Felters Road in the Town of Binghamton has a listed speed limit of 30 mph; while the portion of Felters Road in the Town of Conklin has a higher speed limit of 40 mph;

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WHEREAS, the community and the Town of Conklin want appropriate action taken to mitigate the life-threatening risk posed by current conditions found on the portion of Felters Road in the Town of Conklin.

NOW, THEREFORE, the Town Board of the Town of Conklin resolves to recommend to the County of Broome and the New York State Department of Transportation that: 1) the speed limit for the portion of Felters Road in the Town of Conklin be reduced to 30 miles per hour and 2) that the speed limit be clearly posted.

RESOLVED, that copies of this resolution, the letter from Mr. and Mrs. Meier and the attached form TE 9a shall be forwarded to Senator Thomas W. Libous, Assemblypersons Clifford Crouch and Donna Lupardo, the Broome County Executive, Jack Williams, (NYS DOT REGION 9 Director at 44 Hawley Street Binghamton, NY 13901) and the County Highway Superintendent ; and it further is

RESOLVED, that this resolution shall take effect immediately.

Resolution Adopted: April 26, 2011

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, NY on April 26, 2011. Said resolution was adopted by the following roll call vote:

Supervisor Debra A. Preston	Yes
Councilman Gary D. Bullock	No
Councilman Charles Francisco	Yes
Councilman James E. Finch	Yes
Councilman Jerry Minoia	Yes

Mr. Bullock stated that he voted "No" because he believes "people need to be responsible." Mr. Francisco stated that he voted "Yes" because of the increase of population in that area. Mr. Minoia commented that "it is hard to get the DOT to change" speed limits.

TEMPORARY SIGNS IN THE TOWN OF CONKLIN

Mr. Bullock asked about the many temporary signs in the Town, which are in violation of the Town Code, and Mr. Jones stated that he will be addressing this concern soon.

ADDRESS OF CLEANERS SUPPLY COMPANY

Mr. Finch stated that the Planning Board minutes had indicated that the address of Cleaners Supply Company is Conklin Road. Supervisor Preston stated that the correct address is Powers Road, adding that the Planning Board minutes will be corrected to reflect this fact.

CODE ISSUES

Supervisor Preston asked Code Officer Jones about the former Conklin Auto building, which has been vacant since the 2006 Flood. Mr. Jones replied that, after much searching, he has been able to discover who currently owns the property and has contacted the owner, Mr. Levene, and has sent him a letter telling him that the property must be cleaned up. Mr. Jones gave Mr. Levene a deadline of June 1, 2011, and Mr. Levene agreed to have the property cleaned up by this time.

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Mr. Minoia asked Mr. Jones about the garbage problem on Gee Street and Mr. Jones stated that he contacted the owner and the dumpster has been emptied once and since refilled, adding that the clean-up of this property will be completed by April 30, 2011.

RESO 2011-70: EXECUTIVE SESSION/PERSONNEL ISSUE

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 8:20 P.M. to discuss a personnel issue.

Seconded by Mr. Finch.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:20 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Cheryl Sacco. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

RESO 2011-71: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:45 P.M.

Seconded by Mr. Bullock.

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

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

The meeting adjourned at 8:46 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
APRIL 12, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on April 12, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Town Justice	J. Marshall Ayres
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
GUESTS:	Country Courier	Elizabeth Einstein Dolly Stout John Colley Joe Bartosik Laurie Francisco Peter J. Motsavage Holly Meier Michael Meier

MINUTES: MARCH 22, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the March 22, 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 Supervisor's office, the Town Clerk, the Water and Sewer Superintendent, the Code Officer, the Highway Superintendent, the Dog Control Officer, and from the Youth Commissioner. She also acknowledged receipt of a letter from Holly and Michael Meier.

PUBLIC COMMENTS:

Supervisor Preston distributed copies of the letter sent by Mr. and Mrs. Meier regarding the possibility of decreasing the speed limit on Felters Road and stated that the Meiers would be allowed to address the Board if they arrived later in the meeting.

REPORT: HIGHWAY SUPERINTENDENT

In addition to his written report, Highway Superintendent Patrick Latting reported that he is seeking solutions to the problem with algae in the fuel. He stated that there is no local tester that can be used to analyze the fuel and that usually tests are sent to New Jersey and are very expensive. However, stated Mr. Latting, the Broome County Department of Weights and Measures took samples on April 7 and will be testing them free of charge to the Town.

Mr. Latting stated that his crew constructed 10 to 12 more barriers for road closure, as a measure of emergency preparedness, in the event of flooding and the necessity of road closure. He reported that members of the Conklin Volunteer Fire Department did a walk-through of the

REGULAR TOWN BOARD MEETING
APRIL 12, 2011

Highway Garage on March 22 and presented him with a plan to deal with hazards and safe evacuation in the event of a fire. Mr. Latting reported that everyone in his department plus the staff of the Water and Sewer Department attended a "Dig Safely New York" safety seminar.

Mr. Latting reported that the annual spring clean-up has been "busy and difficult," adding that his crew has been sweeping roads and replacing sod to repair damage caused by the snow plows. He added that this damage is town-wide, the result of a "tough winter." Supervisor Preston distributed copies of a letter from Bonnie Gates of Melody Lane asking for repairs of damage done to her lawn by the Highway Department. Mr. Latting stated that Melody Lane has already been addressed and the sod repaired. He added that his department "will repair it the best it can," meaning "mowable with a push mower." Mr. Latting stated that when the frost is out of the ground, damage is unavoidable.

Mr. Latting reported that the last bout of minor flooding caused minimal but widespread damage, leaving only one day before the weekend to get all of the repairs completed. He stated that his department worked hard and successfully completed all of the repairs in one day so that there was no damage left over the weekend.

Mr. Latting stated that he met with John Mastronardi of Griffiths Engineering to discuss riprap work and creek alignment that needs to be completed on Carlin Creek at Ketchum Road. He asked about using material from Millburn Drive but Mr. Finch stated that it is cheaper to purchase new material at the County bid pricing than to pay to haul material from Millburn Drive.

Mr. Bullock asked if Mr. Latting has a list of roads scheduled to be repaired in 2011 and Mr. Latting stated that he is "still planning." Attorney Cheryl Sacco reminded the Board that Broome County bid pricing can only be used for the purchase of goods, where New York State bid pricing can be used for the purchase of both goods and services.

PUBLIC COMMENTS (CONT.):

SPEED LIMIT ON FELTERS ROAD

Michael and Holly Meier stated that they moved to 221 Felters Road on February 4 and noted that there is no posted speed limit on their road, with the last speed limit sign located at the intersection of Felters Road and Ahern Road. They stated that cars travel Felters Road at an excessive speed and noted that there are many driveways and families with children in that section of Felters Road. Mr. and Mrs. Meier are asking that the speed limit be lowered to 30 miles per hour and that speed limit signs be installed.

Attorney Cheryl Sacco explained that the Town Board could pass a resolution petitioning Region 9 of the New York State Department of Transportation (DOT) to lower the speed limit to 30 miles per hour, adding that she could have this resolution prepared for the April 26 Town Board meeting. Mr. Minoia added that the DOT will conduct a study of the road and determine if the change in speed limit is warranted. The Meiers noted that 200 yards down the road from their home, the speed limit is posted as 30 miles per hour (in the Town of Binghamton), and Mrs. Meier recalls that the speed limit was formerly 30 miles per hour. Attorney Sacco stated that the Town will need reasons and rationales for the change in speed limit, which the Meiers will help provide. These include: five or six families with children in the area, new homes, hidden driveways, no shoulders on the road, and no street lights.

Mr. and Mrs. Meier also reported that someone has been dumping garbage on Felters Road. Highway Superintendent Patrick Latting stated that his crew will make sure it is cleaned up.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he has been conducting fire and safety inspections, and helping to prepare four cases for the April Planning Board meeting, including two businesses that appeared before the Planning Board in March and must

REGULAR TOWN BOARD MEETING
APRIL 12, 2011

come back this month. Mr. Jones added that Wayne's Welding will be appearing before the Planning Board with a proposal to construct a propane storage and fill facility. He stated that his office issued three building permits in March and has already issued five in April. Mr. Jones stated that he has also been working on the Community Rating System project, seeking a better flood insurance rating for the Town.

Mr. Minoia stated that there is a garbage problem on Gee Street, with an un-emptied dumpster that is frequented by animals. Mr. Jones will look into this situation.

Mr. Bullock asked about a garage on Stillwater Road which has a collapsed roof and absentee owners. Mr. Jones stated that this is a dangerous situation and a safety hazard and he will therefore put up a fence. He will call Attorney Sacco for advice about how to obtain reimbursement for the Town for the cost of the fence.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that Youth Baseball and Softball Opening Day will be held on April 30. He stated that there is nothing new with the Town Pool or Shawsville Cemetery and that everything is good with the Town Landfill.

Mr. Delamarter stated that the pump at Sewer Station 3 is being rebuilt and will be completed in about two weeks. He stated that the spare parts didn't work out. Mr. Delamarter stated that the bill is about \$6,000 for the work on the pump, but added that it will be adjusted to remove \$1,200-\$1,500 which was charged for a second worker, whom Mr. Delamarter stated was not needed. He stated that the sewer station is monitored with the computer system, so he knows immediately if there is a problem.

Mr. Bullock stated that the fence installed between Hobart Stone and Julius Rogers Park looks very nice. Mr. Finch commented that there is still mud in the park as a result of runoff of sludge from Hobart Stone.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

(Copies of all written reports are on file in the office of the Town Clerk and are available for public viewing during normal business hours.)

OLD BUSINESS:

MORRIS BOULEVARD SCHOOL CROSSING

Supervisor Preston stated that she discussed the safety issue at the Morris Boulevard school crossing with Town Engineers Dan Griffiths and John Mastronardi. To resolve the issue, the New York State DOT will supply the pipe and the Town of Conklin will install it.

WINTER PARKING REGULATIONS

Supervisor Preston reminded those present that the Winter Parking Regulations apply to everyone, including employees.

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BEROTA COURT DRAINAGE

Supervisor Preston stated that the drainage issues on Berota Court are an ongoing problem which needs to get finalized. Mr. Finch stated that the swale to the river needs to be cleaned out. Supervisor Preston stated that the Town has the right-of-ways needed to access this swale to clean it out.

PROPERTY APPRAISAL

Supervisor Preston stated that the Town-owned property across Conklin Road from the Town Hall was appraised at \$25,000. She added that she wants to see the deed restricted to forbid any business or building from being constructed on this property, keeping it a green space. Attorney Sacco will send a letter to the interested party.

CENSUS NUMBERS FOR CONKLIN

Supervisor Preston stated that the 2010 Census numbers for Conklin are “bad” and that the “Town was hit hard.” She explained that the 2010 Census shows that the Town of Conklin lost 499 people, where she had estimated only 300. She added that over 130 properties are now green space, which does not include those houses and businesses taken down by their owners. Supervisor Preston explained that this results in a loss of \$100,000 per year in sales tax revenue for the Town for the next ten years, adding that it will definitely impact the Town of Conklin Budget.

Supervisor Preston stated that one project that would help spur growth in Conklin would be to extend the sewer system to the south end of town, adding that she will meet with the Binghamton-Johnson City Joint Sewage Board to discuss this possibility.

NEW BUSINESS:

DEPARTMENT QUARTERLY BUDGET REVIEW

The department heads were required to present a written quarterly review of the budget for their departments to the Town Board. Supervisor Preston noted that each department should be at approximately 25% of its 2011 Budget expended at this point. The Code Officer broke his report down into the following line items with the percentage of the budget spent as of March 31, 2011: Safety Inspections (Code Book updates) – 50%; Safety Inspections – 10%; Demolition of Unsafe Buildings – 100%; Expenditures for Town Hall Operation – 20%. The Supervisor’s Office is at 23% expenditures. The Highway Department reported the following percentages of its budget spent: Highway Engineering – 0% used; General Repairs – Contractual – 1%; Improvement – Capital Outlay – 0%; Machinery Contractual – 36%; Snow Removal – Personnel Services – 64%; Snow Removal – Contractual – 73%; Snow Removal – Fuel Contractual – 77%; Landfill – Waste Contractual – 4%; Traffic Control – Contractual – 38%; and Garage – Contractual – 30%. The Town Clerk’s office is at 23% expenditures and the Dog Control Officer has spent 17% of her 2011 Budget.

TOWN JUSTICE ANNUAL REPORT

Town Justice J. Marshall Ayres presented his Annual Report for 2010. Judge Ayres stated that the Conklin Town Court processed 1,348 cases against 1055 defendants in 2010. He added that 37 of these cases were for DWI, which he added was a “sharp reduction in drunk driving cases in the Town.” Judge Ayres stated that the Court collected \$63,535.00 in fines, \$62,070.00 in surcharges, \$825.00 in Civil Fees, and \$3,627.50 in miscellaneous fees, resulting in a total of \$130,057.50 in total monies collected and forwarded to New York State. The Town of Conklin’s share of these fines was \$41,283.50, or 31.7% of collected fines, with New York State retaining the remaining 68.3%. The estimated budgeted revenue for the Court for 2010 was \$39,000, which the Court exceeded by \$2,283.50.

REGULAR TOWN BOARD MEETING
APRIL 12, 2011

Judge Ayres stated that the Town Court received two grants: one in the amount of \$509.98 for computer equipment and a second grant in the amount of \$4,640.00 for miscellaneous equipment, thus saving the taxpayers \$5,149.98. He explained that this equipment allowed the Town of Conklin Justice Court to be “one of the first all digital town and village courts in New York State.” This improvement has led to the Conklin Court hosting several meetings demonstrating this new records management system, as well as invitations to travel to other areas of New York State to demonstrate this paperless system. The Court will host the Broome County Clerks Association on April 21 for a demonstration, and has been invited to New York City Court as well. The Conklin Town Court has been honored in the spring edition of “The Magistrate,” as well as in a newsletter published by the Sixth Judicial District, regarding the all digital records management system.

Judge Ayres stated that anticipated expenses for 2010 were \$67,840.00. He stated that by consolidating personnel and postponing non-essential purchases, the Court was able to reduce expenses to \$58,366.27, thus saving the taxpayers \$9,473.73. Judge Ayres stated that combining this savings with the increased revenue generated, a contingency balance fund for the Justice Court of \$11,757.23 was generated, saving the taxpayers 17.3% of the 2010 Budget.

Judge Ayres stated that the Town of Conklin Justice Court has a strong record of being very fair in the dispensing of justice, adding that it is one of few in New York State that will accept partial payment for fines and fees.

On behalf of the Town Board, Mr. Finch thanked the Town Court for its hard work on behalf of the community.

Judge Ayres reported that the anticipated revenue for the Court for 2010 was \$39,000, which it exceeded, adding that he anticipates revenue for 2011 will be \$48,000, an increase of 23%. He stated that the Court processed 393 cases in the First Quarter of 2011, with only four DWI cases.

RESO 2011-64: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE
REIMBURSEMENT/MARCH 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies check #2368, account code A1220.4, in the amount of \$133.62 to Debra Preston for mileage reimbursement for March 2011.

Seconded by Mr. Francisco.

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

RESO 2011-65: RATIFY PAYMENT/U.S. POSTAL SERVICE/ANNUAL WATER
REPORT POSTAGE COST

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2370, account code SW8310.4, in the amount of \$353.56 to the U.S. Postal Service for postage cost for mailing of the Annual Water Report.

Seconded by Mr. Bullock.

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

RESO 2011-66: AUTHORIZE PAYMENT/BILL LIST/\$42,877.51

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$42,877.51:

General	\$22,860.17
Highway	14,284.27
Light Districts	380.07
Sewer District	856.50
Water District	<u>4,496.50</u>
Total	\$42,877.51

Seconded by Mr. Finch.

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

PROCUREMENT POLICY

Supervisor Preston distributed copies of the recently adopted Town of Conklin Procurement Policy.

2010 CONKLIN ROAD

Attorney Cheryl Sacco reported that court papers have been served upon the owner of 2010 Conklin Road.

CARLIN ROAD CROSSING/CP RAIL

Attorney Sacco stated that she, Supervisor Preston, and Highway Superintendent Patrick Latting met with representatives from CP Rail to discuss the condition of the Carlin Road railroad crossing. The crossing will be made passable with no cost to the Town.

560 CONKLIN ROAD

Mr. Minoia asked about the status of 560 Conklin Road, the former City Line Garage. Attorney Sacco stated that her office sent the person using the building a letter, but added that the claimant hasn't yet filed paperwork. She stated that this person claims that there is "no business" at that address and that he is merely using the space "for his own purpose."

Mr. Minoia asked about the process needed for getting this property assessed, since the railroad owns the land, and is assessed for it, but no one is assessed for the building. Ms. Sacco stated that a Mr. Knapp stated first that he had a mortgage on the building, and then stated that it was actually a lease, but has no proof of anything. She stated that the owner of record is the railroad company, so Mr. Knapp can't rent the building to anyone else, since he doesn't own it. Ms. Sacco added that he "may be a squatter." Mr. Minoia stated, "Someone owes taxes" on this property. Ms. Sacco stated that she spoke with Town Assessor John McDonald about contacting New York State, which is the agency that assesses railroads, to have the property reassessed, adding that Mr. McDonald had stated that this process is "difficult." Mr. Bullock stated that the Town should shut off the water supply to the building and Water and Sewer Superintendent Tom Delamarter stated that his department is trying to find the water hook-up to the building.

Mr. Minoia asked about assessments on flooded properties throughout the Town which have been abandoned by their owners. Supervisor Preston stated that each property is evaluated individually. She added that the question is: How much money will the Town of Conklin spend "up front" to take care of these properties, knowing that reimbursement takes a long time? She stated that the Town has an inventory of the remaining damaged properties in the Town, but added that the assessment is so low on the properties now that the owners don't care about them.

REGULAR TOWN BOARD MEETING
APRIL 12, 2011

CODE ISSUES/GEE STREET & CHERRY DRIVE

Supervisor Preston asked Code Officer Jones to have a report ready for the April 26 meeting regarding Code violations on Gee Street and on Cherry Drive.

PAVEMENT AT COMMUNITY CENTER

Mr. Francisco thanked the Highway Department for fixing the pothole at the Community Center with cold patch, adding that the driveway and parking lot need to be repaved with blacktop. He also told Mr. Latting that the signpost needs to be straightened at the entrance to the Town Hall, adding that it looks like one of the trucks may have hit it.

MUD ON JR BOULEVARD/HOBART STONE

Mr. Finch addressed the problem of mud on JR Boulevard and in Julius Rogers Park, particularly on the tennis courts and basketball court, which is caused by runoff of sludge from Hobart Stone. Parks Superintendent Tom Delamarter commented that many meetings have been held between Town representatives and representatives from Hobart Stone to discuss this issue, but “nothing is ever done” to resolve the problem. Code Officer Jones stated that he sent a letter to Mr. Hobart on March 30 suggesting some possible solutions to the problem. Supervisor Preston stated that Mr. Jones should call Dan Griffiths and John Mastronardi of Griffiths Engineering to look at the site and offer solutions. Mr. Jones stated that Mr. Mastronardi has already looked at the site with him. Mr. Jones stated that there is a crown in the road on JR Boulevard, adding that a ditch needs to be dug along the road to allow for better drainage, with sluice pipe installed at each driveway. Mr. Jones added that his March 30 letter to Mr. Hobart instructed him on the method of constructing a “construction entrance” to his business. Mr. Finch commented that the yard at Hobart Stone is two feet higher than JR Boulevard. Mr. Jones stated that Mr. Hobart periodically washes JR Boulevard. Supervisor Preston instructed Mr. Jones to contact Mr. Mastronardi of Griffiths Engineering and to have him either send a written report or attend the April 26 meeting with possible solutions to this problem. Mr. Minoia commented that Mr. Hobart has raised the grade of the yard at his business so much that the slurry from his stone operation runs into the road and the park, where it dries like cement. Supervisor Preston commented that the DEC (New York State Department of Environmental Conservation) has addressed issues with the creek in the area in the past.

ROAD PRESERVATION LEGISLATION

Supervisor Preston stated that Attorney Sacco will bring proposed Road Preservation legislation to the April 26 meeting for the Board to examine. Ms. Sacco stated that the Town of Dickinson adopted similar legislation, while the Town of Afton adopted it then later repealed it. The Town of Windsor considered adoption of this legislation but declined to do so.

TOWN AUDITOR AT APRIL 26 MEETING

Supervisor Preston reminded the Board that Cheryl DiStefano of Vieira and Associates, the Town Auditors, will be present at the April 26 meeting to present her report on the 2010 Audit.

DEAD TREES ON MAINES PROPERTY

Supervisor Preston asked Mr. Jones about the dead trees on the Maines Paper and Food property in the Corporate Park, noting that replacing dead trees had been part of the agreement during the permitting process. Mr. Jones replied that there is only one dead tree and Maines will take care of replacing it.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:30 P.M.

Respectfully submitted,
Sherrie L. Jacobs, Town Clerk

REGULAR TOWN BOARD MEETING
MARCH 22, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on March 22, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Assistant to Supervisor	Lisa Houston
Highway Superintendent	Patrick Latting
Code Officer	Robert Jones
Dog Control Officer	Darlene Weidman
Substitute DCO	Kelly Wildoner
Zoning Board of Appeals	Norman Pritchard

GUESTS: **Country Courier** Elizabeth Einstein
Joseph Bartosik
Dolly Stout
Laurie Francisco
John Colley
Peter J. Motsavage

MINUTES: MARCH 8, 2011 REGULAR TOWN BOARD MEETING

Mr. Finch moved to approve the March 8, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of the January and February 2011 reports from her office.

PUBLIC COMMENTS:

None.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

OLD BUSINESS:

None.

NEW BUSINESS:

RESO 2011-55: RATIFY PAYMENT/THE HARTFORD GROUP/1ST QUARTER 2011
DISABILITY INSURANCE PAYMENT

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2312, account codes A9055.8, DA 9055.8, and SW 9055.8, in the amount of \$416.25 to The Hartford Group for 1st Quarter 2011 Disability Insurance payment.

REGULAR TOWN BOARD MEETING
MARCH 22, 2011

Seconded by Mr. Finch.

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

RESO 2011-56: RATIFY WIRE PAYMENT/POSTAGE ON CALL/POSTAGE METER REIMBURSEMENT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies a wire payment, account codes A 1670.4, A 1355.4, and SW 8310.4, in the amount of \$1,000.00 to Postage on Call for postage meter reimbursement.

Seconded by Mr. Bullock.

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

RESO 2011-57: AUTHORIZE PAYMENT/BILL LIST/\$49,374.90

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$49,374.90:

General	\$26,183.13
Highway	14,044.49
Light Districts	2,157.71
Sewer District	4,539.52
Water District	<u>2,450.05</u>
Total	\$49,374.90

Seconded by Mr. Francisco.

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

RESO 2011-58: AUTHORIZE BUDGET LINE TRANSFER

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the following budget line transfer (see attached).

Seconded by Mr. Bullock.

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

RESO 2011-59: AUTHORIZE APPROPRIATION/UNANTICIPATED NYS GRANT REVENUES

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes appropriation of the following unanticipated New York State Grant revenues:

A510 Estimated Revenues	\$3,060.00
A3021 Court Facilities	\$3,060.00
 A960 Appropriations	 \$3,060.00
A1110-401 Justice Contractual/Grant	\$3,060.00

REGULAR TOWN BOARD MEETING
MARCH 22, 2011

Seconded by Mr. Francisco.

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

RESO 2011-60: AUTHORIZE HIGHWAY SUPERINTENDENT/ATTEND HIGHWAY SCHOOL/ITHACA, NEW YORK/JUNE 6-8, 2011/ALL NECESSARY EXPENSES

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to attend Highway School in Ithaca, New York, on June 6-8, 2011, with all necessary expenses.

Seconded by Mr. Francisco.

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

RESO 2011-61: ACCEPT GRANT/NYS UNIFIED COURT SYSTEM/\$3,059.21/COMPUTER EQUIPMENT FOR TOWN COURT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a grant from the Unified Court System for \$3,059.21 for computer equipment for the Town Court.

Seconded by Mr. Finch.

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

RESO 2011-62: APPOINT SHARON PLATT/TOWN HISTORIAN

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Sharon Platt to the position of Town Historian, effective immediately.

Seconded by Mr. Francisco.

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

RESO 2011-63: APPROVE TOWN HISTORIAN/ATTEND WORKSHOP/ELMIRA, NEW YORK/APRIL 4-6, 2011

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the Town Historian to attend a workshop for Town Historians in Elmira, New York, on April 4-6, 2011.

Seconded by Mr. Finch.

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

SNOWSTORM

Supervisor Preston thanked Highway Superintendent Patrick Latting for the “great job” his crew did in taking care of Town roads during the recent snowstorm. She added that the roads plowed by Broome County were in “bad shape.”

REGULAR TOWN BOARD MEETING
MARCH 22, 2011

560 CONKLIN ROAD

Attorney Cheryl Sacco stated that a letter had been sent to Mr. Jerry Sweezy and Mr. Knapp regarding the building at 560 Conklin Road, advising them to “cease and desist” their activity at that site. Code Officer Robert Jones stated that Mr. Sweezy had visited him and stated that he was “only using the garage” (at 560 Conklin Road) “for his personal use.” Mr. Jones instructed Mr. Sweezy to send him a letter stating what he is doing at the site.

2000-2010 CONKLIN ROAD

Attorney Sacco stated that a letter had been sent to Mr. Daniel Parker, owner of 2000-2010 Conklin Road, stating the Town’s position regarding the clean-up required on his property. She stated that Mr. Parker asked for an extension to complete the clean-up and the Town has given him a deadline of March 25, 2011. Ms. Sacco added that, if the deadline is not met, court papers will be filed on March 28, 2011.

MORRIS BOULEVARD CROSSWALK

Mr. Francisco stated that he has contacted the New York State Department of Transportation (NYSDOT) regarding the crosswalk at Morris Boulevard. He, Highway Superintendent Patrick Latting, and representatives from NYSDOT will review the site on Friday, March 25, 2011. He added that the New York State DOT wants the Town of Conklin to fill in the area in question. Supervisor Preston replied that this crosswalk was not designed by the Town’s engineers and it would therefore be a liability to the Town if the Town were to fill it in.

LIGHT AT COMMUNITY CENTER

Mr. Francisco stated that NYSEG (New York State Electric and Gas Corporation) installed the street light at the entrance to the driveway to the Community Center, adding that it will only cost the Town \$9.23 per month.

PUMP STATION/CARLIN ROAD

Mr. Francisco stated that he checked the pump station at Carlin Road and found that the motor is not bad, as was previously thought, and can be repaired with spare parts.

AUDITOR

Supervisor Preston stated that Cheryl DiStefano, from the auditing firm of Vieira and Associates, will be present at the April 12 Town Board meeting to review this year’s audit of the Town.

MEETINGS WITH FEMA

Supervisor Preston stated that she will be meeting with FEMA (Federal Emergency Management Agency) representatives on March 23, 2011.

TOWN OF CONKLIN COURT HONORED IN MAGISTRATE MAGAZINE

Supervisor Preston noted that the Town of Conklin Court was honored in the Spring 2011 issue of **Magistrate Magazine** for the innovations recently brought to the Town’s court system.

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

The meeting adjourned at 7:16 P.M.

Respectfully submitted,
Sherrie L. Jacobs, Town Clerk

REGULAR TOWN BOARD MEETING
MARCH 8, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on March 8, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Patrick Latting
Assistant to Supervisor	Lisa Houston
Code Officer	Robert Jones
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
Dog Control Officer	Darlene Weidman
Zoning Board of Appeals	Hal Cole

GUESTS: Country Courier Elizabeth Einstein
Broome Co. Legislature Julie Lewis
Dolly Stout
Joe Bartosik
Laurie Francisco
Peter J. Motsavage

MINUTES: FEBRUARY 22, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the February 22, 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 correspondence from the Town Clerk, the Highway Superintendent, the Water and Sewer Superintendent, the Code Officer, and from the Dog Control Officer. She also acknowledged receipt of correspondence from Robert Niederriter, owner of the Buffalo Head Bar and Grill, applying for an on premise liquor license.

**ABC APPLICATION/BUFFALO HEAD BAR & GRILL/NO OPPOSITION LIQUOR
LICENSE**

Supervisor Preston acknowledged receipt of correspondence from Robert Niederriter, owner of the Buffalo Head Bar and Grill, applying for an on premise liquor license to sell alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

CONTINUATION/PUBLIC HEARING/11 CLEARVIEW AVENUE

Supervisor Preston stated that clean-up of the property located at 11 Clearview Avenue is almost complete, having been slowed by the recent inclement weather. A decision regarding the Town's involvement with clean-up of this property will be made at the April 26, 2011 Town Board meeting.

**RESO 2011-47: CLOSE PUBLIC HEARING/DEMOLITION OF UNSAFE
STRUCTURE/11 CLEARVIEW AVENUE**

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
MARCH 8, 2011

Be It Resolved: that the Town Board of the Town of Conklin closes the Public Hearing regarding the demolition of unsafe structure and clean-up of property located at 11 Clearview Avenue, with a decision regarding the Town's involvement in this clean-up to be made at the April 26, 2011 Town Board meeting.

Seconded by Mr. Francisco.

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

CONTINUATION OF PUBLIC HEARING/66-68 STILLWATER ROAD

Supervisor Preston stated that Code Officer Robert Jones reported that a neighbor of the property owner, a Mr. Doug Nelson, is helping the property owner clean up the property but needs more time because of the weather. Code Officer Jones supports giving Mr. Nelson more time for the clean-up effort. A decision regarding the Town's involvement with clean-up of this property will be made at the April 26, 2011 Town Board meeting.

RESO 2011-48: CLOSE PUBLIC HEARING/DEMOLITION OF UNSAFE STRUCTURE/66-68 STILLWATER ROAD

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin closes the Public Hearing regarding the demolition of unsafe structure and clean-up of property located at 66-68 Stillwater Road, with a decision regarding the Town's involvement in this clean-up to be made at the April 26, 2011 Town Board meeting.

Seconded by Mr. Minoia.

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

PUBLIC COMMENTS:

None.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting stated that his crew did a "great job" cleaning up after the snowstorm Sunday night. He added that the wear and tear on the equipment has made truck maintenance an ongoing project. Mr. Latting stated that there are worries ahead, with the predicted snow melt, ice, and high water. Supervisor Preston thanked Mr. Latting and his crew for their hard work, adding that Broome County hadn't plowed yet.

Supervisor Preston stated that Nannis, of Stewart Road, left a voicemail for Mr. Latting telling him that he had a certain amount of time to "take care of the road," meaning the service road to the Town water tank, which turns into Nannis' driveway. Research conducted last summer determined that Broome County owns the access road. Mr. Minoia stated that when he was Highway Superintendent, his crew only plowed to the gate to the water tower.

Mr. Latting stated that one maintenance issue he is facing is algae in the diesel fuel, which he stated is extensive and necessitates frequent changes of fuel filters. In answer to a question from the Town Board, Mr. Latting stated that he buys a 50-50 blended mix on New York State bid. He added that the Town of Kirkwood is experiencing similar problems. Mr. Minoia stated that samples from the delivery truck are needed. Attorney Cheryl Sacco stated that she has a customer service telephone number for problems with purchases made on state bid.

Mr. Latting stated that someone illegally dumped trash and furniture in the Town's right-of-way on Woodside Avenue at the site of Mr. Storti's shale pit on March 2. He added that he called the

REGULAR TOWN BOARD MEETING
MARCH 8, 2011

Sheriff's Department to lodge a complaint and the Town Highway Department cleaned up the debris.

Mr. Latting reported that his department is dealing with complaints about sinkholes in roads town-wide, not just on roads flooded during the 2006 Flood, as had been previously thought. He stated that he called NYSEG (New York State Electric and Gas Corporation) regarding a large sinkhole on Grandview Avenue, with concern for underground utilities, and NYSEG tested the underground utilities and agreed to test them weekly. Mr. Latting stated that trees have been another Town-wide issue, which he is addressing with Attorney Sacco.

Mr. Latting stated that he received confirmation that Broome County Landfill will waive the tipping fees on tires for the annual spring clean-up days.

RESO 2011-49: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/WHITE
GOODS & BRUSH PICK-UP/APRIL 25 - MAY 6, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for white goods and brush pick-up for the period April 25 through May 6, 2011.

Seconded by Mr. Francisco.

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

RESO 2011-50: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/TIRE DROP-
OFF/APRIL 25 – MAY 20, 2011

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for tire drop-off at the Town Highway Garage for the period April 25 through May 20, 2011.

Seconded by Mr. Minoia.

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

Mr. Latting stated that he will set up a delivery date to take the collected tires to the Broome County Landfill in early June.

Mr. Bullock asked how much more clearing will be done on River Boulevard and Mr. Latting explained that his department is clearing trees in the Town's right-of-way on the inside of the "horseshoe," where he stated the trees are "choking" the roadway, causing it to deteriorate.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that the water meters have been read and the quarterly bills mailed. He stated that a motor burned out in a pump in Sewer 3, adding that it hopefully will be repaired this week, and the junction boxes will be removed from the "pit," which is a confined space. Mr. Francisco asked if there are circuit breakers or in-line fuses in the system and Supervisor Preston stated that this option will be researched.

Mr. Bullock asked if the Town's snow blower has been used this winter, adding that it needs to be run and serviced. Mr. Delamarter stated that the snow blower has been used and maintained.

REGULAR TOWN BOARD MEETING
MARCH 8, 2011

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he has been working on fire and safety inspections, adding that he will be inspecting all Town of Conklin businesses this year.

Mr. Finch asked about a pump station being installed at the Wayne's Welding site on Powers Road and Mr. Jones replied that Wayne's Welding is installing a propane fill station for propane tanks.

Mr. Minoia asked about 560 Conklin Road, site of the former City Line Garage, noting that it is being "actively used" while no vehicles are allowed to be stored or repaired at that site. He added that the people using the property are working nights and weekends, when Mr. Jones is not available to check on the property. Mr. Minoia asked, "Who will pay the taxes? Has anyone ever paid taxes?" Attorney Cheryl Sacco explained that CP Rail owns the property and pays taxes on the property, however, the building in question is not part of the assessment. She added that the people using the building claim to have a lease agreement with the railroad company, but have yet to be able to produce any documentation of a lease agreement. Ms. Sacco stated that she could talk to railroad company representatives about the possibility that the people claiming to have a lease agreement are actually squatters on the railroad company's property.

Attorney Sacco stated that Town Assessor John McDonald explained to her that the assessments of railroads are made at the state level, making it difficult to get changes enacted. He stated that there is no control over assessments of railroads at the Town level. Mr. Minoia asked, "Who polices this?" Attorney Sacco stated that the Town Assessor could report it, and the railroad company should report it to New York State. She stated that she will draft a "cease and desist" letter to send to the people using 560 Conklin Road, and will talk to Mr. McDonald about notifying New York State of the situation. She will also contact the railroad company. Mr. Minoia commented that the Town Planning Board recently approved a car lot at the site of the former Slater's Flowers for this same group of people that are using the building at 560 Conklin Road, yet no cars are being stored at the approved site.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

(Copies of all written reports are available for public inspection in the office of the Town Clerk during normal business hours.)

OLD BUSINESS:

None.

NEW BUSINESS:

RESO 2011-51: AUTHORIZE ADVERTISEMENT/COUNTRY
COURIER/LIFEGUARDS FOR 2011 SEASON

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for lifeguards for the Town Pool for the 2011 season.

Seconded by Mr. Finch.

REGULAR TOWN BOARD MEETING
MARCH 8, 2011

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

Supervisor Preston stated that the lifeguards will not be receiving raises in pay this year.

RESO 2011-52: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/RENTAL OF PARK PAVILIONS & RENTAL FEE SCHEDULE/2011 SEASON

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for rental of the Park Pavilions and the rental fee schedule for the 2011 season.

Seconded by Mr. Finch.

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

Supervisor Preston asked Mr. Delamarter to evaluate the current pool fees to see if he feels there needs to be an increase for the 2011 season. This issue will be discussed at the March 22 Town Board meeting.

RESO 2011-53: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE REIMBURSEMENT/FEBRUARY 8-17, 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2247, account code A1220.4, in the amount of \$69.87 to Debra Preston for mileage reimbursement for February 8 through February 17, 2011.

Seconded by Mr. Francisco.

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

RESO 2011-54: AUTHORIZE PAYMENT/BILL LIST/\$186,044.50

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$186,044.50:

General	\$ 69,782.05
Highway	108,783.27
Light Districts	1,761.72
Sewer District	1,670.16
Water District	<u>4,047.30</u>
Total	\$186,044.50

Seconded by Mr. Francisco.

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

986 CONKLIN ROAD

Supervisor Preston stated that Gorick Construction has obtained a demolition permit from Code Officer Jones for the clean-up of the property located at 986 Conklin Road, and is awaiting better weather to begin the clean-up.

REGULAR TOWN BOARD MEETING
MARCH 8, 2011

APPRAISAL/PROPERTY ACROSS CONKLIN ROAD FROM TOWN HALL

Supervisor Preston stated that the appraiser arrived at the Town Hall on March 8, 2011, to appraise the Town-owned property located across Conklin Road from the Town Hall, but was unable to walk the property because of the excessive snow storm the preceding day. She stated that the appraisal will be ready for discussion at the March 22 Town Board meeting. Supervisor Preston stated that any deed would carry restrictions prohibiting businesses or buildings, and allowing the Town to hold any mineral rights for the property. She stated that such deed restrictions would carry over from owner to owner.

BROOME COUNTY LEGISLATOR/JULIE LEWIS

Broome County Legislator, 6th District, Julie Lewis commented that “there is not much to report,” adding that the Legislature is interviewing Patrick Brennan to take over the position of County Executive, soon to be vacated by Barbara Fiala as she assumes the office of Commissioner of the New York State Department of Motor Vehicles. Supervisor Preston asked when the decision would be made regarding Mrs. Fiala’s replacement and Ms. Lewis replied that the decision could be made next week.

Ms. Lewis stated that the Legislature continues to discuss redistricting of election districts. She stated that initial 2010 Census figures show the population of Broome County declining by 4.3%.

Mr. Bullock stated that Broome County has done a “bad job” of plowing County-owned roads in the Town of Conklin. Supervisor Preston asked, “Where was the County when the Town of Conklin plows got stuck on unplowed County roads?” Mr. Bullock, concerned about emergency vehicles being able to drive on snow-covered roadways, stated, “The County’s playing games” with people’s lives. Ms. Lewis will take these concerns back to the Broome County Legislature. Mr. Minoia stated that traffic was stalled when a tractor-trailer could not get up the hill on Corporate Drive. Supervisor Preston stated that the Town will submit a bill to the County if Town trucks keep being required to plow County-owned roads in order to ensure the safety of the residents.

Mr. Francisco asked about the sales tax agreement. Supervisor Preston stated that it has changed several times, last set in 2009 for the period 2010-2011. She explained that the current agreement between the County and the Town states that if there is an increase in sales tax, the Town will get only .2% of the increase. Supervisor Preston explained that the Town of Union is asking for the 2009 agreement to be repealed, with a return to a 50-50 split of sales tax revenue between the County and the municipalities. Broome County has indicated that it is not willing to repeal the 2009 agreement, stating that the increased share of revenue pays for unfunded mandates. Supervisor Preston stated that these unfunded mandates originate at the State level and are passed down to Broome County, then to the Town of Conklin, and ultimately to the taxpayers. She favors repealing the 2009 agreement. The agreement will be discussed again in 2012. Supervisor Preston stated that there is a \$12 million budget gap in the 2011 Broome County Budget, with some estimates stating it to be as high as \$20 million.

Supervisor Preston thanked Legislator Lewis, stating that she is doing a “good job,” and adding that it is “not easy.”

NEW OWNERS OF IMPRESS USA

Mr. Bullock asked the name of the new owners of Impress USA, and Code Officer Jones stated that the new owner is an Irish company called Ardaugh.

COMPLIMENTS TO THE HIGHWAY DEPARTMENT

Mr. Finch complimented the Town Highway Department for its “great job” in dealing with the March 6-7, 2011 snow storm.

REGULAR TOWN BOARD MEETING
MARCH 8, 2011

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

The meeting adjourned at 7:58 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
FEBRUARY 22, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on February 22, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner
GUESTS:	Country Courier	Elizabeth Einstein
	Broome Co. Legislature	Julie Lewis
		Ruth Joyner
		Dolly Stout
		Joe Bartosik
		John Colley
		George Frailey
		Peter J. Motsavage
		Laurie Francisco

MINUTES: FEBRUARY 8, 2011 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the February 8, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of correspondence from Victoria Tedeschi, President of Moxie, Inc., applying for renewal of the on premise liquor license.

ABC RENEWAL APPLICATION/MOXIE, INC./NO OPPOSITION LIQUOR LICENSE

Supervisor Preston acknowledged receipt of correspondence from Victoria Tedeschi, President of Moxie, Inc., applying for renewal of the on premise liquor license to sell alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

PUBLIC COMMENTS:

None.

OLD BUSINESS:

UPDATE ON VACANT PROPERTIES/12 WOODCREST WAY

Supervisor Preston explained that the owners of 12 Woodcrest Way moved out of New York State following the 2006 Flood and have not paid property taxes on the property since then. She stated that this is the third year of non-payment, which means that in October 2011, if the taxes remain unpaid, Broome County will claim the property and give ownership to the Town of Conklin, after which time the Town can move forward with clean-up of the property.

REGULAR TOWN BOARD MEETING
FEBRUARY 22, 2011

TOWN PROCUREMENT POLICY

Attorney Cheryl Sacco distributed marked copies of the proposed changes to the Town's Procurement Policy, asking the Board to review the changes that have been requested since the last Town Board meeting. She explained that General Municipal Law has increased the threshold dollar amounts at which competitive bidding must take place to \$25,000 or more for goods and \$35,000 or more for services. Attorney Sacco stated that she disagrees with the suggestion to delete the exceptions from the competitive bidding requirements listed on page one of the Procurement Policy, adding that these exceptions provide the Town of Conklin with options. She also addressed Secretary to the Supervisor Lisa Houston's questions regarding Town policy of requiring three quotes for a Purchase Order request if the item in question is more than \$500, explaining that the General Municipal Law requirements for the Procurement Policy are different from the Town's internal controls on purchasing. Following discussion of this point, the "estimated amount of purchase contract" (page 3) was changed to "\$0 to \$500, discretion of purchaser," for goods, and "\$500 to \$5,000, three quotes required." For services, the amounts were set at "\$500 to \$3,000, oral request," and "\$3,000 to \$20,000, three quotes required." For all purchases, the words "previously allocated" were deleted and replaced with "currently available" in regard to sufficient funds being present for purchasing. Attorney Sacco clarified that the term "public works" refers to any department which contracts for services, or physical labor, usually Highway, Parks, and Water and Sewer Departments. The question was raised as to whether or not service contracts on equipment constitute public works contracts and Attorney Sacco stated she would research this point.

Page 5 of the proposed Procurement Policy discusses emergency purchases and services. Ms. Houston asked if there is a definite time period in which purchases could be construed as emergency, perhaps 24 to 48 hours. Attorney Sacco recommended not setting a time constraint in the occurrence of an unforeseen event. On page 6, d, under exemptions to competitive procurement practices, the dollar amount for goods was changed from \$250 to \$500 and the phrase "and public works contracts for less than \$500" was added back into the policy. On page 6, g, the requirement that lease or rental rates be approved by the Town Board was changed to require approval by the Town Supervisor. Supervisor Preston added on page 7, #8, that "However, regardless of amount, all requisitions above \$500 must be submitted to the Supervisor for her review and her decision." Attorney Sacco stated that New York State law allows municipalities to utilize County contracts only for goods, not for services. She added that since the Board is enacting this Procurement Policy by resolution rather than by local law, it will be easier to change it in the future, if the need to do so arises.

RESO 2011-40: ADOPT PROCUREMENT POLICY FOR TOWN OF CONKLIN

PRESENT:

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

ABSENT:

Offered By: Mr. Francisco **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:

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be publicly bid, and

Comments have been solicited from all officers in the Town of Conklin involved in the procurement process,

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NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Conklin, in regular session duly convened, that the Town of Conklin does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE TOWN OF CONKLIN

1. a. Every prospective purchase of goods to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

b. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000.00 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts, and surplus and second-hand purchases from another government entity and leases of equipment with operators under the control and supervision of Town officers and employees. The Town must first explore and exhaust purchase options under State and County Contracts, surplus and second-hand purchases from other government entities, certain municipal hospital purchases, goods purchased from agencies for the blind or severely handicapped and goods purchased from correctional institutions.

c. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

d. Leases which in substance are really purchases will be considered purchases for competitive bidding purposes and for compliance with this procurement policy.

e. Installment purchase contracts for equipment, machinery and apparatus are subject to competitive bidding requirements and for compliance with this procurement policy. Lease arrangements, where the purchase price is less than a reasonably accurate estimate of fair market value of the equipment at the time of purchase, so that a component of the annual rental charge is really an installment payment towards the purchase of the equipment including arrangements where there is a normal purchase price or where title will automatically pass, is to be considered an installment purchase.

f. Where a true rental or lease agreement includes provision for separate service or maintenance charges in addition to rental charges, the service and maintenance aspect constitutes a separate public works contract subject to competitive bidding requirements and compliance with this procurement policy. However, where service and maintenance are purely incidental to the rental agreement and no separate charge is fixed, competitive bidding would not be involved.

2. All goods and services not subject to competitive bidding will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided. Whenever possible, requests or quotations will be solicited for local or minority vendors and contractors to whom special consideration shall be extended in the awarding of contracts. Local minority vendors and contractors desiring to be considered for such work may submit notice of their intent and qualifications to the Town Board and Highway Superintendent.

3. a. The following method of purchase will be used when required by this policy in order to achieve fair and reasonable pricing and the highest savings:

<u>Estimated amount of purchase contract</u>	<u>Method</u>
\$500 to \$5,000	Oral request for the goods and oral/fax/quotes from three vendors, so long

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	as there are sufficient funds currently available in the budget.
\$5,000 to \$20,000	A written Request for Proposal (RFP) and written/fax/quotes from three vendors, after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.
Over \$20,000	Competitive bids pursuant to General Municipal Law Section 103 after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.

<u>Estimated amount of public works contracts</u>	<u>Method</u>
\$500 to \$3,000	Oral request for the goods and oral/fax/quotes from three vendors, so long as there are sufficient funds currently available in the budget.
\$3,000 to \$20,000	Written RFP and written/fax/ proposals from three contractors, after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.
\$20,000 to \$35,000	Written RFP and written/fax/ proposals from three contractors, after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.
Over \$35,000	Competitive bids pursuant to General Municipal Law Section 103 after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.

- b. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.
- c. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.
- d. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.
4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepared a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low proposer. Such justification may give special consideration to local or minority vendors or contractors pursuant to Section 2. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement. In order to minimize and/or preclude these situations, it is expected that the purchaser would not solicit quotes from suppliers previously deemed unacceptable due to justifiable reasons.

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5. Pursuant to General Municipal Law Section 104-b(2)(f) the solicitation of alternative proposals or quotations will not be required in the best interests of the municipality in the following circumstances where proper qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.

In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines:

(1) Whether the services are subject to state licensing or testing requirements;

(2) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and

(3) Whether the services require a personal relationship between the individual and municipal officials.

Professional and technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods under \$500 and public works contracts for less than \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

e. Sole Source - When it can be justified that this supplier is the only source which can manufacture a product or provide a service so that there is no possibility of competition (i.e. patent, directed by law, possesses unique expertise).

f. Single Source - Source identified as the result of previous standardization of a specific purchase when there are no other suppliers of that item for the Town service area.

g. Lease of equipment so long as the project is under the complete control and supervision of the Town. However, in such event competitive proposals are to be solicited from vendors who can provide a similar type service when the Town wishes to make such leases or rentals in the future; and any lease or rental rates shall be subject to the prior approval of the Town Supervisor.

6. No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired.

7. Pursuant to Chapter 402 of the Laws of 2007 amending Town of Conklin Procurement Policy, the following individuals are responsible for purchasing goods and services for the Town:

Superintendent of Highways -

Water & Sewer Superintendent -

Code Enforcement Officer -

Town Justices-

Each Department Head

Purchases related to Highway

Purchases related to Parks, Sewer, Water, landfill, pools and cemeteries

Purchases related to Town Hall and Community Center

Purchases related to Town Court;

Purchases related to their respective department.

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(This information shall be updated biennially.)

8. Where the cost of the item exceeds the sum of \$3,000 for public works contract and/or \$5,000 for a purchase, no officer or employee of the Town of Conklin, other than the Highway Superintendent of the Town of Conklin and Water & Sewer Superintendent of the Town of Conklin, shall purchase on behalf of the Town of Conklin, or place any order for the purchase of any item on behalf of the Town of Conklin, unless and until a majority of the members of the Conklin Town Board shall have voted, in advance, to approve such purchase or such order. However, all requisitions above \$500 must be submitted to the Supervisor for her review and her decision.

9. This policy shall be reviewed annually, unless otherwise prescribed by law, by the Town Board at its organizational meeting or as soon thereafter, as is reasonably practicable.

10. The current Procurement Policy adopted by the Town Board of the Town of Conklin in 1993 and amended in 1997, is hereby repealed, provided, however, that the repeal of that Resolution shall not affect or impair any act done or right accruing, accrued or acquired prior to the time such repeal takes effect, but the same may be enjoyed, asserted, and enforced as fully and to the same extent as if such repeal had not been effected.

11. This resolution shall take effect immediately.

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

Motion passed unanimously.

QUOTES FOR DEMOLITION OF CONDEMNED PROPERTIES

Supervisor Preston reported that Gorick Construction submitted a quote for \$2,250 for the demolition and clean-up of the property at 66-68 Stillwater Road, and a quote of \$5,950 for the clean-up of the property at 986 Conklin Road, with the Town paying the tipping fees for the asbestos mitigation for this site. AP Construction submitted a quote of \$8,500 for the clean-up of the property at 986 Conklin Road, which includes the tipping fees. Supervisor Preston stated that if the Town awarded the job to AP Construction, the Town would be required to hire an independent asbestos monitoring firm, such as Link Environmental, which would cost an additional \$600, making the total cost for AP Construction \$9,100.

RESO 2011-41: AWARD CLEAN-UP OF PROPERTY/986 CONKLIN ROAD/GORICK CONSTRUCTION

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the clean-up of the property at 986 Conklin Road to Gorick Construction for a cost of \$5,950.00.

Seconded by Mr. Finch.

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

Code Officer Robert Jones reported that the house has been demolished at the property at 11 Clearview Avenue and the foundation has been filled in. He reported that a dumpster on the site is half full, with another dumpster load of debris on the ground. The Town Board decided to hold over the Public Hearing on 11 Clearview Avenue until the March 8 Town Board meeting.

Mr. Jones reported that the lumber has been removed for the property at 66-68 Stillwater Road, but the foundation is still open and debris, including cinder blocks, is still on the ground at that site. He reported that the fireplace is still intact, which the Board stated would be acceptable to leave in place. The Public Hearing on 66-68 Stillwater Road has been held over until the March 8 Town Board meeting.

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NEW BUSINESS:

RESO 2011-42: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/YMCA/SUMMER SWIM LESSONS/2011

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with the Broome County YMCA to conduct the Summer Swim Program in Conklin for the Summer 2011 season.

Seconded by Mr. Finch.

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

MUNICIPAL CLEAN-UP DAYS

Highway Superintendent Patrick Latting stated that he has not yet received confirmation from Broome County stating that the County will waive the tipping fees for tire collection, as it usually does during the annual municipal clean-up days. The decision of whether or not to hold the municipal clean-up days and to advertise them will be held over until the March 8 Town Board meeting and Broome County Legislator Julie Lewis will research the tipping fee issue.

UPDATE/BROOME COUNTY LEGISLATOR JULIE LEWIS

Broome County Legislator Julie Lewis, 6th District, reported that Broome County plans to reduce the number of election districts in the County from 190 to 137, a move she stated will save the County \$100,000. Ms. Lewis stated that Broome County Executive Barbara Fiala will be delivering her “State of the County” address on February 24, adding that the County Democratic Committee has five candidates as potential replacements for Ms. Fiala, who will be leaving her office to assume the role of New York State Commissioner of Motor Vehicles.

RESO 2011-43: RATIFY PAYMENT/U.S. POSTAL SERVICE/2011 1ST QUARTER WATER & SEWER BILLING POSTAGE

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2207, account code SW8310.4, in the amount of \$262.00 to the U.S. Postal Service for postage for the 2011 1st Quarter Water and Sewer billing.

Seconded by Mr. Francisco.

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

RESO 2011-44: AUTHORIZE PAYMENT/BILL LIST/\$35,611.65

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$35,611.65:

General	\$ 9,398.74
Highway	8,973.69
Fire District	14,245.00
Light Districts	626.68
Sewer District	894.21
Water District	<u>1,473.33</u>

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Total **\$35,611.65**

Seconded by Mr. Francisco.

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

RESO 2011-45: AUTHORIZE T. DELAMARTER/ATTEND NYRWA
CONFERENCE/MAY 9-12, 2011/REGISTRATION AND ALL NECESSARY EXPENSES

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Water and Sewer Superintendent Tom Delamarter to attend the New York Rural Water Association (NYRWA) Conference to be held May 9-12, 2011, with registration and all necessary expenses.

Seconded by Mr. Francisco.

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

2000-2010 CONKLIN ROAD

Attorney Cheryl Sacco stated that the litigation paperwork regarding 2000-2010 Conklin Road is in place and ready to move forward, however, she added that she just today received a letter from the property owner's attorney asking the Town to wait on legal action and meet with the property owner instead. She stated that this meeting will occur by the end of the month.

LIGHT AT COMMUNITY CENTER

Mr. Francisco stated that NYSEG (New York State Electric and Gas Corporation) required more information before it could install the light at the driveway of the Maines Community Center, adding that this information has been submitted to NYSEG.

RESO 2011-46: PRESERVE HISTORICAL RECORDS AND ARTIFACTS OF
CONKLIN HISTORICAL SOCIETY

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin will preserve the historical records and artifacts of the Conklin Historical Society, in the event that the Society should become temporarily unable to function.

Seconded by Mr. Finch.

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

PROPERTY ACROSS CONKLIN ROAD FROM TOWN HALL

Mr. Finch asked if the Town received a letter of intent to purchase the Town-owned property located across Conklin Road from the Town Hall and Supervisor Preston stated that no letter has been received. Mr. Bullock asked if this property has been appraised and Supervisor Preston replied that it will be appraised. She added that a stipulation would be added that would prohibit any businesses from being opened on the site.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:05 P.M.

Respectfully submitted,

Sherrie L. Jacobs, Town Clerk

REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2011

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on February 8, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner
	Zoning Board of Appeals	Hal Cole
GUESTS:	Country Courier	Elizabeth Einstein
	WBNG-TV	Jenna Hanchard
		Joseph Bartosik
		John Colley
		Laurie Francisco
		Peter J. Motsavage

MINUTES: JANUARY 25, 2011 REGULAR TOWN BOARD MEETING

Mr. Finch moved to approve the January 25, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

2011 “STATE OF THE TOWN” ADDRESS

Supervisor Preston presented her 2011 “State of the Town” address. She began her address with a quote from Abraham Lincoln, “I am a firm believer in the people. If given the truth, they can be depended on to meet any crisis. The great point is to bring them the real facts.”

Supervisor Preston stated that when she presented this address in 2010, she had stated that “for the first time as your Supervisor, I had very little positive to speak about.” She went on to state, “As I stand before you tonight, I see no light at the end of this dark tunnel.” Supervisor Preston added that she has predicted that the economy would not turn around in 2010, adding, “as much as I wish I was wrong, I have to say I was right.” She added that she does not foresee much change in the near future but “knowing the people of the Town of Conklin and the strength they have had enduring all of the past challenges and hardships makes the difficult decisions that we have made and will have to continue to make somewhat easier.”

Supervisor Preston stated that the decisions that the Board has made and will have to make in the future are “based on events that we have little or no control over,” such as increases in the Town’s retirement contribution of 40-50%, high unemployment numbers, the “soaring debt” of New York State, and unfunded mandates. She stated that the situation often comes down to raising taxes and/or cutting services, adding that in 2010 and in 2011 and beyond, “we have and will continue to struggle with less and we are committed to providing the services you as taxpayers have paid for.”

Water & Sewer Department - Turning to discussion of the Water and Sewer Department, Supervisor Preston stated that 2010 was a “challenging year” for this department. She stated that there were various problems with Well 6, all of which have been repaired, which she stated, “proved that when we put in Well 5 a couple years ago, after the flood, it was the right decision.”

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Supervisor Preston explained that Well 5 was the Town's backup during the time repairs were being made to Well 6.

In addition to the problems with Well 6, Supervisor Preston stated that the Water and Sewer Department had faced a larger than normal number of water main breaks in 2010, the largest of which occurred in front of the Conklin Cycle Center, which required replacement of 20 feet of a 12-inch water main. She thanked the Highway Department for its help in digging for the water main breaks whenever it was possible for the Highway crew to do so. Supervisor Preston stated that Water and Sewer Superintendent Tom Delamarter had called in the Rural Water Association to perform a water leak detection test to help find potential future leaks. She stated that the data has been collected and utilized to help find areas with potential future leaks.

Supervisor Preston stated that the Water and Sewer Department has also completed the upgrade of the Town's water meter system. She stated that the new meter system cuts the amount of time needed to read water meters, and is more accurate, cutting the time needed for re-reads. Supervisor Preston stated that 2010 also brought some problems with the Town's sewer system, including sensors that had to be replaced and rewiring required at Sewer Station 3.

Supervisor Preston explained that the basic fee for water and sewer, created several years ago, was used to pay for the needed repairs. She stated that even though the Town will face "a substantial increase" in the amount it pays to the Binghamton-Johnson City Joint Sewage Board in 2011, Town residents will not see an increase in rates for either water or sewer in 2011, which she called "a feat to be proud of."

Town Parks & Pool - Moving on to the topic of the Town parks and pool, Supervisor Preston stated that "the summer of 2010 was one of the best we have seen in a few years." She stated that the Town Pool saw a record number of users and attendance was high in the parks and in the rental of Town pavilions. Supervisor Preston stated that, due to the spending freeze set in 2010, there were no new projects in the Parks Department, adding that the same will be true in 2011. She stated that the Parks Department was kept busy with maintenance of the pool, the parks, and the Maines Community Center, in addition to mowing all of the properties obtained by the Town through the 2006 Flood Buy-Out Program.

Community Center – Supervisor Preston stated that the Maines Community Center "continues to see growth in its rentals and thus is paying its way." She added that it continues to host Meals on Wheels, the Conklin Rotary Club, numerous blood drives by the American Red Cross, exercise programs, the Conklin Senior Citizens Club, and dinners sponsored as fundraisers by the Conklin Fair Committee to raise money for the 2011 Town Fair. Supervisor Preston stated that 2010 saw the First Annual Disc Golf Tournament at the Community Center grounds. She stated, "This is what a community center is all about and we are proud to have one in our community."

Landfill – Supervisor Preston stated that the Town Landfill "continues to meet all requirements of the EPA (Environmental Protection Agency) and DEC (New York State Department of Environmental Conservation)." She added that the Town works with its engineering firm, which analyzes all of the testing done in the Landfill, "so that we can take appropriate action immediately." Supervisor Preston explained that the Town's SCADA system monitors the pumps and wells continuously, as it does the Town's water and sewer system, tracking flow and tank levels. She explained that this data is input directly to the Town's computer system, making it obtainable at any time from a laptop computer off-site.

Highway – Supervisor Preston stated that the Highway Department, "as always, has shown great effort in providing a high level of service to you, our residents." She noted that 2010 was another demanding year for the Highway Department, especially the winter months, which brought almost daily small storms, and recently larger snowstorms. This has been constant work for the Highway Department to keep the roads safe for travel. Supervisor Preston explained that, beginning January 1, 2011, the Broome County Highway Department is plowing the 25 miles of County-owned roads within the Town of Conklin. She explained that this is a result of the County's decision to reduce by 10% the amount of money paid to the municipalities to plow

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FEBRUARY 8, 2011

County-owned roads. Supervisor Preston stated that this would not be feasible for the Town to accept without raising taxes, which the Board felt would be unfair to the taxpayers. She explained that this does not mean that the Town is saving money in the Highway Department, since the funding to plow the County-owned roads came from the County, and the Town Highway Department is no longer plowing the County-owned roads nor receiving money from Broome County.

Supervisor Preston stated that 2011 “is proving to be another difficult year for this department as they struggle with the snow storms and yet try to stay within their budget.” She stated that 2011 will be another year in which the Highway Department will “have to do more with less,” but added that she is confident that “they will continue to do what is best for the residents they represent.” She thanked Highway Superintendent Patrick Latting, who, she stated, “since he became Highway Superintendent, he has been asked to cut his budget each year and do more with less,” which she stated he has done. Supervisor Preston called the Town Highway Department “an exceptional part of our community.”

Code – Supervisor Preston stated that even though building construction was down from past years, 2010 was still a busy year for the Code office. She stated that many new businesses opened in the Town in 2010, including the Grand Opening of Impress USA in the Corporate Park. Supervisor Preston stated that Code Officer Robert Jones has also been busy with enforcing clean-up of properties, including condemning some properties not yet cleaned up from the 2006 Flood. She added that more demolition is scheduled for the spring of 2011. Supervisor Preston stated that Mr. Jones has also dealt with numerous Code violations in the past year and reminded residents that if they want to build an addition, open a business, or build a new home, they must first come to the Code Office to see what is required. She added that the laws “are not to stop future development or to deter those wanting to make their homes a better place to live; they are for the safety and well being of all residents.” Supervisor Preston stated that the Code Office now has a computer program that makes tracking permits and information for the Planning Board and Zoning Board of Appeals more efficient.

Stating that the Town looks forward to future development in the community, Supervisor Preston announced that a new solar business will be coming to the Corporate Park, along with a store on Conklin Road at the site of Warner’s Gas, where costumers will be able to fill their gas grill propane tanks and purchase parts and accessories for grilling.

Supervisor Preston stated that being the Code Officer “is no easy task,” as residents sometimes perceive that the Code Officer is against them, which she added is not true. She thanked Code Officer Jones and his assistant, Marilou Gabello, “for all of their hard work and dedication to this department,” adding that “their diplomacy, while still enforcing the law, is to be commended.”

Supervisor’s Office – Supervisor Preston stated that 2010 was a busy year for her office, noting that her staff was still implementing parts of the new accounting software system. She stated that the last part of the program, for the Water and Sewer Department, has been installed. Supervisor Preston stated that her goals for implementing this part of the program are to make payment of water and sewer bills more efficient, and to ensure that payments are recorded in real time to the resident’s account. She added that a check scanner has been installed so that payments by check are immediately scanned and deposited into the Town’s accounts.

Supervisor Preston stated that the new system makes the department heads “more involved in the business end of their department, thus making them more accountable for the day to day operation that they are responsible for.” She added that “by having every department head involved more in their individual department budgets, and by having current up-to-the minute balances, this cuts down on anyone unknowingly going over on their budget.” Supervisor Preston added that she realizes going over on a budget line cannot be helped in the case of an emergency or other unforeseen expense, but added that “this is just another way to keep the budget in check.” She added that the new system has provided information that enables her to “be able to run the financial side of the Town in a more fiscally responsible way,” adding that it also provides the security controls that she had felt were needed. Supervisor Preston thanked her staff “for their hard work and dedication.”

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Other Departments – Supervisor Preston thanked the other departments of the Town, including Town Clerk Sherrie Jacobs and her staff, Assessor John McDonald and his assistant, Penny Lake, and Dog Control Officer Darlene Weidman. She stated that the Dog Control Officer’s job is “not an easy position, since she is on call 24/7, with dog complaints increasing. She is also out there working diligently serving tickets to keep everyone up to date on dog licenses, thus making sure the Town receives the revenue required.” Supervisor Preston stated that 2011 will see major changes for the Dog Control Officer and the Town Clerk, since New York State is no longer issuing dog licenses, that complete process having been turned over to the municipalities. This means the municipalities must purchase the dog license tags and no longer have a state-side data base for dog licenses. Supervisor Preston explained that this change means “a lot more work for both Darlene and Sherrie.”

Speaking of Town Justice J. Marshall Ayres, Supervisor Preston stated that she “applauds Judge Ayres for a job well done and the grants he has obtained and the cuts he made to his budget.” Supervisor Preston also thanked the members of the Planning Board and the Zoning Board of Appeals, Youth Commissioner Fran Bealo, and the members of the Conklin Volunteer Fire Department, who, she stated, “are always there putting their lives on the line to protect our residents.”

Goals for 2011 – Supervisor Preston stated that 2010 was a difficult year, in spite of a small increase in revenue from mortgage taxes, franchise fees, and “less than ½% increase in sales tax.” She stated that by adhering to the goals she set for 2010, plus the spending freeze, the Town was able to make it through the year. Supervisor Preston stated that she believes that 2011 will be an even more difficult year financially, “even though two positions were cut and there were no raises.” She asked for Board approval for the following goals for 2011:

1. “Continue the spending freeze, which means no wants only needs and I will continue to approve all requisitions. Please know that if I do not feel it is a necessary purchase, I will deny the requisition until proof is given that it is a need.”
2. “With our new software system in place, I am requesting that all department heads give the Board a report on the finances of their department at the first Board meeting at the beginning of each quarter of the year, starting in April, and then again in July, and October.”
3. “There will be no unnecessary overtime. Department heads will continue to approve their staff time cards for overtime, except when there is overtime not due to weather, water main breaks, or any other emergency, and then I will have to sign off on the overtime.”
4. “Vehicle repair – we will continue to do repairs to Town vehicles in-house whenever possible. Again I am asking that every department work together to accomplish this goal.”
5. “In 2010, I still saw more transfers of funds than I would have liked to see. Due to the department heads having to take more control over their own departments’ budgets, in 2011 I will not sign off on any transfers unless given written proof of it being a necessity and this should be done at the time of purchase. The only exception will be in payroll for unforeseen overtime. What this means is that if a line in the budget runs out of funds and it cannot be justified to transfer money into that line, that department will have to wait until the next year’s budget.”

Supervisor Preston stated that these goals “may sound unfair or harsh,” but emphasized that the Town is facing “very difficult times.” She stated that 2011 will bring a 2% decrease in state aid, and an unknown status regarding the “CHIPS” (Consolidated Highway Improvement Program) money, without which revenue, she stated, the Town will be unable to do some of its road work. Supervisor Preston stated that 2011 is the first year of the new agreement with Broome County regarding sales tax distribution, and the Town’s retirement contribution will see another increase. She stated that “another area of revenue that did not come to fruition was the much anticipated gas drilling into the Marcellus Shale.”

REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2011

Supervisor Preston stated that she supports Governor Andrew Cuomo's proposed property tax cap, but added that this cannot be done "unless local governments get relief from state mandates such as our retirement contribution and health care. We cannot continue to see 40-50% increases in our retirement contribution and the double digit increases in health care." Supervisor Preston stated that "the path to recovery for New York State is not going to be easy," emphasizing the need to be proactive. She stated that she will "continue to be hands on and explore any avenue in order to save your tax dollars, without jeopardizing services." Ways in which the Supervisor stated she intends to do this include the following:

1. "I will continue to find ways to cut health care costs."
2. "I will continue to make sure that the Town of Conklin is in compliance with the law instituted by New York State regarding the New York State retirement system for all appointed and elected officials."
3. "I will continue to look at all of our debt and make sure we are receiving the best interest rate possible and if not, look at refinancing when possible."
4. "I will also look at any areas we can work with other municipalities regarding sharing of services that we are not already doing."

Supervisor Preston closed her address thanking the Town employees and stating, "As we move forward in 2011, we will be faced with many more difficult and challenging decisions, but I am confident that we will come through this. We are all dedicated and determined to continue to make the Town of Conklin a great place to live and raise a family. I am also confident that the only agenda that we will and should have is the agenda that is best for the people we have been elected to represent. We must always strive to keep an open mind and put the residents of Conklin first. God bless our country, our state, our county, and most of all, our community as we move forward knowing that no matter what challenges we face, we are a strong, caring community and a community to be proud of."

(A complete copy of Supervisor Preston's address is attached to these minutes.)

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of reports from the Supervisor's Office, the Town Clerk, the Highway Department, the Code Officer, the Water and Sewer Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

None.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that his department is currently reading water meters. He thanked the Sheriff's Department for the assistance in shoveling out water hydrants. Mr. Delamarter stated that his crew has looked for the water shut-off at 560 Conklin Road, but has been unable to find it and asked if he and his crew could gain access to this building, adding that no water has been used at that address for the last four quarters of the year. Code Officer Robert Jones will contact the property owners and inform them that the Town needs to upgrade the water meter and Mr. Delamarter will investigate this situation.

Supervisor Preston stated that she received two thank-you notes from residents regarding the recently installed fence between Julius Rogers Park and Hobart Stone. She stated that slats will be installed in the fence this spring, adding that the price has been guaranteed.

REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2011

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones gave an update on the status of the three properties scheduled for demolition and clean-up. He stated that clean-up at the property at 11 Clearview Avenue is almost completed. Mr. Jones stated that there has been activity on the clean-up at 66-68 Stillwater Road. Supervisor Preston stated that she looked at the three quotes that Mr. Jones received on the clean-up of the property at 986 Conklin Road and noted that the quote from AP Construction does not include any air monitoring fees for asbestos abatement. She asked if the other two quotes included these air monitoring fees. Supervisor Preston stated that she was surprised that Gorick Construction, which demolished and cleaned up many of the sites lost in the 2006 Flood, had not given a quote.

Mr. Jones stated that the New York State tipping fee increased from \$2,000 to \$4,000 in 2011, which is one reason the quotes seem so high. He stated that Mr. Jerry Leahy was able to get the fee for the Town reduced to the 2010 rate of \$2,000 because the projects were started in 2010. Supervisor Preston stated that clarification of what is included in the quotes is needed, adding that she will contact the contractors. Mr. Minoia added that the Stillwater site looks much better and that most of the debris is gone.

REPORT: HIGHWAY DEPARTMENT

Highway Superintendent Patrick Latting was absent from the meeting due to illness but submitted a written report beforehand. Supervisor Preston stated that Mr. Latting had informed her that his department has an issue with fences constructed too close to the roadways, with damage to the fences occurring during snowplowing. Attorney Cheryl Sacco stated that no permanent structures are allowed in the Town's right-of-way and that, for what the Town is doing – plowing snow – the standard of care is lower. She added that she can create a Notice of Claim form for residents to use. Mr. Finch suggested that maybe the Town Code should be amended to require a building permit for fence installation. Ms. Sacco will e-mail the Notice of Claim form to Mr. Latting. Mr. Minoia added that sometimes the water and sewer mains are behind fences that have been installed by residents, creating other problems. Mr. Francisco asked if residents are aware of where the Town's right-of-way extends and Mr. Minoia replied, "I don't think they know."

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

(Copies of all written reports are on file in the office of the Town Clerk and may be examined by the public during normal business hours.)

OLD BUSINESS:

TOWN PROCUREMENT POLICY

The Town Board decided to hold over discussion of changes to the Town Procurement Policy until the February 22 Town Board meeting.

REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2011

RESO 2011-35: AUTHORIZATION/COUGHLIN & GERHART/PROCEED WITH
LEGAL PROCEEDINGS/2000-2010 CONKLIN ROAD

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Coughlin & Gerhart, LLP, to proceed with legal proceedings regarding 2000 – 2010 Conklin Road.

Seconded by Mr. Finch.

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

NEW BUSINESS:

RESO 2011-36: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE
REIMBURSEMENT/JANUARY 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2084, account code A1220.4, in the amount of \$93.33 to Debra Preston for mileage reimbursement for January 2011.

Seconded by Mr. Francisco.

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

RESO 2011-37: AUTHORIZE PAYMENT/BILL LIST/\$264,054.88

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$264,054.88:

General	\$ 12,499.62
Highway	21,234.86
Fire District	229,485.00
Water District	835.40
Total	\$264,054.88

Seconded by Mr. Bullock.

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

RESO 2011-38: ACCEPT SUPERVISOR’S GOALS FOR 2011 AS STATED IN “STATE
OF THE TOWN” ADDRESS

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the Supervisor’s goals for the Town of Conklin for 2011 as stated in her 2011 “State of the Town” address.

Seconded by Mr. Francisco.

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

Supervisor Preston emphasized that this means there will be no transfers of budget lines unless absolutely necessary.

REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2011

CPR/AED RECERTIFICATION CLASS

Mr. Bullock stated that he needs a list of participants so that he can schedule a CPR/AED (Automated External Defibrillator) recertification class, which he added will probably be held on a Saturday.

LIGHTING FOR DRIVEWAY/MAINES COMMUNITY CENTER

Mr. Francisco stated that he received information from NYSEG (New York State Electric and Gas Corporation) regarding the cost of providing lighting for the driveway into the Maines Community Center. He stated that 150 watts would cost \$8.36 per month, while 250 watts would cost \$9.83 per month. If the “arm” needed for the light is longer than 16 feet, it will cost an additional \$2.00 per month. The Town of Conklin would pay for the wire and NYSEG would pay for the engineering. Mr. Francisco stated that NYSEG will need a letter on Town letterhead approving this project in order to move forward. The cost will be less than \$12.00 per month. Mr. Francisco recommended using the 250-watt high-pressure sodium lighting. Supervisor Preston stated that the lack of lighting is a safety issue.

RESO 2011-39: AUTHORIZATION TO PROCEED/INSTALLATION OF
LIGHTING/MAINES COMMUNITY CENTER DRIVEWAY

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes NYSEG to move forward with lighting the driveway at the Floyd Maines Community Center.

Seconded by Mr. Bullock.

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

STREET LIGHT REPAIRED/BROOME CORPORATE PARK

Mr. Finch commented that NYSEG also repaired the street light in the Broome Corporate Park, as requested by the Town.

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

The meeting adjourned at 7:58 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

EXECUTIVE SESSION/PERSONNEL ISSUE

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston
 Town Counsel Cheryl Sacco

Supervisor Preston called an Executive Session of the Town Board of the Town of Conklin at 6:30 P.M. to discuss a personnel issue.

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 6:30 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch, and Attorney Cheryl Sacco. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers law section 100 of the State of New York regarding the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.

After this discussion, Mr. Finch moved to close the Executive Session at 6:41 P.M., seconded by Mr. Francisco.

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

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REGULAR TOWN BOARD MEETING

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 25, 2011. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia, Francisco, Finch, Preston

 Town Counsel Cheryl Sacco
 Town Clerk Sherrie L. Jacobs
 Assistant to Supervisor Lisa Houston
 Code Officer Robert Jones
 Dog Control Officer Darlene Weidman
 Zoning Board of Appeals Norman Pritchard

GUESTS: **Country Courier** Elizabeth Einstein
 Joe Bartosik
 John Colley
 Dolly Stout
 Laurie Francisco
 George Frailey
 Bonnie Tolomei
 Angelo Tolomei
 Peter J. Motsavage
 Catherine Beach Snyder

MINUTES: JANUARY 11, 2011 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the January 11, 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.

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of correspondence from Theresa Rickard, Treasurer, CPC Entertainment/Players Club, regarding application for renewal of the on premise liquor license.

ABC APPLICATION/CPC ENTERTAINMENT/PLAYERS CLUB/NO OPPOSITION
LIQUOR LICENSE

Supervisor Preston acknowledged receipt of correspondence from Theresa Rickard, Treasurer of CPC Entertainment/Players Club, applying for renewal of the on premise liquor license to serve alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

PUBLIC COMMENTS:

QUICKWAY GAS STATION/CORBETTSVILLE

Mrs. Bonnie Tolomei of Corbettsville asked what is being done with the former Quickway gas station in Corbettsville, which has been vacant for quite a while. Code Officer Robert Jones explained that Mirabito Energy Products owns the building in question and has been using the underground tanks for oil storage. He added that the company has been cleaning up the building to use it for storage also and noted that the windows were covered to prevent break-ins. Mr. Jones stated that the pile of dirt on the site will be moved in the spring.

OLD BUSINESS:

None.

NEW BUSINESS:

RESO 2011-25: APPOINT RENEE HAUSS/SCHOOL CROSSING GUARD/AND
APPOINT SHARON PLATT/SUBSTITUTE SCHOOL CROSSING
GUARD/EFFECTIVE JANUARY 25, 2011

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Renee Hauss to the position of School Crossing Guard and appoints Sharon Platt to the position of Substitute School Crossing Guard, both effective January 25, 2011.

Seconded by Mr. Finch.

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

RESO 2011-26: APPOINT DELL BOYLE/PLANNING BOARD/FIVE YEAR
TERM/2011-2015/AND NAME JAMES HAUSS CHAIRPERSON/PLANNING
BOARD/EFFECTIVE JANUARY 25, 2011

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Dell Boyle as a member of the Town of Conklin Planning Board for a five year term, January 25, 2011, to December 31, 2015, and names James Hauss as Chairperson of the Town of Conklin Planning Board, both effective January 25, 2011.

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

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

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PUBLIC HEARING
REGARDING ORDER FOR REMOVAL OF UNSAFE STRUCTURE/986 CONKLIN
ROAD/MEMMO

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:05 P.M. and asked those present to speak either for, or in opposition to, the Order for Removal of Unsafe Structure located at 986 Conklin Road, owned by Thomas Memmo, Jr., Matthew Memmo, Allison Memmo, and SPI a/k/a Strategic Planning Institute Corporation.

Supervisor Preston explained that there is no structure left on this property, but the debris left by the demolition of the structure. She noted that Code Officer Robert Jones had submitted a memo stating that he inspected the property the day of the Public Hearing and no progress has been made. Town Clerk Sherrie Jacobs read the following letter from Mr. Memmo into the minutes:

“Sherrie Jacobs
Town of Conklin

January 24, 2011

Sherrie:

I am assisting my seventy seven year old father in completing the task of demolishing and removing the debris at 986 Conklin Rd. Unfortunately do to the weather forecast, which will have a significant impact on the three hour drive to Conklin, we will be unable to attend the meeting scheduled for January 25, 2011. This letter serves as a formal request to reschedule the public hearing.

Our family worked together and demolished the home and was in the process of disposing of the debris. During the disposal process we ran into considerable delays and increased costs, which were beyond our control.

Unfortunately by the time we were able to mobilize and complete the task the weather had changed. Trying to complete this work in the current conditions would be very difficult.

It is our intention to complete the work once the weather breaks. We ask that the Town of Conklin would revisit this issue in the spring.

Thank You

Thomas Memmo”

Supervisor Preston read the following letter from Mr. Memmo into the minutes:

“Mr. Thomas Memmo
Re: 986 Conklin Rd.
Conklin, NY 13748
607 724 2002
607 5423934
CONKLINFILE S @GMAIL. COM

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

Monday, January 24, 2011

Ms. Preston
Town Supervisor
Conklin Town Council
Conklin, NY 13748

Dear Ms. Preston:

We enjoyed living Conklin! We still have fond memories of living there. We fondly remember the way neighbors rallied to help neighbor in the 2006 flood. Therefore, hopefully, you can appreciate our sincere desire and wish to cooperate with the town requirements to keep the town blight free! Yet, we hope the town can appreciate that the existing situation is the result of the 2006 flood and not intentional on our part. Kindly excuse what may not seem like a sufficiently speedy response. Our response is due to our age (71 and 77) our energy level, our health, and our reliance on other younger family members, owners, to complete the clean up. That did not happen for a number of reasons. Yet, in spite of many difficulties, we have worked out a series of solutions that will clean up the property to the satisfaction of the town in a manner designed to mitigate costs to our family. May I point out that the issue is not funds, it is a matter of balancing the just needs of all parties.

It has been pointed out by contractors we have spoken to that the cost of attempting clean up at this time of year (given temperatures (it was -4 this AM) with significant snow cover) would result in exorbitant costs and, perhaps, an impossible clean up task. Therefore, we request that the Town of Conklin, reschedule any hearing and decision to the Town's March 22 meeting. At that time a specific date will be set for the clean up by the contractor engaged by us.

Many thanks for your fair consideration of this request.

Respectfully,
Thomas Memmo"

Supervisor Preston stated that Mr. Memmo also left a voicemail at State Senator Thomas Libous' office stating that he wishes to use the property in question to help homeless veterans, adding something about a "payoff of contractors." Supervisor Preston stated that one of the problems with the disposal of the debris is the fact that it contains asbestos. She stated that at the January 11, 2011 Town Board meeting, the Board was told that the property was to be sold and would be cleaned up by December 31, 2010, noting that this arrangement "fell through" and the clean-up did not occur. Stating that no progress has been made in the past two weeks since the last Board meeting, Supervisor Preston stated that the Board can either hold open the Public Hearing until the next Town Board meeting on February 8, or it can choose to move forward with the Order for Removal of the debris, in which case the Town will pay the initial cost of clean-up and add the charge to the taxes on the property. There were no public comments regarding this property.

Mr. Bullock stated that he saw an advertisement in the **PennySaver** offering to give away the property, if the new owner would "clean it up for the Town." Mr. Finch commented that Mr. Memmo can remove the asbestos himself, and Supervisor Preston stated that the Broome County Landfill requires testing of asbestos by a professional company, such as Link Environmental, as the asbestos requires special handling in the Landfill and there is an extra charge associated with that. Mr. Minoia commented that Mr. Memmo "should have cleaned it up when he had the dumpster." Supervisor Preston commented that the Town "has been lenient with the time allowed."

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PUBLIC HEARING
REGARDING ORDER OF REMOVAL OF UNSAFE STRUCTURE/11 CLEARVIEW
AVENUE/CARLO

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:10 P.M. and asked those present to speak either for, or in opposition to, the Order for Removal of Unsafe Structure located at 11 Clearview Avenue, owned by Joseph V. Carlo, Jr. and Jennifer A. Emerick f/k/a Jennifer A. Carlo.

Supervisor Preston stated that progress is being made at this site, noting that the property owners obtained a demolition permit from Code Officer Jones and have brought in a dumpster to the site. Mr. Jones stated that the structure is demolished as of today (January 25) and the property owners are filling in the basement. Mr. Bullock suggested that the Board let this process continue as it is, since progress is being made on the clean-up of the property.

RESO 2011-27: HOLD OVER PUBLIC HEARING/11 CLEARVIEW
AVENUE/CARLO/UNTIL FEBRUARY 22, 2011 TOWN BOARD MEETING

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin holds over the Public Hearing regarding the Order of Removal of Unsafe Structure located at 11 Clearview Avenue, owned by Joseph V. Carlo, Jr. and Jennifer A. Emerick f/k/a Jennifer A. Carlo, until the February 22, 2011 Town Board meeting.

Seconded by Mr. Francisco.

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

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PUBLIC HEARING
REGARDING ORDER OF REMOVAL OF UNSAFE STRUCTURE/66-68
STILLWATER ROAD/BEACH

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:15 P.M. and asked those present to speak either for, or in opposition to, the Order for Removal of Unsafe Structure located at 66-68 Stillwater Road, owned by Catherine Beach Snyder, Michael A. Beach, Donald Arthur Beach, and David Martin Beach.

Supervisor Preston noted that Catherine Beach Snyder is present at this Public Hearing. The Supervisor noted that not much progress has been made on the clean-up of the property in question.

Catherine Beach Snyder addressed the Town Board, stating that Mr. Doug Nelson had agreed to clean up the debris. She stated that her family was working on the clean-up during the summer of 2009, burning some of the debris, when the fire “got out of hand,” resulting in the police warning the young people in her family to stay off the land. Ms. Snyder stated that the structure has been taken down by Mr. Nelson, with a pile of wood resulting. She stated that Code Officer Jones suggested that she burn this wood, but the young people in her family are afraid to do so because they might be in trouble with the police. Code Officer Jones stated that there is 20% of the structure left, along with the fireplace structure and a basement which needs to be filled in. He stated that the property owners cannot burn the debris unless the Conklin Volunteer Fire Department oversees the burn. Mr. Jones added that a dumpster is needed because “there is a lot of debris.”

Supervisor Preston explained to Ms. Snyder that, as a property owner, she has a liability on this property, in the event someone should get hurt because the debris is not cleaned up. Mr. Finch asked Ms. Snyder if she can afford to bring in a dumpster. Ms. Snyder stated that Mr. Nelson told her it would cost approximately \$1,000 to bring in a dumpster and added that she cannot

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

afford this cost. Ms. Snyder stated that Mr. Nelson “needs more time” to complete the clean-up. Mr. Jones added that there are still plumbing fixtures on the site. Supervisor Preston reiterated that the property owners cannot burn the debris. Ms. Snyder stated that she and her brothers want to sell the property. Mr. Finch stated that there will be a lien against the property if the Town has to pay the cost of cleaning up the site.

Ms. Snyder stated that she has three siblings, one in Greene, New York, and two in Florida, leaving her as the one responsible for maintenance of the property, since she lives in Conklin. Mr. Minoia stated that she could transport the wood and other debris to the recycling center on Broad Avenue in Binghamton, or that Bert Adams Disposal would pick it up. Mr. Bullock suggested that Ms. Snyder call the Conklin Volunteer Fire Department to burn the wooden debris. Mr. Finch stated that the chimney could be pushed into the foundation to help fill that in, noting that backhoes can run in the cold weather this area has been experiencing this winter. Supervisor Preston stated that the property must be cleaned up by the March 8, 2011 Town Board meeting, noting that there will be “no more chances” after that date.

RESO 2011-28: HOLD OVER PUBLIC HEARING/66-68 STILLWATER ROAD/BEACH/UNTIL MARCH 8, 2011 TOWN BOARD MEETING

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin holds over the Public Hearing regarding the Order for Removal of Unsafe Structure located at 66-68 Stillwater Road, owned by Catherine Beach Snyder, Michael A. Beach, Donald Arthur Beach, and David Martin Beach, until the March 8, 2011 Town Board meeting, at which date complete demolition and clean-up of the property must be accomplished.

Seconded by Mr. Francisco.

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

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PUBLIC HEARING (CONT.)/
986 CONKLIN ROAD/MEMMO

Returning to the Public Hearing concerning the Order of Removal of Unsafe Structure located at 986 Conklin Road, Mr. Bullock stated that he believes the Town should move forward with the clean-up of the property and add the cost of the clean-up to the taxes on the property.

There being no further public comments or questions, Supervisor Preston declared the Public Hearing closed at 7:30 P.M.

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SEQR (STATE ENVIRONMENTAL QUALITY REVIEW)/986 CONKLIN ROAD

Attorney Cheryl Sacco guided the Town Board through the SEQR (State Environmental Quality Review) process for the demolition and clean-up of 986 Conklin Road. She asked, “Does the Action exceed any Type 1 threshold in 6 NYCRR, Part 617.4?” The Town Board answered, “No.” “Will the Action receive coordinated review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?” “No.” “Could the Action result in any adverse effects associated with the following: Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage, or flooding problems; aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character; vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species; a community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources; growth, subsequent development, or related activities likely to be induced by the proposed action; long term, short term, cumulative, or other effects not identified in C1-C5; other impacts (including changes in use of either quantity or type of energy)?” To each of these, the Board

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

answered, “No.” “Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?” “No.” “Is there, or is there likely to be, controversy related to potential adverse environmental impacts?” “No.”

RESO 2011-29: ACCEPT NEGATIVE DECLARATION/NO ADVERSE
ENVIRONMENTAL IMPACT/REMOVAL OF UNSAFE STRUCTURE/986 CONKLIN
ROAD

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a Negative Declaration, no adverse environmental impact, for the removal of the Unsafe Structure located at 986 Conklin Road.

Seconded by Mr. Francisco.

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

RESO 2011-30: ORDER REMOVAL OF UNSAFE STRUCTURE/986 CONKLIN
ROAD/MEMMO

ADOPTION BY THE TOWN BOARD OF THE TOWN OF CONKLIN

Resolution #2011-30

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:

WHEREAS, pursuant to Chapter 63 of the Town of Conklin Code, known as the “Unsafe Buildings Law of the Town of Conklin,” the Code Enforcement Officer made a formal inspection of the premises located at 986 Conklin Road, Town of Conklin, Broome County, New York designated by Tax Map No. 178.01-2-24, reputedly owned by Thomas Memmo, Jr., Matthew Memmo, Allison Memmo and SPI A/K/A Strategic Planning Institute Corporation, and the Code Enforcement Officer has provided a written report of his findings and recommendations to the Town Board, specifically with regard to the unsafe structure located on the parcel, in which report the Code Enforcement Officer stated his opinion that said structure is unsafe and dangerous to the public and recommended its immediate securing or removal; and

WHEREAS, the Town Board, after reviewing said report and after hearing the Code Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined that said report warranted the removal of said structure; and

WHEREAS, the Town Board issued an Unsafe Structure Notice dated December 6, 2010, which required the removal of the unsafe structure be commenced within thirty (30) days of service of said Notice and completion of removal within sixty (60) days thereafter, and scheduling a public hearing on the matter on January 25, 2011, at 7:10 pm; and

WHEREAS, the Unsafe Structure Notice was served by certified mail return receipt to their last known address and received on or about December 17, 2010 and personally served on or about December 28, 2010, and by affixing a copy of the Notice to said structure; and

REGULAR TOWN BOARD MEETING
JANUARY 25, 2011

WHEREAS, a copy of the Unsafe Structure Notice was filed in the Broome County Clerk's Office on or about December 15, 2010; and

WHEREAS, the public hearing notice was posted on the Sign board by the Clerk and published in the County Courier on or about January 5, 2011; and

WHEREAS, the Town Board conducted and closed a public hearing with respect to the unsafe structure on January 25, 2011, and upon inspection of the structure by the Code Enforcement Officer, demolition of the structure has not commenced within 30 days of service of the Unsafe Structure Notice, as previously ordered by the Town Board and set forth in the Notice; and

WHEREAS, J Thomas Memmo, Jr., Matthew Memmo, Allison Memmo and SPI A/K/A Strategic Planning Institute Corporation has failed or neglected to comply with the Order of the Town Board, dated December 6, 2010; and

WHEREAS, pursuant to Part 617.2 (aj) of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQRA"), this action is an unlisted action, and

WHEREAS, that the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said action; and further that the review will be not be a coordinated review, and

NOW, THEREFORE, BE IT RESOLVED, that:

(1) The Town Board hereby orders and shall provide for, the removal of the structure situated on the premises at 986 Conklin Road, Town of Conklin, Broome County, New York designated by Tax Map No. 178.01-2-24, by an independent contractor; and

(2) A copy of this Order shall be served upon Thomas Memmo, Jr., Matthew Memmo, Allison Memmo and SPI A/K/A Strategic Planning Institute Corporation by first class mail to their last known address and by affixing a copy of this Order to the unsafe structure; and

(3) Copies of this Order shall be served upon all individuals have a vested or contingent interest by first class mail to the address shown in the title records; and

(4) All expenses incurred by the Town in connection with the proceeding to demolish and remove the unsafe structure, including the cost of actually removing the structure, and all reasonable and necessary legal expenses incidental thereto, shall be assessed against the land on which the structure is located and shall be levied and collected in the same manner as provided in the Town Code and the New York State Law for the levy and collection of a special ad valorem levy.

(5) That, based upon on the information and analysis in the short environmental assessment form that the proposed action does not result in any significant adverse environmental impacts.

(6) 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 NY on January 25, 2011. Said resolution was adopted by the following roll call vote:

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

Motion passed unanimously.

Mr. Jones will obtain three quotes for the demolition and clean-up of the property located at 986 Conklin Road.

MITY FORMS

Mr. Jones gave the Board an update on the noise issue involving Mity Forms on Progress Parkway near Powers Road. He stated that following the January 11, 2011 Town Board meeting, at which Mr. Schilling, whose property abuts that of Mity Forms, complained about the loud noise caused by a cyclonic vacuum at the Mity Forms site, Mity Forms has purchased a muffler system for the cyclonic vacuum. Mr. Jones stated that Mity Forms performed a test run with the new muffler system on January 22, and the noise level meets the criteria allowed by the Town Code. However, stated Mr. Jones, Mity Forms is not running the vacuum but is awaiting Town Board approval for its modifications. Mr. Jones added that Mity Forms is still working to improve the situation and may move the cyclonic vacuum to the opposite site of its building in the spring, when a road could be built around the building to haul the vacuum to the other side. He stated that the company states it has spent \$6,000 to date on modifications.

Attorney Cheryl Sacco stated that she has examined the Planning Board minutes from the meeting at which site plan approval for Mity Forms was granted. She stated that a local law sets the limits for allowable noise and added that Mity Forms now meets this criteria. Ms. Sacco stated that the company is not currently in compliance with its site plan approval in terms of hours of operation and changes made to the exterior of the building. Mr. Jones stated that the owners of Mity Forms are willing to come back before the Planning Board for an amended site plan review.

Attorney Sacco stated that there are two parts to this issue: 1.) Enforcement of the noise ordinance, which seems to be accomplished; and 2.) Enforcement of the current site plan or a return by Mity Forms to the Planning Board for an amended site plan review. Attorney Sacco recommended that both the owners of Mity Forms and the neighbor, Mr. Schilling, be contacted, with the possibility of setting up a meeting to mediate the dispute. Attorney Sacco will contact both parties.

GASB 45

Supervisor Preston stated that New York State requires municipalities to comply with the GASB 45 program, which estimates a municipality's current and future liability for retirement and medical costs for employees. She stated that the "Town of Conklin did well" because it has raised employee contribution to medical insurance. Supervisor Preston stated that she would like the Town to set aside \$60,000 the first year, and increased amounts each year after, to pay for the anticipated costs of retirement and medical, but New York State will not allow the municipalities to set up an account to set aside these funds. Supervisor Preston stated that, even though she cannot set aside the funds for the future, the "Town has done due diligence, and is in compliance" with GASB 45.

SEWER EXTENSION TO SOUTHERN END OF TOWN

Supervisor Preston stated that a grant had been obtained and a study conducted regarding the feasibility of either extending the sewer system to the southern end of the Town of Conklin or building a small package plant at that end of Town. There is a concern for the residents of Stillwater Road and of the mobile home parks in that area of Conklin. She stated that there was consideration of a joint project with the Town of Kirkwood, adding that the Broome County

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Health Department has contacted the Town of Conklin expressing its concern. Supervisor Preston stated that the study has been completed, but with the downturn in the economy, the Town cannot afford to either extend the current sewer system or build a package plant. Attorney Sacco will send letters to the owners of the two mobile home parks and to Mr. Tony Mastroangelo at the Broome County Health Department explaining the Town's situation.

UPDATE/TOWN PROCUREMENT POLICY

Attorney Sacco presented an updated version of the Town Procurement Policy, stating that New York State has increased the dollar amounts of the thresholds requiring quotes for goods and services. She stated that the revised version includes all allowed exemptions. Supervisor Preston stated that department heads should look at their budgets each month and sign off that they have checked the budgets, adding that they are working with "the people's money." Mr. Finch stated that on page 3, the section listing \$250 to \$1,000, which states that the purchase is "at the discretion of the purchaser, so long as there are sufficient funds previously allocated in the budget," the words "as long as all options have been researched" should be added. There were several other areas questioned by the Town Board, so Supervisor Preston asked the Board to bring the revision to the Procurement Policy back to the February 8 Board meeting with suggested changes.

SEWER BILLINGS

Supervisor Preston stated that sewer billings in the Town of Conklin are based on water usage. She stated that a business located in the Town wants a sewer meter installed instead. Supervisor Preston stated that this is not compliant with Town Law (Section 106-17 of the Town Code) nor with the agreement with the Binghamton-Johnson City Joint Sewage Board. She stated that it is, in fact, counterproductive to the agreement with the Joint Board. Attorney Sacco will send a letter to the business in question and Supervisor Preston will meet with the business owner.

REFUND/JOINT SEWAGE BOARD

Supervisor Preston stated that the Binghamton-Johnson City Joint Sewage Board sent a refund of \$14,600 to the Town of Conklin, which will be put in the Sewer Fund. She stated that the rates charged to the Town by the Joint Board have increased, but the Board offset this increase in the Town Budget.

RESO 2011-31: AUTHORIZE PAYMENT/BILL LIST/1-25-2011/\$106,969.20

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List dated January 25, 2011, for the total amount of \$106,969.20:

General	\$ 55,276.60
Highway	34,677.84
Light Districts	1,772.87
Sewer District	6,075.95
Water District 6	389.00
Water District	<u>8,776.94</u>
Total	\$106,969.20

Seconded by Mr. Francisco.

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

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UPDATE/JULIE LEWIS/BROOME COUNTY LEGISLATOR/6TH DISTRICT

Although Broome County Legislator Julie Lewis, 6th District, was unable to attend the Board meeting due to a time conflict with a NYS Landowners' Coalition meeting, she sent an e-mail update to Supervisor Preston regarding questions raised at the January 11 Town Board meeting regarding the changes to the agreement between Broome County and the municipalities regarding snow removal. Ms. Lewis' e-mail stated that Broome County purchases sand from Gorick Construction Company and salt from Cargill. Ms. Lewis quoted Broome County Deputy Highway Commissioner Michael Lynch as saying that the Town of Conklin "doesn't use salt and uses too much material." She further quoted that Mr. Lynch stated that there are three plow trucks deployed to the Town of Conklin and that his crews "had received lots of compliments from Town residents" regarding the roads which the County crews plow. Ms. Lewis' e-mail went on to state that Mr. Lynch stated that "Broome County has absorbed the work and I recommend that we keep it."

Supervisor Preston stated the Town of Conklin Highway Department uses salt and mixes it with sand, which it buys on the County bid. Mr. Bullock commented that there will be a cost for the duplication of services, adding that there should be less cost to Town. Supervisor Preston stated that she telephoned Broome County Executive Barbara Fiala to correct the statements made by Mr. Lynch. She added that the Town buys sand from Gorick Construction Company. Supervisor Preston added that the Board will look at any savings to the Town from the Highway Department, adding that her assistant, Lisa Houston, will generate a report, comparing January through March 2010 with January through March 2011. Attorney Sacco stated that the Town could research the amount of money paid by Broome County to the Town of Conklin for plowing County-owned roads in 2010.

RESO 2011-32: AMEND RESO 2011-19/SCHOOL CROSSING GUARD NAME
CORRECTION/DAWN M. PEASE (NOT MARIE DAWN)

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin amends Resolution 2011-19 to correct the name of the School Crossing Guard appointed on that date from Marie Dawn to Dawn M. Pease.

Seconded by Mr. Bullock.

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

2011 STATE OF THE TOWN ADDRESS

Supervisor Preston announced that she will present her 2011 State of the Town address at the February 8 Town Board meeting.

MASCIARELLI REAL ESTATE ASSOCIATES/UNPAID WATER BILLS LAWSUIT

Attorney Sacco stated that a lawsuit had been brought by Jeff Jacobs of Coughlin and Gerhart, LLP, on behalf of the Town of Conklin in 2005 against Masciarelli Real Estate Associates for water bills from 2004 that were unpaid. She explained that the default judgment that was awarded to the Town was for \$8,446.36, but that Mr. Masciarelli had paid the overdue water bills in 2005, after the lawsuit was initiated, for a total amount of \$8,443.38, a difference of \$2.98 from the amount awarded in the default judgment. Attorney Sacco asked the Board's permission to release the default judgment amount of \$8,446.36, accepting the amount paid of \$8,443.38.

RESO 2011-33: RELEASE DEFAULT JUDGMENT/MASCIARELLI REAL ESTATE
ASSOCIATES/UNPAID WATER BILLS LAWSUIT/ACCEPT PAYMENT/\$8,443.38

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin releases the default judgment of \$8,446.36 for the Masciarelli Real Estate Associates unpaid water bills lawsuit and accepts the payment made of \$8,443.38.

Seconded by Mr. Bullock.

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

FOLLOW-UP/BURNED TRAILER/POWERS ROAD

Mr. Bullock asked about follow-up with the trailer on Powers Road that recently burned. Code Officer Jones stated that a letter has been sent to the property owner telling him that a fence must be installed around the trailer remains to secure the site and that Mr. Jones requires a timeline as to when the property will be cleaned up.

“SAFE ROUTES TO SCHOOL” PROJECT/SAFETY ISSUE

Mr. Francisco stated that he spoke with Barbara Thomas of the New York State Department of Transportation (DOT) regarding the safety concerns that he has regarding the Morris Boulevard end of the “Safe Routes to School” sidewalk. Ms. Thomas stated that the State DOT will re-visit the site in the spring to determine if any changes need to be made.

STREET LIGHT AT ENTRANCE TO COMMUNITY CENTER

Mr. Francisco reported that there is a new contact person at NYSEG (New York State Electric and Gas Corporation), Lisa Stillittano, whom he contacted regarding the possibility of installing an “arm” on the street light at the entrance to the driveway to the Maines Community Center. Ms. Stillittano stated that there is a \$10-\$15 per month charge for the extra lighting, but no charge for wiring or mounting the “arm.” Mr. Francisco stated that Ms. Stillittano will review the site.

LIGHT DISTRICT/SHIRLEY BOULEVARD

Supervisor Preston stated that she had been asked by property owners on Shirley Boulevard, who are paying for the Light District on their property taxes but who no longer have houses on Shirley Boulevard, if the lights could be turned off in that area. Attorney Sacco stated that this might lead to safety issues. Mr. Minoia stated that Shirley Boulevard is part of the Light District that includes Old Route 7 and therefore cannot be singled out for the lights to be turned off. Supervisor Preston commented that there are still a couple of summer homes on Shirley Boulevard, adding that the Town cannot comply with the request to have the lights turned off.

NO PROGRESS/LIGHT OUT ON CORPORATE DRIVE

Mr. Finch stated that he will call Ms. Stillittano of NYSEG because no progress has been made in repairing or replacing the light that is out on Corporate Drive.

“EAGLES’ NEST”

Code Officer Jones reported that Mr. Allan Eagles has rebuilt his house on the “Eagles’ Nest” (his property), after his former house was destroyed in a house fire. Mr. Jones stated that Mr. Eagles is living in the new house and the temporary trailer that was on site has been removed.

RESO 2011-34: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/TOWN HISTORIAN

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for the position of Town Historian.

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Seconded by Mr. Bullock.

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

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

The meeting adjourned at 8:26 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk