

REGULAR TOWN BOARD MEETING
NOVEMBER 27, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on November 27, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Highway Department	Michael Mott
	Highway Department	Stanley Albrechta
	Highway Department	Brian Coddington
	Highway Department	Mike Platt
	Highway Department	Elmer Murray
	Highway Department	Thomas Nickerson
GUESTS:	Country Courier	Elizabeth Einstein George Frailey Angelo Tolomei Bonnie Tolomei Dolly Stout Laurie Francisco

MINUTES: NOVEMBER 13, 2012 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the November 13, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the New York State Unemployment Insurance Department stating that the disputed claim for unemployment insurance by a former employee of the Town of Conklin has been resolved in favor of the employee.

Mr. Finch acknowledged receipt of a letter from Patrick Latting resigning his position as Highway Superintendent, effective December 2, 2012, at midnight.

RESO 2012-205: ACCEPT RESIGNATION/PATRICK LATTING/HIGHWAY
SUPERINTENDENT/EFFECTIVE 12-02-2012 AT MIDNIGHT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Patrick Latting from the position of Highway Superintendent, effective December 2, 2012, at midnight.

REGULAR TOWN BOARD MEETING
NOVEMBER 27, 2012

Seconded by Mr. Francisco.

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

Town Clerk Sherrie Jacobs was asked to read the following letter from Mr. Angelo Tolomei into the minutes:

“To the Town of Conklin Town Board:

“At the town meeting on October 9, 2012, a neighbor stated that I cut six of his trees, which made its way into the minutes of the meeting. This is untrue...I’ve never cut any of his trees and would not do so. He has two small trees planted on the town roadbed in front of my property and they are still there. Also, he has other small trees planted along Keith Lane which appear to be doing okay. I don’t have any problem with the two small trees on the roadbed (which he is claiming to be his ‘land-improved orchard’)...or any of the trees on Keith Lane...my complaint is with his long line of material that sits on the town roadbed in front of my property.

“When I bought my property from Theodore Swingle (in March 1980), it consisted of a nursery where he was growing a tree farm. Soon after I put in at least 1,000 additional seedlings acquired from NY State to improve the land and to protect wildlife. I value trees and land, and I would not do anything to cause harm to the property of others.

“Respectfully submitted,

“Angelo N. Tolomei”

Town Attorney Cheryl Sacco stated that a letter had been sent from her office to Mr. Rivera, the Tolomeis’ neighbor. Mr. Finch commented that Keith Lane was formally deeded to the Town of Conklin in 1991.

PUBLIC COMMENTS:

None.

OLD BUSINESS:

WATER AT PRIDE MANOR MOBILE HOME PARK

Mr. Finch stated that the Town water will be hooked up at the Pride Manor Mobile Home Park on November 28 and will be turned on as soon as the mobile home park owner pays for the legal and engineering costs for the project, as he has agreed to do.

PARKING AT COMMUNITY CENTER

Mr. Finch stated that a private party parked at the Community Center on November 24, taking up parking spaces from the other private party that had rented the Community Center for that day. The Board stated that persons wishing to park at the Community Center must get permission from the Town first. Mr. Bullock stated that perhaps signage would be appropriate, such as, “Private Parking – Unauthorized Vehicles Will Be Towed.” Mr. Francisco commented that people also need to be able to park to utilize the dog off-leash area. Mr. Minoia commented that the person wanting to have cars parked at the Community Center should have called the Town

REGULAR TOWN BOARD MEETING
NOVEMBER 27, 2012

Clerk to find out whether or not the Community Center was rented for the day. Mr. Finch added that he contacted Greg Jenkins and told him that the food truck that utilizes the parking lot every other month for distribution cannot block the Meals on Wheels workers, nor are people allowed inside the Community Center.

NEW BUSINESS:

2010 CONKLIN ROAD/PARKER/UPDATE

Attorney Cheryl Sacco stated that she received an e-mail from Code Officer Robert Jones stating that he is “satisfied with the progress” made by Mr. Daniel Parker in bringing into compliance Mr. Parker’s property located at 2010 Conklin Road. Mr. Jones had provided new pictures of the property and stated that, as far as his office is concerned, the issue is resolved. Mr. Finch stated that the original issues involved safety concerns and agreed that Mr. Parker is now in compliance with the Town Code.

BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT

Ms. Sacco stated that the Binghamton-Johnson City Joint Sewage Board has “changed the rules” regarding leachate from landfills being released into the sewer system. She stated that the leachate from the Town Landfill has already been tested, approved, and released into the sewer system, adding that the Town of Conklin is in compliance, and needs only to amend its local law regarding sewers.

**RESO 2012-206: SCHEDULE PUBLIC HEARING/DECEMBER 11, 2012/
7:05 P.M./PROPOSED LOCAL LAW 7, 2012/ “SEWERS”**

Mr. Francisco 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 December 11, 2012, to receive input regarding proposed Local Law 7, 2012, entitled, “Sewers.”

Seconded by Mr. Minoia.

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

LIGHTS AT DRIVEWAY ENTRANCE & EXIT/TOWN HALL

Mr. Finch stated that SunMaxx Solar can provide solar powered lights for the entrance and exit of the driveway at the Town Hall at a cost of \$399.00 each. The solar panels would be installed to face in a southerly direction to capture the most sunlight and would be set to be turned off during the daylight hours and turned on at night, much like the lights at Sullivan Park. The Board discussed the possibility of installing similar lights with a motion detector at the Community Center and at the Highway Garage, at a cost of \$150 each for the motion detector. Mr. Minoia asked about storage batteries and Parks Superintendent Tom Delamarter replied that they are inside the lights.

REGULAR TOWN BOARD MEETING
NOVEMBER 27, 2012

RESO 2012-207: APPROVE PURCHASE/TWO SOLAR-POWERED
LIGHTS/DRIVEWAY ENTRANCE & EXIT/TOWN HALL

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the purchase of two solar-powered lights from SunMaxx Solar, at a cost of \$399.00 each, to be installed at the entrance and exit of the driveway at the Conklin Town Hall.

Seconded by Mr. Minoia.

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

Mr. Finch suggested that Town Justice J. Marshall Ayres may want to consider a similar light for security in the area near the Judge's entrance door into the Town Hall.

RESO 2012-208: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF
COMMERCE/ANNUAL BUSINESS LUNCHEON/J. FINCH, T. DELAMARTER,
& L. HOUSTON

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5051, account code A1220.4 and A7110.4, in the amount of \$60.00 to the Greater Binghamton Chamber of Commerce for attendance at the Annual Business Luncheon for Jim Finch, Tom Delamarter, and Lisa Houston.

Seconded by Mr. Francisco.

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

RESO 2012-209: RATIFY PAYMENT/U.S. POSTAL SERVICE/POSTAGE FOR 4TH
QUARTER WATER & SEWER BILLING

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5111, account code SW8310.4, in the amount of \$294.40 to the U.S. Postal Service for postage for the 4th Quarter Water and Sewer billing.

Seconded by Mr. Francisco.

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

RESO 2012-210: RATIFY ACH PAYMENT/POSTAGE ON CALL/METERED
POSTAGE PURCHASE

Mr. Francisco moved for the following resolution:

REGULAR TOWN BOARD MEETING
NOVEMBER 27, 2012

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

Seconded by Mr. Minoia.

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

RESO 2012-211: AUTHORIZE PAYMENT OF CLAIMS/BILL LIST/11-27-2012

Mr. Minoia 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 27, 2012, in the total amount of \$15,702.06:

General	\$ 7,239.33
Highway	2,222.36
Light District	1,839.85
Sewer District 1	307.52
Water District	2,034.87
Water District 6	<u>1,658.13</u>
Total	\$15,702.06

Seconded by Mr. Bullock.

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

FLOOD INSURANCE UPDATE FOR TOWN

Mr. Finch asked Mr. Minoia if there is an update on the flood insurance for the Town, a project which Mr. Minoia is researching with Mr. Jones. Mr. Minoia stated that he does not have an update at this time.

DISCLOSURE/POSSIBLE CONFLICT OF INTEREST

Mr. Francisco stated that the Town is working with Park Outdoor Advertising on a potential franchise agreement and stated that his employer, Dunn Electric, is working with Park Outdoor Advertising for a solar lighting project, which might create a conflict of interest for him as a Councilman. Attorney Sacco stated that this does not constitute a conflict of interest.

CAROL SING & TREE LIGHTING

Town Clerk Sherrie Jacobs stated that the Conklin Business Association and Town of Conklin will host a carol sing and tree lighting event on December 2, 2012, from 4 to 6 P.M. at the Floyd Maines Community Center.

MEETING WITH PARK OUTDOOR ADVERTISING

Mr. Finch stated that he and Mr. Bullock will meet with representatives from Park Outdoor Advertising at 10 A.M. on December 4, 2012.

REGULAR TOWN BOARD MEETING
NOVEMBER 27, 2012

RESO 2012-212: EXECUTIVE SESSION/PERSONNEL ISSUES

Mr. Bullock moved to close the Regular Town Board Meeting at 5:55 P.M. and move into Executive Session to discuss two personnel issues.

Seconded by Mr. Francisco.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 5:55 P.M. with Deputy Supervisor James Finch presiding. Present were: Deputy Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Attorney Cheryl Sacco, and Town Clerk Sherrie Jacobs (for part of the Executive Session). Town Clerk Jacobs assumed the duties of secretary of the portion of the meeting in which she was in attendance, and Attorney Sacco assumed the duties of secretary for the remainder 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 2012-213: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Francisco moved to come out of Executive Session at 6:58 P.M., with no action taken.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – 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 6:58 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

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

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Zoning Board of Appeals	Hal Cole
	Zoning Board of Appeals	Norman Pritchard
GUESTS:	Country Courier	Elizabeth Einstein
		Peter J. Motsavage
		Bonnie Tolomei
		Angelo Tolomei
		George Frailey
		Laurie Francisco
		John Colley

MINUTES: OCTOBER 23, 2012 REGULAR TOWN BOARD MEETING

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

Seconded by Mr. Francisco.

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

MINUTES: OCTOBER 30, 2012 SPECIAL TOWN BOARD MEETING

Mr. Minoia moved to approve the October 30, 2012 Special Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

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

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

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

PUBLIC COMMENTS:

KEITH LANE PROPERTY DISPUTE

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

SUSQUEHANNA VALLEY SCHOOL BUDGET

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

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY SUPERINTENDENT

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

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

REPORT: WATER & SEWER DEPARTMENT

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

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

REPORT: CODE OFFICER

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

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

2010 CONKLIN ROAD

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

OLD BUSINESS:

PARK OUTDOOR ADVERTISING BILLBOARDS

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

NEW YORK STATE UNEMPLOYMENT INSURANCE CASE

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

PRIDE MANOR WATER EXTENSION UPDATE

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

UPDATE/2011 FEMA PROJECTS

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

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

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

NEW BUSINESS:

RESO 2012-197: AUTHORIZE 2013 HOLIDAY SCHEDULE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the following Holiday Schedule for Town Employees for 2013:

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

Seconded by Mr. Francisco.

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

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

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

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

Mr. Francisco moved for the following resolution:

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

Seconded by Mr. Minoia.

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

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

Mr. Bullock moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

Mr. Minoia moved for the following resolution:

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5039, account codes A7110.4 and SW8340.4, in the amount of \$959.96, with a cash refund of \$140.00, net amount of \$819.96, to Tractor Supply Company for the purchase of a TSC Fuel Tank and Pump.

Seconded by Mr. Bullock.

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

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

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

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following claims on the Bill List dated November 13, 2012, in the total amount of \$67,105.87:

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

Seconded by Mr. Minoia.

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

DOG CONTROL OFFICER AGREEMENT WITH TOWN OF BINGHAMTON

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

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

Mr. Bullock moved for the following resolution:

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

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

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

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

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

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

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

2. This resolution shall take effect immediately.

CERTIFICATE OF TOWN CLERK

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

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

Sherrie L. Jacobs, Town Clerk

Seconded by Mr. Francisco.

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

LIGHTS AT TOWN HALL

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

GATES AT TOWN PARKS

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

CHRISTMAS IN CONKLIN

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

REGULAR TOWN BOARD MEETING
NOVEMBER 13, 2012

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

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

Respectfully submitted,

Sherrie L. Jacobs
Conklin Town Clerk

SPECIAL TOWN BOARD MEETING
OCTOBER 30, 2012

The Town Board of the Town of Conklin held a Special Town Board Meeting at 5:30 P.M. on October 30, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

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

 Town Clerk Sherrie L. Jacobs

 Assistant to Supervisor Lisa Houston

 Water & Sewer Superintendent/
 Parks Superintendent Tom Delamarter

.....

PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED 2013 MUNICIPAL WATER &
SEWER RATES

PRESENT: Same as above.

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:30 P.M. and asked those present to speak either for, or in opposition to, the proposed 2013 Municipal Water and Sewer Rates for the Town of Conklin.

Assistant to the Supervisor Lisa Houston called the proposed rates “a good rate structure” and Water and Sewer Superintendent Tom Delamarter stated that he felt the rates are fair.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 5:31 P.M.

.....

NEW BUSINESS:

RESO 2012-196: APPROVE 2013 MUNICIPAL WATER & SEWER RATES

Mr. Minoia moved for the following resolution:

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

SEWER RESIDENTIAL AND SMALL BUSINESS

Quarterly Basic Fee:	\$15.00
Unit Charge Not to Exceed:	\$6.65 per Thousand Gallons

SEWER CORPORATE PARK

Quarterly Basic Fee:	\$30.00
Unit Charge Not to Exceed:	\$6.85 per Thousand Gallons

SPECIAL TOWN BOARD MEETING

OCTOBER 30, 2012

WATER RESIDENTIAL AND SMALL BUSINESS

Quarterly Basic Fee:	\$10.00
Unit Charge Not to Exceed:	\$2.74 per Thousand Gallons

WATER CORPORATE PARK

Quarterly Basic Fee:	\$30.00
Unit Charge Not to Exceed:	\$2.94 per Thousand Gallons

This billing change becomes effective November 1, 2012, and will be billed starting the first billing cycle in 2013: February 2013.

This resolution shall take effect immediately.

Seconded by Mr. Bullock.

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

HEARING/FORMER DCO UNEMPLOYMENT INSURANCE CASE

Mr. Finch informed the Board that the Unemployment Insurance Claim filed by the former Dog Control Officer, Darlene Weidman, will be going to hearing with New York State.

MEETING/PARK OUTDOOR ADVERTISING

Mr. Finch stated that he, Mr. Bullock, Town Attorney Cheryl Sacco, and a representative from Park Outdoor Advertising will be meeting at 10:00 A.M. on November 6, 2012, to discuss the issue of billboards in the Town of Conklin and the Town's demand that the billboards be removed, as required in the Town Code.

HURRICANE SANDY PREPARATIONS

Mr. Bullock commented that the Town had a "good response" in its preparation for the Hurricane Sandy weather event. Mr. Finch and Mr. Francisco both stated that the Town and surrounding area were "lucky" to have been spared the brunt of the storm.

CODE ISSUES

Mr. Francisco asked, with the precedent set of not allowing the former Dog Control Officer to have another Town employee accompany her in the Town Dog Control truck due to liability issues, if the Town also faces a liability in allowing the clerk in the Code Office to accompany Code Officer Robert Jones in the Town Code truck. Mr. Bullock stated that the better question is, "Is it even necessary?"

SPECIAL TOWN BOARD MEETING
OCTOBER 30, 2012

Mr. Bullock asked if Mr. Jones has met with Mr. Daniel Parker of 2010 Conklin Road regarding Mr. Parker bringing his property into compliance with the Town Code. Mr. Finch stated that he will contact Mr. Jones regarding both of these issues.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 5:35 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on October 23, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
GUESTS:	Country Courier Conklin Vol. Fire Dept.	Elizabeth Einstein
		Paul M. Jacobs
		Megan McCarvill
		Time Parke
		Tom Kelly
		Laurie Francisco
		Bonnie Tolomei
		Angelo Tolomei
		Dolly Stout

MINUTES: OCTOBER 9, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the October 9, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

Town Clerk Sherrie Jacobs stated that the September 25, 2012 Regular Town Board Meeting minutes should be clarified on page 2 in the discussion regarding the \$300,000 Emergency Bond Anticipation Note, noting that the bond will be used to pay for “repairs to the infrastructure caused by the September 2011 Flood,” rather than “costs of the Buyout Program.” FEMA (Federal Emergency Management Agency) will reimburse the Town for these expenditures.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from Park Outdoor Advertising responding to the Town’s demand that it remove its billboards from the Town of Conklin. Billboards are a violation of Town Code. He also acknowledged receipt of a letter of resignation from the Highway Department from Ryan Delamarter. Mr. Finch acknowledged receipt of a letter from the Town’s attorneys at Coughlin and Gerhart, LLP, stating that a disputed unemployment insurance claim has been forwarded to New York State for consideration. He also acknowledged receipt of a letter from Shumaker Engineering and Consulting regarding its fees for mitigation and monitoring work in the Town Landfill.

.....

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

PUBLIC HEARING
TO RECEIVE INPUT REGARDING THE PROPOSED 2013 GENERAL AND
HIGHWAY BUDGET FOR THE TOWN OF CONKLIN

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:35 P.M. and invited those present to speak either for, or in opposition to, the proposed 2013 General and Highway Budget for the Town of Conklin.

Mr. Finch thanked the department heads, adding that Highway Superintendent Patrick Latting has had to tighten his budget each year, adding that Mr. Latting does “a great job.” Mr. Latting responded that he “finds ways to make it work.” Assistant to the Supervisor Lisa Houston stated that the 2013 tax rate will be 2.318, adding that the 2013 Budget reflects a 1.53% increase over the 2012 Budget.

There being no further public comment or questions, Mr. Finch declared the Public Hearing closed at 5:36 P.M.

.....

PARK OUTDOOR ADVERTISING

Mr. Finch stated that the attorneys for the Town and the attorneys for Park Outdoor Advertising are discussing the dispute regarding billboards in the Town of Conklin. Town Attorney Cheryl Sacco stated that the Town Code does not allow advertising signs (billboards) in the Town except in specific areas with Special Permits approved by the Town Board. Park Outdoor Advertising claims that compensation is required under Highway Law 88(7) and General Municipal Law 74-c if it is forced to remove its billboards.

Mr. Finch polled the Town Board for Board members’ opinions regarding the billboards. Mr. Bullock stated that the Board already agreed to “no signs in the Town of Conklin,” calling them “an eyesore.” Mr. Finch added that the billboards do not generate any revenue for the Town of Conklin, and added that Ms. Sacco had already researched the Highway Law application and has stated that none of the existing billboards are protected by this law. Mr. Francisco stated, “We already agreed not to allow a larger size billboard,” as had been requested by Park Outdoor Advertising. All four members of the Town Board expressed the same opinions that they had at an earlier meeting regarding the removal of the billboards.

Ms. Sacco stated that she is researching Park Outdoor Advertising’s claim that one of its newly installed signs might be subject to an “eminent domain purchase value of \$13,500.” Mr. Minoia asked if this is for the sign that was just installed and Ms. Sacco replied, “Probably.” Mr. Finch asked Code Officer Robert Jones to take pictures on October 24 of each of the billboards so that the Town will know whether or not the billboards have any ads on them. Mr. Jones stated that he believes that all of the billboards have ads on them. Ms. Sacco stated that the two billboards located on property belonging to CP Rail and the newly installed billboard may be the problem areas for the Town. She added that the Town could litigate to have the billboards removed but that action may result in legal fees for the Town. Park Outdoor Advertising states that all of its billboards are located on roadways covered by the Highway Law. Mr. Finch asked if it would be possible to create a franchise and charge a fee for the billboards, similar to the franchise agreement between the Town and Time Warner Cable. Ms. Sacco stated that she will research this possibility.

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

RESO 2012-190: ACCEPT RESIGNATION/RYAN DELAMARTER/
EFFECTIVE OCTOBER 29, 2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Ryan Delamarter, effective October 29, 2012.

Seconded by Mr. Francisco.

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

Mr. Finch stated that Mr. Delamarter accepted a position with Broome County, adding that this leaves Highway Superintendent Patrick Latting short one worker for his Highway crew. Mr. Latting stated that a former member of the Highway Department is willing to work in weather emergencies, such as snow removal. Mr. Finch stated that another option would be to utilize a member of the Town Parks Department. There would be a set rate of pay, perhaps \$15.00 per hour. Mr. Francisco asked if the Parks Department employee would receive overtime pay and Mr. Finch replied that this arrangement would be used only in emergency situations.

.....

PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED 2013 FIRE PROTECTION
CONTRACT/CONKLIN VOLUNTEER FIRE DEPARTMENT, INC.

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:50 P.M. and asked those present to speak either for, or in opposition to, the proposed 2013 Fire Protection Contract between the Town of Conklin and the Conklin Volunteer Fire Department, Inc.

Mr. Finch stated that the proposed 2013 Fire Protection Contract is \$4,000 less than the 2012 Fire Protection Contract, adding that the Town Board is “elated” with this decrease.

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

.....

RESO 2012-191: ADOPT 2013 GENERAL AND HIGHWAY BUDGET/TOWN OF
CONKLIN

Mr. Bullock moved for the following resolution:

Whereas, the Town Board (hereinafter “Town Board”) of the Town of Conklin (hereinafter “Town”), on the 23rd day of October 2012, commencing at 5:35 P.M. at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, duly held a public hearing on the Town Year 2013 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, 2013, and

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

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 2013 preliminary budget submitted, approved, and filed, as aforesaid, be and the same is hereby adopted and established as the year 2013 annual budget for the Town for the fiscal year beginning January 1, 2013. 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.

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 23, 2012. Said resolution was adopted by the following roll call vote:

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

Dated: October 23, 2012

Town of Conklin Seal

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

RESO 2012-192: AUTHORIZE DEPUTY SUPERVISOR/SIGN 2013 FIRE
PROTECTION AGREEMENT

Mr. Minoia moved for the following resolution:

Whereas, the Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), on the 23rd day of October 2012, commencing at 5:50 PM at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, duly held a public hearing on the Town year 2013 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:

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

Section 1. The Deputy 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 the Fire Protection District for the year 2013 between the Town of Conklin and the Conklin Volunteer Fire Department, Inc.

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

Section 3. This resolution shall take effect immediately.

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 23, 2012. Said resolution was adopted by the following roll call vote:

Supervisor	VACANT
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Deputy Supervisor and Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: October 23, 2012

Town of Conklin Seal

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

PUBLIC COMMENTS:

None.

STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Attorney Sacco distributed copies of a proposed agreement between the Town of Conklin and JVA Deicing, Inc., owned by Joseph Tuzze, of Carbondale, Pennsylvania. She explained that this agreement is in regard to the Stormwater Pollution Prevention Plan (SWPPP) for Mr. Tuzze's Salt Distribution site located off Hardie Road. Ms. Sacco stated that the Town Planning Board approved the site plan for the business. She stated that Mr. Tuzze has asked that the Town decrease the dollar amounts required for the Construction Completion Guarantee (\$50,000.00) and the Maintenance Guarantee (\$5,000.00). The Town Engineer was quoted as saying that the Town Code states that the Town may require such guarantees. Ms. Sacco stated that environmental safeguards are in place at the salt distribution site, and added that the \$50,000 guarantee is a "worst case scenario," and the maximum that can be required. She stated that the \$5,000 for the Maintenance Guarantee is at the "low end."

Mr. Finch commented that Code Officer Jones is "hired to look out for the Town's interests," and could thus monitor the compliance at the site. Mr. Bullock asked if the DEC (New York State Department of Environmental Conservation) would also be monitoring the site and Ms. Sacco stated that the DEC gets notices regarding such situations, but added that its ability to monitor the site would "depend upon manpower available." The Town Engineer was quoted as saying that the bond is not needed.

.....

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED 2013 WATER & SEWER RATES

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:55 P.M. and asked those present to speak either for, or in opposition to, the proposed 2013 municipal water and sewer rates. Mr. Finch explained that a second Public Hearing on the new proposed rates would be required because the rates changed after the notices were published for this Public Hearing. The second Public Hearing will be held at 5:35 P.M. on October 30, 2012. Mr. Finch stated that there will be no increase in the water rate to the residents of the Town, but only to the businesses in the Corporate Park. Water and Sewer Superintendent Tom Delamarter read the proposed rates, which are as follows:

SEWER RESIDENTIAL AND SMALL BUSINESS

Quarterly Basic Fee:	\$15.00 (\$5.00 increase)
Unit Charge Not to Exceed	\$6.65 per Thousand Gallons (\$.10/1,000 increase)

SEWER CORPORATE PARK

Quarterly Basic Fee:	\$30.00 (\$20.00 increase)
Unit Charge Not to Exceed	\$6.85 per Thousand Gallons (\$.30/1,000 increase)

WATER RESIDENTIAL AND SMALL BUSINESS

Quarterly Basic Fee:	\$10.00 (No change)
Unit Charge Not to Exceed	\$2.74 per Thousand Gallons (No change)

WATER CORPORATE PARK

Quarterly Basic Fee:	\$30.00 (\$20.00 increase)
Unit Charge Not to Exceed	\$2.94 per Thousand Gallons (\$.20/1,000 increase)

Mr. Finch noted that the Town has to pay increased costs to the Binghamton-Johnson City Joint Sewage Board, which has stated that it may start charging households and businesses a rate “per bathroom” in the future. Mr. Bullock called this “a ridiculous idea.” Mr. Finch stated that changing the Town’s Water and Sewer rates to the above proposed rates will generate \$4,000 to \$5,000 per year, which he stated will help pay the increased costs to the Joint Sewage Board.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 6:03 P.M.

.....
STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

The Town Board returned to its discussion regarding the Construction Completion Guarantee and the Maintenance Guarantee requirements for Mr. Tuzze’s Salt Distribution center. The Board agreed to drop the dollar amount required for the Construction Completion Guarantee from \$50,000.00 to \$25,000.00. The Board discussed the possibility of changing the time period for which the guarantee is required from “one year from the date of final acceptance” to “until final acceptance,” but after discussion decided that it would be in the Town’s best interest to keep the time period at “one year from the date of final acceptance.” Mr. Jones is to inspect the salt distribution facility immediately after it is completed.

The Board then discussed the \$5,000.00 Maintenance Guarantee, which would be required for an indefinite period of time, as long as the facility remains in operation. Mr. Minoia asked if the DEC would oversee compliance at the site and Ms. Sacco replied that the “DEC may not catch issues; however, Mr. Jones could catch them.” Mr. Minoia asked if this is a liability for the

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

Town. Mr. Finch and Mr. Minoia both felt the monitoring of the site should be the responsibility of the DEC. Mr. Finch stated that the Town should not require the \$5,000.00 Maintenance Guarantee. Mr. Francisco stated that Town of Conklin personnel, Mr. Jones, should monitor the site. Mr. Finch stated that if there is a problem, Mr. Jones would then call the DEC. Ms. Sacco stated that the Town, in requiring the Guarantee, is requiring an insurance policy from the developer. Mr. Finch stated that the Town is setting a precedent. Mr. Minoia stated that this is the same as the retention ponds that are required in the Corporate Park.

Mr. Minoia asked why the Town would complete the Salt Distribution Facility if the developer fails to do so. Ms. Sacco replied that if the DEC and the EPA (Environmental Protection Agency) requires the Town to complete the site, the bond would provide money to do so. Mr. Minoia asked what will happen if Mr. Tuzze refuses to allow Mr. Jones to inspect the site and Ms. Sacco stated that there are legal ways to force inspection to be allowed, if necessary. The Town Board agreed to remove the \$5,000.00 Maintenance Guarantee requirement from the Agreement.

RESO 2012-193: AUTHORIZE DEPUTY SUPERVISOR/EXECUTE STORMWATER
CONTROL FACILITY MAINTENANCE AGREEMENT/
TOWN OF CONKLIN & JVA DEICING, INC.

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Deputy Supervisor to execute the Stormwater Control Facility Maintenance Agreement between the Town of Conklin and JVA Deicing, Inc., as amended.

Seconded by Mr. Bullock.

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

NEW BUSINESS:

NEW YORK STATE REPRESENTATIVE/GRANT/SEWER PLANT

Mr. Finch stated that he, Mr. Bullock, and Mr. Delamarter will be meeting with a representative from New York State on October 25, 2012, to discuss the possibility of the Town obtaining a grant to develop a sewer plant in the southern end of the Town.

TIME WARNER FRANCHISE

Ms. Sacco is still conducting research regarding the Time Warner franchise.

OLD BUSINESS:

2013 GENERAL AND HIGHWAY BUDGET

Mr. Finch stated that there will be no increase to the employees of the Town for the cost of health insurance for 2013, adding that they will pay the same rate they currently pay. Assistant to the Supervisor Lisa Houston stated that the tax values in the Town were decreased due to the homes and businesses lost in the September 2011 flood. She added that the budget would require an increase even if no changes at all were made from the 2012 budget, to make up for the loss in tax base. Ms. Houston stated that the 2013 Budget is a “tight budget.” She stated that the 2013 tax rate will be \$5.56, an increase of 1.298% over 2012, but the Town will collect \$2,480 less in taxes than it did in 2012. She stated that the new rate means that a home assessed at \$100,000 will see an increase in taxes of \$7.13 over the 2012 rate. Ms. Houston stated that this is within the required New York State 2% tax cap.

NEW BUSINESS:

REGULAR TOWN BOARD MEETING
OCTOBER 23, 2012

RESO 2012-194: APPROVE PAYMENT/OCTOBER 23, 2012 BILL LIST/\$68,117.43

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following October 23, 2012 Bill List in the total amount of \$68,117.43:

General	\$35,056.99
Highway	4,941.51
Flood Emergency	21,393.73
Water District	1,255.20
Non-Budget	<u>5,470.00</u>
Total	<u>\$68,117.43</u>

Seconded by Mr. Francisco.

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

RESO 2012-195: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET LINES/AS OF OCTOBER 23, 2012

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes modification of the stated from and to Budget lines, as of October 23, 2012 (see attached).

Seconded by Mr. Minoia.

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

STREET LIGHTS NOT WORKING

Mr. Bullock told Mr. Francisco that there are street lights that are not working near Fire Station #1, near the Reliable Market, and in the area of Eva Court. Mr. Francisco will contact NYSEG (New York State Electric and Gas Corporation) and ask NYSEG to repair the lights in question.

PLANNING BOARD AND ZBA REAPPOINTMENTS

Mr. Minoia stated that the terms of office of both Jim Hauss of the Planning Board and Norman Pritchard of the Zoning Board of Appeals expire December 31, 2012. Mr. Finch stated that both men have been contacted to determine whether or not they wish to be re-appointed to their respective boards.

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

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 10, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner
	Zoning Board of Appeals	Hal Cole

GUESTS:	Country Courier	Elizabeth Einstein
	Broome County Legislature	Julie Lewis
		Blanche G. Birtch
		John Colley
		Laurie Francisco
		Dolly Stout
		Peter J. Motsavage

MINUTES: DECEMBER 27, 2011 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the December 27, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Deputy Supervisor Finch acknowledged receipt of correspondence regarding flood issues, which he stated were turned over to the Town Attorney. He also acknowledged receipt of reports from the Town Clerk, the Code Officer, the Water and Sewer Superintendent, the Highway Superintendent, and from the Dog Control Officer.

PUBLIC COMMENTS:

WATER ISSUES IN BLUE RIDGE MOBILE HOME PARK

Blanche Birtch, a resident of the Blue Ridge Mobile Home Park at 215 Montrose Drive and 227 Montrose Drive, spoke about concerns the residents of the mobile home park have regarding the quality of the water in the park. She stated that she has lived in the park since 2008 and since that time there have been problems with the water. Ms. Birtch stated that there was no water at all this past Saturday and Sunday, and when the water service was restored, the water was brown like coffee. She stated that the water is often cloudy and there is often either no water or very low water pressure. Ms. Birtch quoted Section 233 of the Tenants' Rights code as specifying that the tenants of the mobile home park are entitled to basic necessities, such as water, for safety

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

and health reasons. She presented a petition signed by 47 residents of the mobile home park, stating that the petition will be presented to Robert Kurens, owner of the mobile home park, and to Mary Ann Burke, manager, asking that the charge for the unusable water be waived and that a new source of water, from either the Town of Conklin or the Town of Kirkwood, be found for the park.

Ms. Birtch asked if a feasible, cost-effective way exists to provide Town of Conklin water to the mobile home park. She stated that there are many senior citizens in the mobile home park who have health issues, as well as a nine-year-old boy with health issues, all of whom are impacted by the poor quality of water. Ms. Birtch stated that the water issues, in addition to creating health hazards, create a fire hazard because “even a small fire cannot be put out without water.”

Deputy Supervisor Finch advised Ms. Birtch to discuss the problems with the owner of the mobile home park, since Blue Ridge Mobile Home Park is not in a Town of Conklin water district. Mr. Finch stated that there is discussion regarding adding Pride Manor Mobile Home Park, also owned by Mr. Kurens, to the Town water district, but no discussion has occurred to date regarding the possibility of adding Blue Ridge Mobile Home Park to the water district. He explained that the Town can set standards for the mobile home parks regarding Building Codes, but not water regulations. Town Attorney Cheryl Sacco stated that New York State outlines specific options for cases such as this: 1) create a new water district; 2) extend a nearby water district, or 3) treat the park as an outside user.

Mr. Finch asked for a copy of the petition and copies of photographs presented by Ms. Birtch showing one of the wells supplying water to the mobile home park being surrounded by flood water during the September 2011 flood. Ms. Birtch stated that she believes the well was contaminated with flood water. Mr. Finch asked if any complaints have been lodged with the Broome County Health Department and Ms. Birtch stated that water reports show some contamination in the water, with a boil water advisory being issued at the park yesterday (January 9, 2012). She stated that an inspection performed in 2011 stated that the September 2011 flood water did not reach as high as the well cap on the well depicted in her photographs.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that his efforts to stay within his department’s budget have been successful through the end of 2011, in spite of the many challenges of the year. Mr. Latting called this success a “joint effort,” and Mr. Finch commented to Mr. Latting, “You and your department are a credit to the Town.”

Mr. Latting reported that there are six sites left to complete of work to be reimbursed by FEMA (Federal Emergency Management Agency). He stated that two of these projects will be completed by the Town Highway Department, adding that the materials for these projects have already been delivered to the Town. Mr. Latting stated that the remaining four projects will be completed by local contractors, adding that he is seeking new estimate costs.

Mr. Latting reported that the clean-up work at Sullivan Park has been completed. He stated that the old shed from the former miniature golf course is in dangerous condition and should be taken down. In response to a question regarding a letter written by Willis Platt in regard to the remnants of the former miniature golf course, Mr. Finch stated that it is the wishing well that Mr. Platt wants to preserve as part of Conklin’s history, rather than the shed. Mr. Latting commented that some of the work awaiting his crews will have to wait until there is frost in the ground so that the equipment doesn’t get stuck in mud.

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

Mr. Latting stated that when the DEC (New York State Department of Environmental Conservation) contacted CP Rail about the ongoing drainage problems on Millburn Drive, communication was more successful. However, Mr. Latting added, the problems continue, as the filling of some residents' properties has trapped water on their neighbors' properties. Mr. Latting stated that he feels this issue is "out of the Town's hands," and is a neighbor vs. neighbor problem and/or a problem with CP Rail. Attorney Sacco agreed that residents' filling their properties is making it worse for their neighbors. Mr. Latting stated that, according to CP Rail, the only drainage area is located near George Leatso's property. He added that he has gotten "no feedback from the railroad," adding, "This is out of my hands." Attorney Sacco stated, "This is not a Town-created problem, and there is not a Town fix to it."

Mr. Finch commented that CP Rail had filled the underpass drainage area near Route 7 in the area of Jimay's Flea Market, where Route 7 floods when the water is high, adding that the filling will make the roadway flooding worse.

Attorney Sacco stated that the drainage problems involve a New York State-owned road (Route 7), private property, and railroad property, adding that the railroads are federally regulated. She stated that this means the drainage issues in question are out of the Town's jurisdiction to solve.

Mr. Latting stated that there is a large underground drainage system that runs from Route 7 at Conklin Forks Road to Old Conklin Road in the area of the Leatso/McKinney property line. He added that Mr. Leatso is worried about erosion to this drainage system. Mr. Latting stated that Attorney Sacco researched this issue and found that the drainage system is located on Town of Conklin property, however, the New York State Department of Transportation has the responsibility of maintaining the drainage system.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his office is working on annual reports, safety and building inspections, and buyout and reconstruction issues. He added that many homes are not being repaired because residents are having difficulties obtaining money from their insurance companies.

Mr. Francisco asked if there is an update regarding the company that is conducting surveying on Terrace Drive and Mr. Jones replied that there is no update, but added that a company from Massachusetts is buying the property in question. He stated that no intent of use has been given to the Town.

Mr. Bullock asked if Mr. Jones will research purchasing two sump pumps for the basement of the Castle. He also asked Mr. Jones to have the lights on the porch and in the parking lot repaired, noting that there are two lights in the parking lot which do not work.

REPORT: WATER AND SEWER DEPARTMENT

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

REPORT: DOG CONTROL OFFICER

Refer to written report.

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

JULIE LEWIS/BROOME COUNTY LEGISLATURE/6TH DISTRICT

Julie Lewis, Broome County Legislator, 6th District, reported that the re-districting of Broome County has been completed and approved by the Committee, and will be voted on by the full Legislature next week. She stated that, if the re-districting is approved, she will represent all of the Town of Conklin and the Town of Binghamton.

OLD BUSINESS:

REVISION TO OPEN MEETINGS LAW

Attorney Sacco explained that New York State recently adopted a revision to the Open Meetings Law which requires that any resolutions or agenda items to be discussed at a public meeting be available at the meeting and, to the extent practicable, on the municipal website prior to the meeting. This law becomes effective February 2, 2012. The Town of Conklin already provides printed agendas for its public meetings and Town Clerk Sherrie Jacobs reported that she posted the agenda for tonight's meeting on the Town's website, so the Town of Conklin is already in compliance. Mr. Finch stated that the Town Clerk did "a great job."

REDUCED PROPERTY ASSESSMENT FOR FLOOD DAMAGE

Attorney Sacco explained that New York State recently adopted legislation that would allow municipal assessors to reduce the assessment on property that suffered 50% or more damage by the 2011 Flood by 50% to 100%. She stated that this is similar to legislation that was enacted following the 2006 Flood, with the major difference being that no funding is being provided for the 2011 Flood assessment reduction, so the money would come from the Town's tax base, which has already been estimated in setting the 2012 Budget. The Town would have to pass a resolution opting-in to this program. Attorney Sacco explained that this assessment reduction would only apply to Town taxes – Broome County would have to approve a reduction for County taxes and the Susquehanna Valley School District would have to approve a reduction for school taxes.

Ms. Sacco stated that none of the municipalities served by her law firm have adopted this legislation because they do not have the money to do so. She stated that with the 2% tax cap in place, the money is very tight in all municipalities. Ms. Sacco added that there is no way to judge how this would impact the Town's finances. She added that this reduction would be available for businesses as well as home owners.

Mr. Finch commented that the Town is "still paying for the 2006 Flood," adding that the Town owes \$150,000 that it must pay over the next three years. Attorney Sacco stated that she spoke to Town Assessor John McDonald and he stated that he cannot estimate the magnitude to which the Town's finances would be impacted. In response to a question, Ms. Sacco replied that 25% damage would not qualify for the assessment reduction. Mr. Finch commented that the Assessor will be re-assessing the properties that were damaged so the residents will experience some tax relief in the next tax year. He stated that he feels the Town cannot afford to opt into this program

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

and the other Board members agreed with him, so no action will be taken to opt into the assessment reduction program.

SCHNURBUSCH PARK DRAINAGE/EASEMENTS

Attorney Sacco stated that she has prepared new temporary easements which must be signed so that drainage mitigation can be completed for Schnurbusch Park.

WATER DISTRICT 6 & PRIDE MANOR MOBILE HOME PARK

Attorney Sacco stated that she spoke with Griffiths Engineering regarding adding the Pride Manor Mobile Home Park to Town Water District 6, and the engineering firm has completed the map plan report. The Town Engineers are currently researching backflow issues. The owners of Pride Manor Mobile Home Park will pay any future costs for adding the park to Water District 6. Ms. Sacco stated that a survey is required as part of the process.

GREEN SPACE ACQUIRED FROM 2006 FLOOD BUYOUT PROGRAM

Mr. Finch asked Attorney Sacco to research to make sure the Town is not paying taxes on the green space acquired by the Town from the 2006 Flood Buyout Program. He stated that he believes the Town should join the Joint Landowners Coalition of New York and research whether the Town can allow drilling for natural gas on these green spaces. He added that there may be some restrictions from FEMA regarding this drilling. It was decided that Mr. Finch will be the Town's representative to the Joint Landowners Coalition.

NEW BUSINESS:

ASSOCIATION OF TOWNS MEETING/NEW YORK CITY

Mr. Finch stated that he does not feel the Town can afford to send him to the Association of Towns meeting scheduled for February 19-22, 2012, in New York City, and therefore does not wish to attend this conference. Since attendance at this conference had not yet been approved, no action is needed.

RESO 2012-1: RATIFY APPROVAL/DEPUTY SUPERVISOR/ENTER
CONTRACT/MEGA/HESS CORPORATION TO SUPPLY GAS TO TOWN/
2-1-2012 TO 1-31-2014

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies approval of the Deputy Supervisor to enter a contract with MEGA (Municipal Energy and Gas Alliance) to allow the Hess Corporation to supply gas energy to the Town of Conklin for the period from February 1, 2012, through January 31, 2014.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

RESO 2012-2: APPROVE RECLASSIFICATION/SCADATEK INVOICE
#2182/PURCHASE ORDER #11-01438/FROM 1-SS1-8130-4-401 TO 1-SW-8320-4-401

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the reclassification of Scadatek Invoice #2182, Purchase Order #11-01438, in the amount of \$12,335.00 from 1-SS1-8130-4-401 to 1-SW-8320-4-401. This is a reclassification of software from the Sewer Budget line to the Water Budget line.

Seconded by Mr. Francisco.

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

RESO 2012-3: DESIGNATE FOLLOWING TUESDAYS OF EACH MONTH/TOWN
BOARD MEETING NIGHTS TO BE HELD AT 7:00 P.M. AND WORK SESSION TO BE
HELD AT 5:30 P.M./IN TOWN HALL

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates the following Tuesdays of each month as Town Board Meeting nights to be held at 7:00 P.M. and Work Session to be held at 5:30 P.M. in the Conklin Town Hall:

Second Tuesday – Regular Town Board Meeting
Fourth Tuesday – Work Session

Seconded by Mr. Francisco.

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

RESO 2012-4: SET FOLLOWING COMMITTEES/2012

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets the following Committees for the year 2012:

Town Hall Castle Side	Charles Francisco
Senior Citizen Liaison	Charles Francisco
Insurance	Charles Francisco & Gary Bullock
Parks & Pool	Jim Finch
Cemeteries	Jerry Minoia
Fire Dept. Liaison	Charles Francisco
Youth Liaison	Gary Bullock
Buildings & Grounds	Gary Bullock
Planning & Zoning	Jerry Minoia
Highway Liaison	Jim Finch
Drainage Districts	Jerry Minoia

Seconded by Mr. Francisco.

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

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

RESO 2012-5: AUTHORIZE PAYMENT/2011 BILL LIST/\$29,627.02

Mr. Bullock 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 \$29,627.02:

General	\$12,940.07
Highway	2,963.16
2011 Flood	10,595.00
Water District	197.56
Water District 6	<u>2,931.23</u>
Total	\$29,627.02

Seconded by Mr. Francisco.

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

RESO 2012-6: AUTHORIZE PAYMENT/2012 BILL LIST/\$187,643.68

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2012 Bill List in the total amount of \$187,643.68:

General	\$121,403.65
Highway	36,615.03
Sewer District #1	850.00
Sewer District #3	22,395.00
Water District	6,127.00
Water District #6	<u>253.00</u>
Total	\$187,643.68

Seconded by Mr. Bullock.

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

UPDATE ON FLOOD BUYOUT PROGRAM

Mr. Minoia asked if there is an update available on the Flood Buyout Program for the September 2011 Flood. Attorney Sacco stated that a Buyout Program will be offered, with FEMA paying 75% of the agreed-upon price. Neither the State nor the Town is paying for any part of the remaining 25%. Ms. Sacco stated that the Letter of Intent for FEMA is being written by Griffiths Engineering and is due by February 29, 2012, adding that the process is “well underway.” Letters of intent to the Town must be signed by residents by January 31, 2012. An advertisement will appear in this week’s edition of the **Country Courier** advising residents about the Buyout Program. The Town Board recommended that Town Clerk Sherrie Jacobs send this information to all of the media outlets as a news release. Assistant to the Supervisor

REGULAR TOWN BOARD MEETING
JANUARY 10, 2012

Lisa Houston commented that an information session for the public was held after the 2006 Flood.

CONFLICT OF INTEREST DISCLOSURE

Mr. Francisco disclosed a conflict of interest regarding his signature on certain vouchers. He explained that in 2006 a new electrical service for the Community Center was purchased in connection with the Town Fair. This electrical service was damaged in the September 2011 Flood. Mr. Francisco stated that Parks Superintendent Tom Delamarter had sought his advice regarding replacement of the electrical service. Mr. Delamarter also obtained three bids for the replacement of the electrical service. Mr. Francisco's employer, Dunn Electric, holds the Broome County contract for electrical service supply and also was the low bidder for the Community Center project. This means that, even though FEMA will reimburse the Town for the cost of the electrical service replacement, Mr. Francisco must recuse himself from signing vouchers for Dunn Electric, since that is his employer.

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

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on October 9, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Town Justice	J. Marshall Ayres
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter

GUESTS:	Country Courier	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Paul Jacobs
		John Colley
		George Frailey
		Bonnie Tolomei
		Angelo Tolomei
		Laurie Francisco
		Dolly Stout
		Randy Rivera

MINUTES: SEPTEMBER 11, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the September 11, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

MINUTES: SEPTEMBER 25, 2012 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the September 25, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of a letter from Bill Devine regarding the need for repairs to Powers Road at the railroad crossing. Since Powers Road belongs to Broome County, Mr. Finch forwarded this correspondence on to the County Highway Department. He also acknowledged receipt of a letter from the Town Planning Board recommending that the Town adopt proposed Local Law 6, 2012, regarding manufactured and mobile homes. Mr. Finch also acknowledged receipt of the 2013 Budget of the Conklin Volunteer Fire Department, Inc.

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

.....

PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 6, 2012/
“AMEND CHAPTERS 91 & 140 OF TOWN CODE”

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch 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 6, 2012, “Amend Chapters 91 and 140 of the Town Code.”

Town Attorney Cheryl Sacco stated that the proposed local law clarifies where manufactured and mobile homes are allowed in the Town. It also establishes that New York State, not the Town of Conklin, can regulate the pitch of the roof on such structures. Mr. Finch added that the Town had sought to require that all roof pitches be the same on manufactured homes, so that there would be no flat roofs, but he added that New York State overrules the Town in this matter and that this proposed law will bring the Town into compliance with the State. Ms. Sacco added that mobile homes are allowed only in mobile home parks in the Town of Conklin. There were no comments from the public.

There being no further questions or public comments, Mr. Finch declared the Public Hearing closed at 7:08 P.M.

.....

Ms. Sacco stated that the proposed local law had been referred to the Town Planning Board, which voted unanimously to recommend that the Town Board adopt the local law. It was also referred to adjoining municipalities – the City of Binghamton, Town of Binghamton, and Town of Kirkwood – as required. The proposed local law was referred to the Broome County Planning Department, which found no negative impacts would occur if the proposed local law is adopted. The proposed local law was referred to the Broome County Health Department, which stated that the regulations for five or more sites apply to this local law.

SEQR/PROPOSED LOCAL LAW 6, 2012

Attorney Sacco led the Town Board through the SEQR (State Environmental Quality Review) process for proposed Local Law 6, 2012, “Amending Chapters 91 and 140 of the Town Code.” The Town Board answered “No” to each of the following questions:

- A.) Does Action exceed any Type 1 threshold in 6NYCRR, Part 617.4?
- B.) Will Action receive coordinated review as provided for Unlisted Actions in 6NYCRR, Part 617.6?
- C.) Could Action result in any adverse effects associated with the following:
 - C1) 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?
 - C2) Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?
 - C3) Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?
 - C4) 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?

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

- C5) Growth, subsequent development, or related activities likely to be induced by the proposed action?
- C6) Long term, short term, cumulative, or other effects not identified in C1-C5?
- C7) Other impacts (including changes in use or either quantity of type of energy)?
- D.) Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
- E.) Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

RESO 2012-181: ADOPTION BY THE TOWN BOARD
OF THE TOWN OF CONKLIN OF
LOCAL LAW NO. 6- 2012

PRESENT:

Supervisor -vacant
Councilman Gary D. Bullock
Councilman Charles Francisco
Deputy Supervisor and Councilman James E. Finch
Councilman Jerry Minoia

ABSENT:

Offered By: Mr. Minoia Seconded By: Mr. Bullock

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

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 October 9, 2012, commencing at 7:05 P.M. to hear all interested parties on a proposed Local Law entitled, “A Local Law for the Town of Conklin Amending Chapters 91 and 140 of the Town Code,” and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on September 26, 2012, and posted on the Town Clerk’s sign board, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:05 o’clock P.M. on October 9, 2012, 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 an unlisted action; and

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 Local Law No. 6; and further

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; and further

RESOLVED, the Conklin Town Board, after due deliberation, finds it in the best interest

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

of the Town to adopt said Local Law; and further

RESOLVED, the Conklin Town Board hereby adopts said Local Law as Local Law No. 6-2012 entitled “A Local Law Amending Chapters 91 and 140,” 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 October 9, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant	_____	
Councilman Gary D. Bullock		YES
Councilman Charles Francisco		YES
Deputy Supervisor and Councilman James E. Finch		YES
Councilman Jerry Minoia		YES

Dated: October 9, 2012

Town of Conklin Seal

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

PUBLIC COMMENTS:

BOUNDARY/BUILDING MATERIAL PLACEMENT DISPUTE/KEITH LANE

Bonnie Tolomei, owner of 16 Keith Lane, stated that the owner of 18 Keith Lane has been putting building materials on the road frontage of her property, which she stated is in the Town of Conklin right-of-way. She stated that the owner of 18 Keith Lane is doing this because “he wants to buy our property and we don’t want to sell it.” Code Officer Robert Jones stated that he sent a letter to Mrs. Rivera, one of the owners of 18 Keith Lane, regarding this situation and she met with Mr. Jones and stated that she owns the property in question, not the Tolomeis.

Attorney Sacco stated that this is a private issue between two parties, adding that the Town of Conklin cannot determine property lines, only whether or not a property meets the maintenance requirements of the Town Code. She suggested that the property owners have their properties surveyed. Mr. Randy Rivera, co-owner of 18 Keith Lane, stated that he has had “four surveys” completed, but upon questioning, stated that he has never shown any of them to Mrs. Tolomei. Highway Superintendent Patrick Latting stated that the Broome County GIS shows the area in question as belonging to the Town of Conklin. Ms. Sacco stated that the GIS is not accurate for determination of property lines.

Mrs. Tolomei stated that Keith Lane, formerly known as Peters Road, was dedicated to the Town in the late 1980’s, adding that it was “part of the Mort Sullivan Farm.” She added that she and her husband have been “paying taxes” on this property, and added that the former owner, Mr. Peters, had the property surveyed.

Randy Rivera, co-owner of 18 Keith Lane, stated that there are “no building materials” in the area in question, only a pallet and fence post in his driveway, sand and topsoil piles covered with tarps to protect them from the weather, and a sprayer for his field. He stated that he bought the property eight years ago and cleared the land, and has since planted an orchard and created a

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

horse pasture for his horses. He added that Mr. Angelo Tolomei cut six trees that were on Mr. Rivera's property. He stated that he is not storing the above-mentioned items in their locations because he wants to make the Tolomeis sell their property, but because they are in the logical place for him to utilize them for his projects. Ms. Sacco reiterated that both parties need to hire private attorneys, adding that the Town Code Officer cannot determine property lines for them.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that leaf pick-up has begun and will continue until November 30, 2012, weather permitting, adding that the nice weather allowed him to get an earlier start on this project than anticipated.

**RESO 2012-182: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/SNOW
REMOVAL PARKING RESTRICTIONS/10-15-12 THROUGH 4-30-13**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the advertisement in the **Country Courier** of parking restrictions for snow removal, which are in place from October 15, 2012, through April 30, 2013. These restrictions are current with the local law.

Seconded by Mr. Francisco.

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

Mr. Latting reported that the culvert liner project on Ross Hill Road has been completed. He added that the Conklin Volunteer Fire Department loaned the Town a fire truck and volunteers to help wash the debris out of the way. Mr. Latting stated that the project progressed very smoothly and well. He stated that the cost will be approximately \$18,250, a savings of \$62,000 over the original estimate of more than \$80,000. He stated that the Town also saved \$80,000 on the culvert project on State Line Road. Mr. Latting stated that the new pipe material can handle more water than larger pipes of the old style.

Mr. Minoia stated that a resident of Banta Road expressed concern about the double pipes on Banta Road, and a possible failure with the structure. Mr. Latting stated that he was made aware of the concern, adding that it is an issue of the Highway Department and therefore, "should have come to me, through proper channels." Mr. Finch stated that Town Engineer John Mastronardi has assessed the situation, as well as Mr. Latting. Mr. Latting added that the residents in the area "weren't very welcoming to John." Mr. Latting added that he will continue to monitor this site.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer and Parks Superintendent Tom Delamarter reported that all is well with the Water and Sewer systems and with parks and Shawsville Cemetery. He stated that the Town is still waiting for reimbursement from FEMA (Federal Emergency Management Agency) for the sewer pumps that were damaged in the 2011 Flood.

Mr. Delamarter presented the recommendation received from Shumaker Engineering and Consulting for the Town Landfill remediation. He stated that Shumaker believes that the DEC (New York State Department of Environmental Conservation) and the EPA (Environmental

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

Protection Agency) will approve this recommendation. Mr. Delamarter hopes that once the remediation project is finished, the Landfill will be able to be inspected only once every five quarters instead of the current quarterly inspection, which will save the Town money.

Mr. Delamarter reported that he contacted SunMaxx regarding the possibility of installing solar panels on the cap at the Landfill and generating energy, which the Town could then sell to the utility companies. He stated that he was told the amount of energy generated this way would pay for the electricity for the Town Hall, Highway Garage, Well 6, and the Community Center. Mr. Finch commented that the Town would need to lease the solar panels. It was noted that ETM Solar Works in Pennsylvania can provide the solar panels. Mr. Delamarter stated that he only has preliminary numbers and will have more information at the October 23 meeting. He added that many landfills do this solar panel installation.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he recently completed two of the three days of required training that he must complete each year, with one class held in Clay and the second in Cortland. He stated that two Planning Board meetings were held. Mr. Jones stated that the plans are in place for the salt distribution center on Hardie Road. He stated that he has been working with Town Engineer John Mastronardi on the update to the Broome County Hazard Mitigation Plan. He added that he has also been completing safety and building inspections.

Mr. Minoia asked about the status of the silt fence at the salt distribution center, adding that the salt center is being constructed over the aquifer for the Town of Conklin and Town of Kirkwood, which he added must be protected. Mr. Jones stated that the silt fence is being installed. Mr. Minoia replied that the DEC should inspect the site, adding that it is out of compliance. Mr. Jones stated that he will walk the site and inspect it on October 10.

Mr. Jones stated that he and Ms. Sacco will inspect Mr. Parker's property at 2010 Conklin Road to see if he has met the Town's Code requirements. Mr. Jones stated that his office sent a letter to Park Outdoors on October 9, 2012, stating that the company has 30 days in which to remove the billboards in the Town of Conklin, which are a violation of Town Code.

Mr. Bullock asked about the status of Christine Macan's house at 200 Shaw Road. Mr. Jones stated that he has scheduled two appointments with Ms. Macan to inspect her house and each time she has not kept the appointment. Ms. Sacco stated that the Town would need a Court Order to enter the building. Mr. Jones stated that he set a deadline of September 8 for cleanup efforts to be completed, and Ms. Macan did not appear, and then a deadline of September 29, which she also failed to meet. Ms. Sacco asked if the structure is unsafe. Mr. Jones stated that the building is "sound and straight" but the foundation may be weak. He stated that the yard has not been kept up, which encourages inhabitation by wild animals, such as rats and snakes. Ms. Sacco stated that it will cost the Town approximately \$500 to obtain a Court Order from the New York State Supreme Court. She stated that another option would be for Mr. Jones to cite Ms. Macan on violations that are visible from outside the structure. Mr. Jones stated that he could have the yard cleaned up under the Town's Grass Law, then bill the cost back to Ms. Macan's taxes. He added that the stench about which the neighbors had complained is no longer present at the property. Ms. Sacco stated that Mr. Jones could bring the Code violations before the Town of Conklin Court.

Mr. Francisco asked about an unsafe structure belong to a Mr. Moore on Woodside Avenue, adding that the foundation of the building is collapsing. Mr. Jones stated that he will move forward on this complaint.

DOG CONTROL OFFICER

Mr. Finch and Town Clerk Sherrie Jacobs both stated that John Simmons, who is now Dog Control Officer for both the Town of Binghamton and the Town of Conklin, is very thorough and prompt in response to calls. Town Justice J. Marshall Ayres stated that he will meet with

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

Mr. Simmons, Ms. Jacobs, and Mr. Finch to discuss Court fees and late charges and what procedures will be utilized.

OLD BUSINESS:

TOWN EMPLOYEE POLICY MANUAL

Ms. Sacco led the Town Board through a discussion of updates and clarifications to the Town of Conklin Employee Policy Manual. She questioned Page 4, Article 2, Sections 1 and 2, which define Permanent Full-Time and Permanent Part-Time Employment. The Policy Manual states that a Permanent Part-Time Employee is one who works less than 20 hours per week in one position, and a Permanent Full-Time Employee is one who works more than 30 hours per week. Ms. Sacco stated that there is no classification for an employee who works between 20 and 30 hours per week. Mr. Finch stated that Attorney Mark Gorgos, also of Coughlin & Gerhart, LLP, had previously advised the Town Board that it could not classify as a Permanent Part-Time Employee an employee who works 20 or more hours per week, so the decision was made to leave the wording of the definitions as is.

It was noted that the word “active” on Page 10, Section 12, Part 1, and on Page 13, Sections 2 and 3, should be either changed to “current” or removed entirely. Ms. Sacco stated that it was a practice of the past to refer to an employee as “active” and added that the word should be replaced with the word “current.”

Mr. Bullock asked about vacation pay, listed on Page 9, stating that currently an employee would receive two weeks paid vacation after two years employment, but the revision calls for an employee to be required to work four years before receiving two weeks paid vacation. Mr. Francisco stated that this more closely mirrors the corporate world, which usually allows two weeks paid vacation after five years employment; three weeks paid vacation after ten years employment; and four weeks paid vacation after 15 years employment. The Town of Conklin revised paid vacation allowance would be:

1 Year Employment	1 Week Paid Vacation
4 Years Employment	2 Weeks Paid Vacation
8 Years Employment	3 Weeks Paid Vacation
12 Years Employment	4 Weeks Paid Vacation

Mr. Minoia asked for clarification on Page 11 of a “day” for a Part-Time Employee as being defined as either 4 or 6 hours, which he noted differed from Resolution 2012-179, which the Town Board adopted at the September 25, 2012 Town Board meeting. Mr. Finch clarified that a “day,” for purposes of holiday, sick time, or vacation pay, is defined as 3 or 4 or 6 hours, so that the time off is commensurate with the Part-Time Employee’s regular hours of work.

Mr. Minoia also asked about the changes to the employee medical pools, noting that it will be a big change for employees in one year. Mr. Finch stated that equalizing the medical pools so that the amount is the same for individual and family coverage will make it “fair for everyone” and will save the Town a lot of money, adding that this is an extra benefit.

RESO 2012-182: ADOPT NEW REVISED TOWN OF CONKLIN POLICY MANUAL,
EFFECTIVE FOR NEW EMPLOYEES HIRED ON OR AFTER JANUARY 1, 2013

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin adopts the new revised Town of Conklin Policy Manual, effective for new employees hired on or after January 1, 2013.

Seconded by Mr. Bullock.

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

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

Mr. Finch stated that the cost to the Town for health insurance will be increasing by 7 to 10%, but the employees will continue to pay 23% as they currently do. He added that the Town will be able to afford to keep the employee contribution the same by utilizing the money saved on the medical pools to pay the increase to the Town in the cost of premiums.

NEW BUSINESS:

2013 FIRE DISTRICT BUDGET

Mr. Finch stated that he received a copy of the 2013 Fire District Budget for the Conklin Volunteer Fire Department, Inc., noting that the Fire Budget was decreased by \$4,000 from the 2012 Budget. He thanked the Fire Department for its good fiscal management.

2013 BUDGET WORK SESSION WITH DEPARTMENT HEADS

Mr. Finch stated that all of the department heads have turned in Budget requests for 2013 that reflect no or very little increase over their 2012 budgets. He encouraged the department heads to “keep doing a good job with the numbers.”

RESO 2012-183: SCHEDULE FOLLOWING PUBLIC HEARINGS/OCTOBER 23, 2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules the following Public Hearings on October 23, 2012:

5:35 P.M. – To Receive Input Regarding Proposed 2013 General and Highway Budget
5:50 P.M. - To Receive Input Regarding Proposed 2013 Fire Protection Contract
5:55 P.M. – To Receive Input Regarding Proposed 2013 Water & Sewer Rates

Seconded by Mr. Minoia.

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

RESO 2012-184: RATIFY PAYMENT/JIM GATES & NICK PLATT/PER DIEM MEAL ALLOWANCE/ATTEND WATER CERTIFICATION CLASSES/CORTLAND

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of checks #4912 and 4914 respectively to Jim Gates and Nick Platt in the amount of \$90.00 each, account code SW8310.4, for payments for per diem meal allowance to attend Water Certification classes in Cortland, New York.

Seconded by Mr. Finch.

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

Water and Sewer Superintendent Tom Delamarter stated that both Mr. Gates and Mr. Platt are now Certified Water Operators and can test the municipal water supply in Mr. Delamarter's absence.

RESO 2012-185: APPROVE \$.60 PER HOUR PAY RAISE/NICK PLATT/EFFECTIVE 10-01-2012/SUCCESSFUL COMPLETION/WATER CERTIFICATION COURSE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves a \$.60 per hour

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

pay raise for Nick Platt, effective October 1, 2012, for the successful completion of the Water Certification Course.

Seconded by Mr. Bullock.

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

RESO 2012-186: APPROVE \$.60 PER HOUR PAY RAISE/JAMES GATES/EFFECTIVE 10-08-2012/SUCCESSFUL COMPLETION/WATER CERTIFICATION COURSE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves a \$.60 per hour pay raise for James Gates, effective October 8, 2012, for the successful completion of the Water Certification Course.

Seconded by Mr. Minoia.

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

RESO 2012-187: ACCEPT WITH REGRET/RESIGNATION/BEVERLY COLLINS/SECRETARY TO PLANNING BOARD/EFFECTIVE 11-01-2012

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 Beverly Collins from the position of Secretary to the Planning Board, effective November 1, 2012.

Seconded by Mr. Bullock.

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

RESO 2012-188: ACCEPT DONATIONS/PARK FIELD USE & AMERICAN FLAG PURCHASE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the following donations, account code A2705:

William Welker	\$125.00	Park Field Use
Francis Coleman	\$200.00	Park Field Use
JoMay Ives	\$ 43.50	American Flag Purchase

Seconded by Mr. Bullock.

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

RESO 2012-189: APPROVE PAYMENT/10-09-2012 BILL LIST/\$26,790.65

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 9, 2012 Bill List in the total amount of \$26,790.65:

General	\$12,448.48
Highway	12,332.02
Light Districts	316.48

REGULAR TOWN BOARD MEETING
OCTOBER 9, 2012

Sewer District	554.30
Water District	<u>1,139.37</u>
Total	\$26,790.65

Seconded by Mr. Minoia.

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

UPDATE/BROOME COUNTY HIGHWAY DEPARTMENT PLOWING COUNTY
ROADS IN TOWN OF CONKLIN

Mr. Bullock asked if there is any update on the issue of the Broome County Highway Department plowing the County-owned roads located in the Town of Conklin, as opposed to paying the Town of Conklin Highway Department to plow these roads. Highway Superintendent Patrick Latting stated that he has not heard any updates for this winter, but noted that, in the past, Broome County has had difficulties in getting its trucks on the County-owned roads in the Town of Conklin. He stated that Broome County offered to pay the Town of Conklin \$3,700 per mile to plow the County-owned roads, but noted that it would cost the Town between \$4,600 and \$4,700 per mile to plow these roads.

VERIZON TRAILER ON TERRACE DRIVE

Mr. Francisco asked if there is any update on the Verizon trailer located on Terrace Drive, which was an issue last winter for snow removal. Mr. Finch stated that the trailer will remain in its present location until Verizon completes the stand that it wants to construct, adding that Verizon has not yet acquired the space it needs for this stand.

INVENTORY/COMMUNITY CENTER

Mr. Finch stated that Mr. Francisco conducted an inventory of all of the equipment located at the Floyd Maines Community Center. He stated that a checklist will be created so that individuals or groups renting the facility will know what is available for use and what equipment should be at the Community Center when the event is concluded. Mr. Finch stated that all equipment that was replaced after the September 2011 Flood was paid for by the Town of Conklin and therefore belongs to the Town.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:23 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on September 25, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Brady Begeal
	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	Linnea Ransom
		Bonnie Tolomei
		Angelo Tolomei
		Laurie Francisco
		Dolly Stout
		Darlene Weidman

MINUTES: SEPTEMBER 11, 2012 REGULAR TOWN BOARD MEETING

The Town Board of the Town of Conklin decided to hold over approval of the September 11, 2012 Regular Town Board Meeting minutes until the October 9, 2012 Town Board meeting.

PUBLIC COMMENTS:

None.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of a letter from Beverly Collins resigning from her position as Planning Board Secretary.

OLD BUSINESS:

WATER EXPANSION/PRIDE MANOR MOBILE HOME PARK

Mr. Finch provided an update on the expansion of the Town Water system to include Pride Manor Mobile Home Park, stating that the project is “good to go” if the placement of the cable lines is all right. He added that the fire hydrant will also be raised while the expansion work is being done.

NEW BUSINESS:

PROPOSED EXTENSION OF WATER AND SEWER DISTRICTS/ROUTE 7A

Mr. Finch stated that the Town Engineer is researching the cost of extending the Town Water and Sewer systems down Route 7A to the Pennsylvania state line.

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

2011 EMERGENCY BOND ANTICIPATION NOTE

Mr. Finch explained that the Town has \$300,000 in reserve in an Emergency Bond Anticipation Note, which was activated in 2011 in response to the September Flood and would be used to pay the costs of the Buyout Program, if approved, until the Town receives reimbursement from FEMA (Federal Emergency Management Agency). He added that it costs the Town \$5,000 to keep this Bond Anticipation Note active.

2013 WATER AND SEWER RATES

Mr. Finch reported that an outside engineer is researching the Town's 2013 Water and Sewer rates to see if there is a way to raise the rates for corporations without impacting residential users.

2013 TENTATIVE BUDGET

Assistant to the Supervisor Lisa Houston distributed copies of the 2013 Tentative Town of Conklin Budget to the Board members and to the Town Clerk.

.....

PUBLIC HEARING/PROPOSED LOCAL LAW 5, 2012/
“A LOCAL LAW AMENDING CHAPTER 140 OF THE TOWN OF CONKLIN CODE,
ENTITLED ‘ZONING’”

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch opened the Public Hearing at 5:35 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 5, 2012, “A Local Law Amending Chapter 140 of the Town of Conklin Code, Entitled, ‘Zoning.’”

Town Attorney Brady Begeal stated that each zone in the Town has a specific use that is permitted within that zone, and currently, when an applicant wants permission for a second permitted use in a particular zone, that person must appear before the Zoning Board of Appeals, as well as before the Planning Board, and request a Special Use Permit. The issuance of this Special Use Permit requires a Public Hearing. The purpose of proposed Local Law 5 is to streamline the process by eliminating the requirement for a Special Use Permit and its required Public Hearing, with the applicant appearing only before the Planning Board for a Site Plan Review.

There being no further public comments or questions, Mr. Finch closed the Public Hearing at 5:38 P.M.

.....

Mr. Minoia asked if applicants would be required to clarify the purpose of the second use. Mr. Begeal stated that applicants still must appear before the Planning Board, which has the option of requiring a Public Hearing for a Site Plan Review. Mr. Begeal stated that the Broome County Planning Department responded to the Form 239 and had no comments other than to urge the Planning Board to consider what the two requested uses would be, to see if they are appropriate for the area in question. The Town Planning Board was unanimous in recommending that the Town Board adopt proposed Local Law 5. Mr. Begeal stated that this proposed law would be an

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

Unlisted Action in the SEQR (State Environmental Quality Review) process, which requires completion of a short-form EAF (Environmental Assessment Form).

SEQR/PROPOSED LOCAL LAW 5, 2012

Attorney Begeal led the Town Board through the SEQR (State Environmental Quality Review) process for proposed Local Law 5, 2012, “Amending Chapter 140 of the Town Code, Entitled, ‘Zoning.’” The Town Board answered “No” to each of the following questions:

- A.) Does Action exceed any Type 1 threshold in 6NYCRR, Part 617.4?
- B.) Will Action receive coordinated review as provided for Unlisted Actions in 6NYCRR, Part 617.6?
- C.) Could Action result in any adverse effects associated with the following:
 - C1) 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?
 - C2) Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?
 - C3) Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?
 - C4) 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?
 - C5) Growth, subsequent development, or related activities likely to be induced by the proposed action?
 - C6) Long term, short term, cumulative, or other effects not identified in C1-C5?
 - C7) Other impacts (including changes in use or either quantity of type of energy)?
- D.) Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
- E.) Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

RESO 2012-171: NEGATIVE DECLARATION/SEQR/
PROPOSED LOCAL LAW 5, 2012

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin issues a Negative Declaration through SEQR, finding that proposed Local Law 5, 2012, of the Town of Conklin will have no adverse environmental impact.

Seconded by Mr. Francisco.

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

RESO 2012-172: ADOPT LOCAL LAW 5, 2012/ “A LOCAL LAW AMENDING
CHAPTER 140 OF THE TOWN CODE, ENTITLED ‘ZONING’”

PRESENT:

Supervisor -vacant
Councilman Gary D. Bullock
Councilman Charles Francisco
Deputy Supervisor and Councilman James E. Finch
Councilman Jerry Minoia

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

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, 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 25, 2012, commencing at 5:35 P.M. to hear all interested parties on a proposed Local Law entitled “A Local Law for the Town of Conklin Amending Chapter 140 of the Town Code Entitled ‘Zoning,’” and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on September 12, 2012, and posted on the Town Clerk’s sign board, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 5:35 o’clock P.M. on September 25, 2012, 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 an unlisted action; and

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 Local Law No. 5; and further

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; and further

RESOLVED, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and further

RESOLVED, the Conklin Town Board hereby adopts said Local Law as Local Law No. 5-2012 entitled ““A Local Law for the Town of Conklin Amending Chapter 140 of the Town Code Entitled, ‘Zoning,’” 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 25, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant

Councilman Gary D. Bullock

Councilman Charles Francisco

YES

YES

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

Deputy Supervisor and Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: September 25, 2012

Town of Conklin Seal _____

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

POLICY & BENEFIT STANDARDS/TOWN OF CONKLIN EMPLOYEES

Mr. Finch distributed copies of the revised Policy and Benefit Standards for Town of Conklin Employees manual and asked Board members to look at the revisions to be able to give their input at the October 9 Town Board meeting.

RESO 2012-173: APPOINT JOHN SIMMONS AND A SUBSTITUTE/TEMPORARY
DOG CONTROL OFFICER/MUTUAL AGREEMENT WITH TOWN OF
BINGHAMTON/SERVICES TO BE PAID TO TOWN OF BINGHAMTON
RETROACTIVE TO SEPTEMBER 13, 2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints John Simmons and a substitute to the position of Temporary Dog Control Officer through a mutual agreement with the Town of Binghamton, with services to be paid to the Town of Binghamton, retroactive to September 13, 2012.

Seconded by Mr. Francisco.

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

“EGGS AND ISSUES”

Mr. Finch stated that he and Assistant to the Supervisor Lisa Houston attended the recent “Eggs and Issues” breakfast meeting sponsored by the Greater Binghamton Chamber of Commerce, adding that he made some business contacts that will be helpful in saving the Town some money in the future.

RESO 2012-174: APPOINT LISA HOUSTON/SUBSTITUTE SCHOOL CROSSING
GUARD/PAY RATE \$31.80 PER DAY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Lisa Houston to the position of Substitute School Crossing Guard at a pay rate of \$31.80 per day.

Seconded by Mr. Bullock.

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

RESO 2012-175: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF
COMMERCE/2012-2013 MEMBERSHIP FEES

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4848, account code A1220.4, in the amount of \$350.00 to the Greater Binghamton Chamber of Commerce for 2012-2013 Membership fees.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

unanimously.

RESO 2012-176: RATIFY PAYMENT/NYSAMCC, INC./2012 ANNUAL JUSTICE
CONFERENCE/9-30 TO 10/3/2012/ALBANY, NEW YORK

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4849, account code A1110.4, in the amount of \$40.00 to NYSAMCC, Inc., for the 2012 Annual Justice Conference, to be held September 30 through October 3, 2012, in Albany, New York.

Seconded by Mr. Francisco.

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

RESO 2012-177: APPROVE SEPTEMBER 25, 2012 BILL LIST/\$214,619.71

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following September 25, 2012 Bill List in the total amount of \$214,619.71:

General	\$ 20,447.19
Highway	138,708.83
Water District	2,206.17
Sewer Districts	45,832.66
Light Districts	2,014.86
Non-Budget	5,410.00
Total	\$214,619.71

Seconded by Mr. Francisco.

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

RESO 2012-178: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/LEAF
PICKUP/OCTOBER 15-NOVEMBER 30, 2012

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** for the annual Leaf Pickup to be conducted by the Town Highway Department from October 15 through November 30, 2012, weather permitting.

Seconded by Mr. Francisco.

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

RESO 2012-179: APPROVE CHANGES TO TOWN POLICY MANUAL/PART-TIME
EMPLOYEE BENEFITSEFFECTIVE 1-1-2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following changes to the Town Policy Manual regarding part-time employee benefits, effective January 1, 2012:

- a.) Part-time employees, after one year continuous service, shall be entitled to **5 days** of paid vacation per year, effective January 1, 2012.

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

- b.) Part-time employees, after one year continuous service, shall be entitled to **5 days** per year of paid sick leave at the beginning of the 2nd year and each year thereafter, effective January 1, 2012.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Minoia – Abstain, Francisco – Yes, Finch – Yes. Motion carried: 3 – Yes, 1 - Abstain.

RESO 2012-180: REFINANCING TOWN HALL MORTGAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Conklin,

in the County of Broome, New York

September 25, 2012

* * *

A regular meeting of the Town Board of the Town of Conklin, in the County of Broome, New York, was held at Town Hall, 1271 Conklin Road, in said Town, on September 25, 2012.

There were present: Hon. James Finch, Supervisor; and

Board Members: Hon. Gary Bullock
Hon. Gerard Minoia
Hon. Charles Francisco

There were absent: None.

Also present: Sherrie Jacobs, Town Clerk

* * *

Mr. Bullock offered the following resolution and moved its adoption:

REFUNDING BOND RESOLUTION OF THE TOWN OF CONKLIN, NEW YORK,
ADOPTED SEPTEMBER 25, 2012, AUTHORIZING THE REFUNDING OF CERTAIN
OUTSTANDING BONDS OF SAID TOWN ORIGINALLY ISSUED ON JANUARY 30, 2002,
STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO
EXCEED \$670,000 THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$670,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING
CERTAIN OTHER DETERMINATIONS RELATIVE THERETO.

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

Recitals

WHEREAS, the Town of Conklin, in Broome County, New York (herein called the “Town”), has heretofore issued on January 30, 2012, its \$1,100,000 Public Improvement Serial Bonds – 2002 (the “2002 Bonds”); and

WHEREAS, the 2002 Bonds are currently outstanding in the principal amount of \$620,000 (the “Outstanding Bonds”), bear interest payable semiannually on June 1 and December 1 in each year to maturity and mature on December 1 in the years and in the principal amounts, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2013	\$55,000	4.50%
2014	60,000	4.50
2015	60,000	4.50
2016	65,000	4.50
2017	70,000	4-5/8
2018	70,000	4.75
2019	75,000	4.75
2020	80,000	4.75
2021	85,000	4.75

WHEREAS, the Outstanding Bonds maturing on or after December 1, 2013 will be subject to redemption prior to maturity, at the option of the Town, on December 1, 2012, and thereafter on any interest payment date, as a whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at redemption prices expressed as percentage of par, as follows:

<u>Redemption Periods (all dates inclusive)</u>	<u>Redemption Price as a Percentage of Par</u>
December 1, 2012, and June 1, 2013	101%
December 1, 2013, and thereafter	100

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), permit the Town to refund all or a portion of the outstanding unredeemed maturities of the Outstanding Bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town, and the Town Board has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds;

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CONKLIN, NEW YORK (*by the favorable vote of at least two-thirds of all the members of said Town Board*), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

(a) “Bond To Be Refunded” or “Bonds To Be Refunded” means all or a portion of the aggregate Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.

(b) “Escrow Contract” means the contract to be entered into by and between the Town and the Escrow Holder pursuant to Section 10 hereof.

(c) “Escrow Holder” means the bank or trust company designated as such pursuant to Section 10 hereof.

(d) “Present Value Savings” means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.

(e) “Redemption Date” means December 1, 2012, or any interest payment date thereafter with respect to the Outstanding Bonds; or such other dates as shall be determined by the Supervisor, as chief fiscal officer of the Town, pursuant to Section 8 hereof.

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

(f) “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$670,000 Refunding Serial Bonds-2012 of the Town of Conklin, authorized to be issued pursuant to Section 2 hereof.

(g) “Refunding Bond Amount Limitation” means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Town Board of the Town (herein called the “Town Board”), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$670,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$670,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Serial bonds of the Town in the maximum principal amount of \$670,000 and designated substantially as “REFUNDING SERIAL BONDS-2012”, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as **Exhibit A** (the “refunding financial plan”) prepared for the Town by Municipal Solutions, Inc., LeRoy, New York, and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the Town in connection with said refunding from such proceeds and the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the unmatured aggregate outstanding balance of the Outstanding Bonds issued pursuant to the bond resolution duly adopted by the Town Board on May 22, 2001, authorizing the issuance of bonds of the Town to finance the construction of a building adjacent to Town Hall. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$670,000 shall mature in amounts and at dates to be determined. The Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness permitted by law at the time of original issuance of the Bonds to be Refunded, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds. The applicable period of probable usefulness ("PPU") for the object or purpose financed with the proceeds of the Bonds to be Refunded is thirty (30) years.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as **Exhibit A**, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms, and bear such interest as set forth therein. The Town Board recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as **Exhibit A**.

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

Section 6. The Refunding Bonds may be sold at public or private sale and, if the Refunding Bonds are sold at private sale, the Supervisor, the chief fiscal officer of the Town, is hereby authorized to execute a purchase contract on behalf of the Town for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller. Prior to the issuance of the Refunding Bonds the Supervisor shall have filed with the Town Board a certificate approved by the State Comptroller setting forth the Present Value Savings to the Town resulting from the issuance of the Refunding Bonds. In connection with such sale, the Town authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Supervisor is hereby authorized and directed to prepare or have prepared a Notice of Sale to be published at least once in "THE BOND BUYER", published in the City of New York, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in Nassau County, or, if only one bank is located in such County, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER", 1 State Street Plaza, New York, New York 10004; and (4) at least 10 bond dealers. The Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Town in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Law, the powers and duties of the Town Board relative to determining the amount of Bonds To Be Refunded, to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing any arbitrage certification relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, and as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. The validity of the Refunding Bonds authorized by this resolution 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 a 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 10. Prior to the issuance of the Refunding Bonds, the Town shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. If invested, all moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the refunding financial plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Town Board hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Supervisor in accordance with Section 8 hereof. The sum to be paid therefor shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the Town by mailing such notice not less than thirty (30) nor more than sixty (60) days prior to such Redemption Date, or in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

Section 14. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in **The Country** Courier, a newspaper having general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded by Mr. Francisco, and duly put to a vote on roll call, which resulted as follows:

AYES: Mr. Bullock
 Mr. Minoia
 Mr. Francisco
 Mr. Finch

NOES: None

The resolution was declared adopted.

.....

EXHIBIT A

PROPOSED REFUNDING FINANCIAL PLAN

(See Attached)

CERTIFICATE

I, Sherrie Jacobs, Town Clerk of the Town of Conklin, in Broome County, New York, HEREBY CERTIFY that the foregoing annexed extract of the minutes of a meeting of the Town Board of said Town of Conklin duly called and held on September 25, 2012, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

REGULAR TOWN BOARD MEETING

SEPTEMBER 25, 2012

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Conklin this 25th day of September, 2012.

(SEAL)

Town Clerk

Mr. Finch commented that the original mortgage on the Town Hall was in the amount of \$1,000,000 when the addition was constructed in 2002. The Town still owes approximately \$600,000. He stated that the interest rate dropped from 4.75 % to 2.36% on this ten year loan.

SECURITY BADGES

Mr. Bullock commented that the format for the Town's security badges has been approved by Broome County and the badges may be obtained at the County Office Building by each Town employee.

OFF-LEASH DOG AREA

Mr. Minoia stated that he read about the City of Binghamton's new "Bark Park," and wondered if the Town of Conklin's off-leash area will be open during the winter months. Mr. Finch replied that the off-leash area will be open during the winter, with the access maintained, but with no snow plowing in the park itself. Parks Superintendent Tom Delamarter stated that the hole in the fence at the off-leash area has been fixed.

HALLOWEEN CURFEW

The Town Board reviewed the law which establishes a Halloween curfew on October 30 and 31, and November 1 of each year.

SEWER SYSTEM PROBLEMS/JULIUS ROGERS PARK AREA

Water and Sewer Superintendent Tom Delamarter stated that the sewer pumps in the Julius Rogers Park area were damaged by debris that had been put into the sewer system, adding that people should be careful of what they put in the toilets, particularly feminine hygiene products.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:12 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on September 11, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance and a moment of silence in memory of those lives lost on September 11, 2001.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
	Zoning Board of Appeals	William Northwood
	Planning Board	Chris Ostrowsky
GUESTS:	Country Courier	Elizabeth Einstein John Colley Bev Collins George Frailey John Lash Laurie Francisco Peter J. Motsavage Tom Tryt

MINUTES: AUGUST 14, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the August 14, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

MINUTES: SEPTEMBER 8, 2012 SPECIAL TOWN BOARD MEETING

Mr. Minoia moved to approve the September 8, 2012 Special Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the Broome County Real Property Tax Office regarding 12 Woodcrest Way, and from the Broome County Clerk's Office regarding the mobile DMV, adding that possibly the mobile DMV unit will be in Conklin a second day each week, in addition to Tuesdays, and that the DMV will be providing a new sign for the front of

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

the Town Hall advertising its mobile unit. Mr. Finch acknowledged receipt of a letter from the Conklin Fair Committee, Inc. He also acknowledged receipt of a letter from the DEC (New York State Department of Conservation) granting approval for the development of the Farnham Quarry.

PUBLIC COMMENTS:

COMMUNITY SERVICE AWARD/WILLIAM NORTHWOOD

William Northwood, Chairman of the Zoning Board of Appeals and one of the two recipients of the 2012 Community Service Award, thanked the Town Board for this “great honor,” adding that he feels “unworthy.” Mr. Northwood stated that he has “worked with great minds on the ZBA,” adding that he is “a little cog in the wheel.” He added that his purpose, and that of co-recipient Arthur Boyle, a member of the ZBA, is “to serve the people of the Town of Conklin.” “We are trying to meet the needs of the people,” he stated.

EXPANSION OF WATER DISTRICT/ROUTE 7A

Bev Collins stated that there are 25 homes on Route 7A in the southern end of the Town of Conklin whose owners would like the Town water system to be extending to the Pennsylvania state line. She added that she has a petition with 16 of the 25 signatures, adding that three homes are abandoned, three are opposed, one is an absentee owner, and three she has not been able to contact. Ms. Collins stated that the water in that area is “bad.” Town Attorney Cheryl Sacco stated that the Town could extend Water District 6 or create a new water district, but could not create 25 new outside user agreements. She will contact the attorney who represents the Town of Kirkwood to see if Kirkwood could supply that much additional water, noting that the Town of Conklin purchases water from the Town of Kirkwood to supply the southern end of the Town of Conklin. Mr. Finch stated that the cost of the new or extended water district would be split among the 25 new users.

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

In addition to her written report, Town Clerk Sherrie Jacobs noted that revenue is increased this month due to sale of the 2012-1013 conservation licenses.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that all of the projects in the “CHIPS” (Consolidated Highway Improvement Program) program have been completed and the paperwork has been turned into the DOT (New York State Department of Transportation). He stated that the Town should receive its reimbursement money in December 2012.

Mr. Latting reported that the new backhoe has been delivered and added that he is familiarizing his staff with its operation. He reported that the pipe for the Ross Hill Road drainage project has been delivered and added that this project will be completed this year rather than in 2013, as

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

originally planned. Mr. Finch commented that the \$20,000 received from WPX Energy paid for the new pipe, allowing the Town to move forward with this project.

Developer Chris Ostrowsky and Engineer Tom Tryt gave a presentation regarding Anastasia Drive, which Mr. Ostrowsky would like to build and eventually turn over to the Town of Conklin. Mr. Tryt stated that the new road would be 300 to 400 feet long and would allow access to Lots 34, 35, and 36 in Mr. Ostrowsky's subdivision. Attorney Sacco asked if Mr. Ostrowsky has discussed this with Code Officer Robert Jones and Mr. Ostrowsky stated that he and Mr. Jones have discussed this many times. She asked if Mr. Ostrowsky has obtained a permit for a subdivision and he stated that he is allowed to build three houses per year. Mr. Finch stated that Anastasia Drive must be built to Town of Conklin specifications and must meet approval from the Town Engineer, the Town Board, and the Town Highway Superintendent before it can be given to the Town of Conklin to maintain. Mr. Ostrowsky stated that he plans to have the traffic "pack down" the road. Ms. Sacco stated that the Town Board can reach consensus on this project but cannot be bound by that consensus, since the road isn't constructed yet. Mr. Bullock and Mr. Minoia both spoke in approval of proceeding with this road construction. Mr. Francisco asked if the water flow on the south side of the road has been addressed and if the project has been approved by the Town Planning Board. Mr. Ostrowsky replied that all of these issues have been addressed, utilizing a professional landscaper, and that the project has been approved by the Planning Board. Mr. Francisco gave his approval, as did Mr. Finch.

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 billed for this quarter, and the fire hydrants repainted. He reported that the Broome County Health Department inspected Wells 5 and 6 and the two water tanks and everything was approved. Mr. Delamarter reported that the DEC (New York State Department of Environmental Conservation) and the EPA (Environmental Protection Agency) have both inspected and approved the Town Landfill.

Mr. Delamarter reported that the Shawsville Cemetery was mowed and trimmed in time for Labor Day. He reported that the Town Pool closed on August 24, adding that soccer practice and games are now occurring at Schnurbusch Park. Mr. Delamarter reported that the fence and sign have been installed at the Town's off-leash dog area.

Mr. Finch stated that he received correspondence from the Binghamton-Johnson City Joint Sewage Board regarding a new way in which to bill sewer users based on the number of bathrooms in one's house or business.

Mr. Francisco asked Mr. Delamarter if the fence at the Shawsville Cemetery will be repaired. Mr. Delamarter replied that it will be repaired, adding that he has been waiting for an answer from the Town's insurance carrier, which has refused to pay the cost of the repairs.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he has been conducting building safety inspections and dealing with complaints from residents. He stated that he has also been conducting inspections on new and rebuild construction. Mr. Jones stated that he will attend mandatory Code Training in September and October. He stated that his office has been preparing the Buyout Plan. Mr. Jones stated that he received three quotes on flood barriers for

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

the Maines Community Center. He stated that he is working with John Lash regarding a drainage issue on Ketchum Road. Mr. Finch stated that Mr. Jones is to meet with Ray Knapp, who claims to own the building on property owned by CP Rail on Conklin Road.

Mr. Finch asked about a complaint regarding unmowed property on Terrace Drive, and Mr. Jones replied that this issue has been addressed. Mr. Jones stated that he sent a letter to Christine Macan of 200 Shaw Road scheduling a meeting with her the last week of September.

REPORT: DOG CONTROL OFFICER

In addition to her written report, Dog Control Officer Darlene Weidman reported that she has 25 tickets to serve to dog owners, adding that this must be done in the evening and that she “wants someone to ride with me.” She added that Deputy Town Clerk Marilou Gabello is “willing to do this for free.” Mr. Finch commented that the Town Board will look into this request.

OLD BUSINESS:

2013 BUDGET

Mr. Finch reported that health insurance costs to the Town will be increased by 7.5% for 2013. He stated that he has met with the Town Engineer and the Town Auditor regarding their fees for the 2013 Budget, which he stated will be distributed at the September 25 Town Board meeting.

NEW BUSINESS:

ROAD USE AGREEMENT

Attorney Sacco led the Town Board through the SEQR (State Environmental Quality Review) process for the proposed Road Use Agreement between the Town of Conklin and WPX Energy. The Town Board answered “No” to each of the following questions:

- A.) Does Action exceed any Type 1 threshold in 6NYCRR, Part 617.4?
- B.) Will Action receive coordinated review as provided for Unlisted Actions in 6NYCRR, Part 617.6?
- C.) Could Action result in any adverse effects associated with the following:
 - C1) 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?
 - C2) Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?
 - C3) Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?
 - C4) 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?
 - C5) Growth, subsequent development, or related activities likely to be induced by the proposed action?
 - C6) Long term, short term, cumulative, or other effects not identified in C1-C5?
 - C7) Other impacts (including changes in use or either quantity of type of energy)?
- D.) Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
- E.) Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

RESO 2012-154: AUTHORIZING EXECUTION OF A ROAD USE AGREEMENT WITH
WPX ENERGY APPALACHIA, LLC, AND WPX ENERGY MARCELLUS
GATHERING, LLC

Mr. Bullock moved for the following resolution:

WHEREAS, WPX Energy Appalachia, LLC and WPX Energy Marcellus Gathering, LLC (hereinafter Jointly called “WPX”) intend to engage in certain natural gas activities in Pennsylvania and as a result WPX need to travel on certain Town of Conklin roads,

WHEREAS, the WPX and Conklin have now agreed to enter into a Road Use Agreement; and

WHEREAS, approval of the agreement 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 SEQR); and

WHEREAS, approval of the agreement is an unlisted action under 6 NYCRR 617.2;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby makes a determination that the approval of the agreement is an unlisted action under 6 NYCRR 617.2; and further

RESOLVED, that the Town Board hereby declares itself lead agency pursuant to SEQR for the environmental review of said agreement; 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 this resolution will take effect immediately, that the Deputy Supervisor is hereby is authorized to execute said agreement, which is attached and that this resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on September 11, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 11th day of September, 2012

Sherrie L. Jacobs, Town Clerk

Mr. Finch commented that the Town has already received the \$20,000 non-refundable deposit from WPX Energy, adding that no work on the gas well site near Farnham Road is anticipated until January 2013.

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

INTERMUNICIPAL WATER SALE AGREEMENT/TOWN OF KIRKWOOD

Attorney Cheryl Sacco led the Town Board through the SEQR process for the proposed Water Sale Agreement between the Town of Conklin and the Town of Kirkwood. The Town Board answered “No” to each of the following questions:

- A.) Does Action exceed any Type 1 threshold in 6NYCRR, Part 617.4?
- B.) Will Action receive coordinated review as provided for Unlisted Actions in 6NYCRR, Part 617.6?
- C.) Could Action result in any adverse effects associated with the following:
 - C1) 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?
 - C2) Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?
 - C3) Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?
 - C4) 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?
 - C5) Growth, subsequent development, or related activities likely to be induced by the proposed action?
 - C6) Long term, short term, cumulative, or other effects not identified in C1-C5?
 - C7) Other impacts (including changes in use or either quantity or type of energy)?
- D.) Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
- E.) Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

RESO 2012-155: AUTHORIZE SUPERVISOR OF TOWN OF CONKLIN TO
AMEND INTERMUNICIPAL WATER SALE AGREEMENT WITH TOWN OF
KIRKWOOD, ACTING FOR AND ON BEHALF OF CONSOLIDATED WATER
DISTRICT NO. 1 OF SAID TOWN

Mr. Francisco moved for the following resolution:

WHEREAS, on or about August 3, 1999, The Town of Kirkwood, acting for and on behalf of Consolidated Water District No. 1 of said Town, and the Town of Conklin, acting for and on behalf of Water District No. 6, entered into an “Intermunicipal Agreement between Town of Kirkwood, New York, and the Town of Conklin, New York, relative to Water Sale” (“Water Agreement”), whereby Kirkwood would provide the Conklin’s District with the use of Kirkwood’s excess water supply; and

WHEREAS, the Town of Kirkwood and the Town of Conklin have now agreed to renew the Water Agreement pursuant to Article 5G of the General Municipal Law and to make certain amendments to the terms of the Water Agreement as authorized by paragraph 17 of the Water Agreement; and

WHEREAS, approval of the agreement 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 SEQR); and

WHEREAS, approval of the agreement is an unlisted action under 6 NYCRR 617.2;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby makes a

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

determination that the approval of the agreement is an unlisted action under 6 NYCRR 617.2; and further

RESOLVED, that the Town Board hereby declares itself lead agency pursuant to SEQR for the environmental review of said agreement; 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 this resolution will take effect immediately, that the Deputy Supervisor is hereby authorized to execute said intermunicipal agreement, which is attached and that this resolution shall take effect immediately.

Seconded by Mr. Bullock.

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

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on September 11, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 11th day of September, 2012.

Sherrie L. Jacobs, Town Clerk

Attorney Sacco stated that the only change is that the Town of Kirkwood will now allow the Town of Conklin to add outside users. Mr. Finch stated that the water rate will remain the same between the two Towns as it is currently. Attorney Sacco stated that the rate in the agreement between the Town of Conklin and the owner of Pride Manor Mobile Home Park will be determined by the Town Board. She stated that a “lot of work” has gone into this agreement. Ms. Sacco stated that Town Engineer Dan Griffiths has stated that the addition of outside users in Conklin will not exceed the excess water available from the Town of Kirkwood.

RESO 2012-156: RATIFY ACH PAYMENT/POSTAGE ON CALL/PURCHASE OF
METERED POSTAGE

Mr. Bullock moved for the following resolution:

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

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

RESO 2012-157: RATIFY PAYMENT/CONCERT IN THE PARK BAND
PAYMENTS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment, account code A7110.401, in the following amounts to the following Concert in the Park band payments:

Tom Cox, The Shambles	Check # 4419	\$300.00
Carl Petro, Brotherhood	Check # 4476	\$300.00
Nick Putrino, Los Vega	Check #4509	\$300.00
Pearl Klein, String of Pearls	Check # 4512	\$300.00
Butch Nira, Masterpiece	Check # 4637	\$300.00
Sal Crisasi, Certified Soul	Check # 4640	\$300.00
Rich Wilson Band	Check # 4653	\$300.00
Katie Scott Hlavac, Persuasion	Check # 4723	\$300.00
David Shoudy, Outer Reef	Check # 4742	\$300.00
Tom Dimock, Old Friends	Check # 4797	\$100.00
Jim Hull, Old Friends	Check # 4800	\$100.00
Jim Wilding, Old Friends	Check # 4802	\$100.00

Seconded by Mr. Minoia.

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

RESO 2012-158: RATIFY PAYMENT/U.S. POSTAL SERVICE/3RD QUARTER
WATER 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 #4729, account code SW8310.4, in the amount of \$294.40 to the U.S. Postal Service for postage for the 3rd Quarter Water billing.

Seconded by Mr. Francisco.

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

RESO 2012-159: RATIFY PAYMENT/FIVE STAR EQUIPMENT, INC./
DOWN PAYMENT/2012 JD 410K LOADER BACKHOE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4743, account code DA5130.2, in the amount of \$3,514.00 to Five Star Equipment, Inc., for the down payment on a 2012 JD 410K Loader Backhoe.

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

RESO 2012-160: RATIFY PRE-APPROVED PAYMENT/AUGUST 28 BILL LIST

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the pre-approved payment of the following August 28, 2012 Bill List in the total amount of \$37,541.22:

General	\$25,191.56
Highway	2,337.39
2011 Flood Emergency	1,157.80
Water District	2,332.94
Sewer District	1,011.23
Light Districts	1,722.80
Non-Budget	<u>3,787.50</u>
Total	\$37,541.22

Seconded by Mr. Minoia.

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

RESO 2012-161: APPROVE PAYMENT/SEPTEMBER 11, 2012 BILL LIST

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following September 11, 2012 Bill List in the total amount of \$23,263.45:

General	\$16,869.14
Highway	1,922.29
2011 Flood Emergency	13.50
Water District	2,011.19
Water District 6	<u>2,447.33</u>
Total	\$23,263.45

Seconded by Mr. Francisco.

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

RESO 2012-162: ACCEPT DONATIONS/TOWN OF CONKLIN BEAUTIFICATION PROJECT/MONIES TO BE USED FOR PURCHASE OF AMERICAN FLAGS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the following donations, account code A2750, for the Town of Conklin Beautification Project, with the monies to be used for the purchase of American flags:

Womens Auxiliary of Conklin Vol. Fire Co.	\$43.00
Cook Foam Products, Inc.	\$43.00
Elizabeth Einstein	\$43.00
Patricia A. Shelton	<u>\$43.00</u>

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

Total **\$172.00**

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

RESO 2012-163: ACCEPT DONATION/CONKLIN BOOSTER CLUB/MONIES TO BE USED FOR PARKS DEPARTMENT/VARSITY FOUL POLE FOR LITTLE LEAGUE & SLIDERS (BASES)

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation, account code A2750, in the amount of \$1,923.10 from the Conklin Booster Club, with the monies to be used for the Parks Department’s varsity foul pole for Little League and sliders (bases).

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

RESO 2012-164: ACCEPT DONATIONS/CONKLIN BOOSTER CLUB/HOT DOGS & SODA/ AND FROM BINGHAMTON PEPSI/3 CASES OF MIXED SODA/CONKLIN COMMUNITY PICNIC/AUGUST 29, 2012

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the following donations from the Conklin Booster Club, hot dogs and soda with an estimated value of \$300.00, and from Binghamton Pepsi three cases of mixed soda, with products used at the Conklin Community Picnic held on August 29, 2012.

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

RESO 2012-165: APPROVE BUDGET LINE MODIFICATIONS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following Budget Line modifications:

Increase Revenue A2705 (Gifts & Donations) by	\$2,095.00
Increase Expenditure A7550.4 (Celebrations Contractual)	\$ 172.00
Increase Expenditure A7110.4 (Park Contractual)	\$1,923.00

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

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

COMMUNITY SERVICE AWARDS & TOWN CLEAN-UP

Town Clerk Sherrie Jacobs read the list of Community Service Award recipients (listed in the September 8, 2012 Special Town Board Meeting minutes). She announced that the Conklin Beautification Corps will hold another Town-wide clean-up day on September 29, 2012.

RESO 2012-166: AUTHORIZE TRANSFER & USE OF UNASSIGNED
UNRESTRICTED GENERAL FUND BALANCE TO HIGHWAY
FUND/\$43,734.00/MONIES TO FUND EMERGENCY REPAIR OF STATELINE ROAD

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the transfer and use of Unassigned Unrestricted General Fund Balance to the Highway Fund in the amount of \$43,734.00, with monies to fund the emergency repair of Stateline Road. Transfer and Budget modification as follows:

A9950.9 Interfund Transfer
A200 Cash
DA200 Cash
DA5112.201 Improvement – Stateline Road
DA5031 Interfund Transfer

Seconded by Mr. Bullock.

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

EXECUTIVE SESSION

Attorney Sacco stated that she would need an Executive Session to discuss a litigation matter and an employee matter.

BILLBOARDS IN THE TOWN OF CONKLIN

Attorney Sacco stated that her colleague, Reinaldo Valenzuela, has been researching the issue of billboards in the Town of Conklin. She stated that there are ten billboards in Conklin, with two on the property belonging to CP Rail. One of these, she added may actually be located in the Town of Binghamton, since the town boundary is located in that area. Ms. Sacco would like the Board's approval to send a letter to the property owners of the properties on which billboards are located and to Park Outdoors, which is the owner of the billboards, informing them that they have 90 days in which to remove the billboards, pursuant to the Town Code. She stated that none of the roads on which billboards appear have the special designation in the Highway Law which would require payment to the billboard and property owners. Mr. Finch asked about the billboards on CP Rail's property and Ms. Sacco replied that CP Rail has an agreement with Park Outdoors.

RESO 2012-167: AUTHORIZE TOWN ATTORNEY/C. SACCO/SEND LETTER TO
PROPERTY OWNERS AND PARK OUTDOORS/
REMOVE BILLBOARDS WITHIN 90 DAYS

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Attorney Cheryl Sacco to send a letter to property owners on whose property billboards are placed, and to Park Outdoors, advising them that they have 90 days within which to remove the billboards, pursuant to Town Code.

Seconded by Mr. Francisco.

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

CONCERT IN THE PARK/COMMUNITY PICNIC

Mr. Bullock commented that the final Concert in the Park and Community Picnic went very well and thanked all of those who volunteered and who attended.

RESO 2012-168: EXECUTIVE SESSION/LITIGATION & EMPLOYEE MATTER

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 7:55 P.M. to discuss proposed, pending, or current litigation and the demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Seconded by Mr. Francisco.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 7:55 P.M. with Deputy Supervisor James Finch presiding. Present were: Deputy Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Attorney Cheryl Sacco, and Town Clerk Sherrie Jacobs. Town Clerk Jacobs 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, and the demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.

RESO 2012-169: 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 8:33 P.M.

Seconded by Mr. Francisco.

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

RESO 2012-170: REVOKE PROVISIONAL APPOINTMENT/DARLENE WEIDMAN/DOG CONTROL OFFICER

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin revokes the provisional appointment of Darlene Weidman, who serves at the pleasure of the Board, from the position of Dog Control Officer for the Town of Conklin, effective September 12, 2012, and requires that all

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2012

records and materials, including cell phone, keys, and equipment, be made available for pick-up by a Town employee.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – 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 8:37 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

SPECIAL TOWN BOARD MEETING
SEPTEMBER 10, 2012

The Town Board of the Town of Conklin held a Special Town Board Meeting at 12:00 P.M. on September 8, 2012, at the Floyd Maines Community Center grounds. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Zoning Board of Appeals	William Northwood
	Zoning Board of Appeals	Arthur Boyle
	Planning Board	Dell Boyle

GUESTS:	Country Courier	Elizabeth Einstein
	Country Courier	Don Einstein
		Mary Harris
		Paul Jacobs
		Barbara Northwood

Residents and Visitors to the Town of Conklin

COMMUNITY SERVICE AWARDS

On behalf of the Town Board, Mr. Finch presented two Community Service Award plaques – one to William Northwood, Chairman of the Zoning Board of Appeals, for his more than forty years of service to the Community as a member of the Zoning Board of Appeals, and one to Arthur Boyle, member of the Zoning Board of Appeals and lifetime member of the Conklin Volunteer Fire Department, Inc., for his more than forty years of service to the Community as a member of the Zoning Board of Appeals and as a member of the Fire Department. Mr. Northwood and Mr. Boyle both expressed their appreciation for this recognition, with Mr. Northwood adding that they “love the people of Conklin” and make decisions with the best interest of the residents in mind.

Mr. Bullock, Mr. Minoia, and Mr. Francisco, on behalf of the Town Board, presented Certificates of Appreciation for their work with the Conklin Beautification Corps to the following people:

Bev Collins	Arlene Dubay	Jean Stewart
Mary Harris	Dee Nevins	Peg Lamb
Glenda Rowse	Sharon Platt	Elizabeth Einstein
John Colley	Valarie Platt	Betty Gianakos
Cat Lyon	Lisa Houston	Marilou Gabello
Carol Bell	Sherrie Jacobs	Cindy Green
Conklin Kiwanis	Conklin Rotary Club	Connie Barnhart

There being no further business to come before the Board, Mr. Minoia moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 12:13 P.M.

Respectfully submitted,

Sherrie L. Jacobs, Town Clerk

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on August 27, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Town Justice	J. Marshall Ayres
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta

GUESTS:	Country Courier	Elizabeth Einstein
	Broome County Executive	Debra A. Preston
	Deputy County Executive	John Bernardo
	Broome County Budget	Marie Kalka
	Broome County Planning	Elaine Miller
	Broome County Public Works	Dan Schofield
		Gary F. Blaisure
		William Dumian, Jr.
		Kelly Luce
		Mark Gates
		William Dumian, Sr.
		Tom Edmister
		Dolly Stout
		Laurie Francisco
		Domenico Rossi
		Darlene Weidman
		Paul Preston
		Dennis Harder
		Gail Kumpan

NEW BUSINESS:

PRESENTATION BY BROOME COUNTY OFFICIALS

Broome County Executive Debra Preston introduced the following members of her staff: Deputy County Executive John Bernardo, Commissioner of Public Works Daniel Schofield, Budget Director Marie Kalka, and Commissioner of Planning and Economic Development Elaine Miller.

Executive Preston stated that the Town will be receiving a refund in 2014 of approximately \$1,445 from the monies paid for the contract with the Front Street Dog Shelter, adding that there will be no change to the contract.

Budget Director Marie Kalka stated that the sales tax revenue has not been split 50-50 with the municipalities, but added that 10% more was given to the municipalities in 2013. She stated that she recommends an estimate of \$1,174,233 in sales tax revenues for municipalities to use in

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

determining their 2014 budgets, adding that the Third Quarter Of 2013 will be the last quarter of reductions, and 20% of the excess sales tax revenues received will be returned to the municipalities. Executive Preston added that the “retirement numbers look good at the County.”

Commissioner of Planning and Economic Development Elaine Miller stated that the New York State Office of Community Renewal administers a federal grant for the Community Reconstruction Program, adding that \$15,000,000 in federal monies will be made available for the City of Binghamton and the Towns of Union, Conklin, and Vestal, and the Village of Johnson City. She stated that a committee, consisting of her, Chief County Planner Frank Evangelisti, and representatives from each of the named municipalities, was formed to oversee the distribution of these monies. Ms. Miller stated that there are many possible projects that this grant could fund, adding that there is “a better chance of getting the money if we work together.” She stated that public participation will be available and that there will be a kick-off meeting after Labor Day.

Broome County Public Works Commissioner Daniel Schofield discussed the County’s Road Use Agreement and tipping fees, with Executive Preston adding that there is no increase in tipping fees at the County Landfill. Mr. Schofield stated that with New York State now paying the 25 % of the cost of demolition of Flood Buyout (through FEMA – Federal Emergency Management Agency) structures, the County has reduced the tipping fees from \$70 per ton to \$40 per ton, and \$60 per ton for friables (such as asbestos). He stated that the County cannot waive the tipping fees for flood debris but lowered them. Supervisor Finch commented that the Town will award demolition of structures to the low bid per parcel to be demolished.

Mr. Schofield stated that Corporate Drive in the Broome Corporate Park is being repaved utilizing a new process of milling and replacement, letting the materials settle, then applying a two inch overlay. He stated that the Broome County Road Use Agreement incorporates the Delta Version 3.0 plan, which will move forward in September-October of 2013. Mr. Schofield explained that the program lasts for the life of the projects and is for new projects only and only during construction. Town Attorney Cheryl Sacco added that this is not an industry-specific local law.

Mr. Schofield stated that there is free stone available to municipalities at the County Landfill, adding that the County will load stone onto municipal trucks. He added that there will be rip rap available later in the autumn.

Mr. Schofield stated that the Salt Distribution Plant on Hardie Road, owned by Joseph Tuzze, has agreed to bond to repair the road from damage caused by its trucks. Executive Preston stated that “No Idling” signs will be posted and the Broome County Sheriff’s Department will patrol the road to enforce this restriction.

Deputy County Executive John Bernardo discussed payments owed by the Town of Conklin to the County on the Town Landfill, with Executive Preston quoting the **Country Courier** as stating the Town has “\$165,000 left to pay.” Mr. Bernardo stated that the actual debt remaining is \$1,034,474.08, adding that Conklin has received “an interest-free loan” from the County. The Town will pay \$50,350 each year for 2013 and 2014.

Mr. Finch thanked all of the County officials for attending the Town meeting.

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

MINUTES: JULY 23, 2013 REGULAR TOWN BOARD MEETING

Mr. Bullock stated that a clarification is needed on page 4, lines 6 and 7 from the top, in which the Supervisor and Public Works Superintendent Tom Delamarter are quoted as stating that no overtime pay has been paid to the Deputy Highway Superintendent. What both men meant was that no overtime pay has been paid to Mr. Delamarter, who has had oversight of the Highway Department in 2013 as part of his duties as Public Works Superintendent. Michael Mott is the Deputy Highway Superintendent.

Mr. Bullock also stated that a clarification is needed on page 4, 22 and 23 from the top, in which it states that “the workers’ pay rate was increased to \$12.00 per hour.” Mr. Bullock stated that the rate is \$16.00 per hour.

Mr. Bullock moved that the July 23, 2013 Regular Town Board Meeting minutes be approved with the above clarifications.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from U.S. Congressman Richard Hanna regarding benefits for volunteer firefighters. He acknowledged receipt of correspondence from the New York State Department of Environmental Conservation regarding inspection of dams, which he stated was forwarded to the Broome County Industrial Development Agency. Mr. Finch acknowledged receipts of tax certioraris from both Johnson Outdoor and International Paper disputing tax assessments. He acknowledged receipt of a letter from Town Justice J. Marshall Ayres requesting an Executive Session.

PUBLIC COMMENTS:

TIME WARNER CABLE

J. Marshall Ayres asked if Time Warner Cable will be repairing the main transmission lines through the Town as part of the new agreement. Ms. Sacco stated that she will give an update on the agreement negotiations later in the meeting.

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Deputy Highway Superintendent Mike Mott reported that the “CHIPS” (Consolidated Highway Improvement Program) projects of repaving have been completed, adding that there is more shoulder fill work to do. He reported that two more people

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

have been arrested and fined for illegal dumping at the Highway Garage. Mr. Mott stated that the department has also been busy with mowing and truck repair.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom Delamarter reported that softball and baseball season are over in the parks and soccer has begun. He stated that the Town Pool will close on August 29 for the season. Mr. Delamarter stated that he received a letter from the Seniors Softball League making a donation of \$100 to the Town for the use of its ball fields.

Mr. Delamarter reported that the quarterly testing of the Town Landfill has been completed. He stated that the water/sewer meter reading and billing has been completed and a water leak has been repaired. Mr. Delamarter stated that debris at Sewer Station 5 has caused issues again, adding that the Town will buy a wench for the cost of \$1,300 to use to pull the pumps, adding that this is more cost effective than hiring an outside company to do this every time there is a problem requiring the pumps be pulled.

Mr. Delamarter reported that Shawsville Cemetery has been mowed and the fence will be completed on August 29, adding that the poles were reset. He stated that the Town's water placed 2nd in regional judging and will be judged for taste on August 29 at the New York State Fair.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he issued ten building permits last month, including one for a house on Woodside Avenue which had been in disrepair, which now has a new foundation and has been repaired. He stated that the Planning Board approved two new businesses, City Cab and Jerry's Auto Sales. Mr. Jones stated that he has been working with property owners on the Buyout process, looking at duplication of benefits paperwork. He stated that he has received quotes from companies to monitor asbestos at the demolition sites.

Mr. Jones asked the Board what they want him to do regarding the flood-damaged building at 560 Conklin Road, adding that transients have been seen in the building and that he considers it dangerous. He asked if the Board would like him to board up the building to deny access. Ms. Sacco stated that while CP Rail owns the land on which the building is situated, it does not own the structure itself. The Town has not been able to contact supposed owner Ray Knapp.

Mr. Bullock stated that the property on the corner of Rosewood Drive and Carlin Road needs to be mowed. Mr. Jones stated that he has sent a letter to the property owner and has been unable to contact him, although he agreed that the property needs to be mowed. Mr. Finch stated that it costs the Town money to mow a property because the Town must pay the private mowing company up front and be reimbursed much later through property taxes. Mr. Minoia asked if a letter was placed on the property. Mr. Jones stated that he sent the standard grass law notification letter, citing Town Code Section 62-4. Ms. Sacco explained that the procedure is to send this notification letter via certified mail, then, if there is no response, another letter via First Class mail and to place a notice upon the structure.

Mr. Finch stated that the property at the golf driving range also needs to be mowed. Ms. Sacco asked if there are mowing services on the County bid listing or if the Town could obtain competitive bids for these kinds of situations.

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

NEW BUSINESS:

2014 BUDGET

Copies of the proposed 2014 Town of Conklin Budget were dispersed to the Board members. They are asked to bring any questions to the September 10, 2013 Town Board meeting, at which department heads will be present to answer specific questions.

RESO 2013-110: AUTHORIZE J. MARSHALL AYRES/APPLY FOR 2013-2014
JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Justice J. Marshall Ayres to apply for the 2013-2014 Justice Court Assistance Program (JCAP) Grant, with the grant award amount to be determined by the New York State Unified Court System Board.

Seconded by Mr. Minoia.

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

RESO 2013-111: RATIFY PAYMENT/ALLISON HASKELL/CONKLIN-KIRKWOOD
SUMMER FUN PROGRAM SHARED SERVICES

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6231, account code A7320.4, in the amount of \$525.00 to Allison Haskell for the Conklin-Kirkwood Summer Fun Program shared services.

Seconded by Mr. Francisco.

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

RESO 2013-112: RATIFY PAYMENT/JOHN TENNIS COMPANY/FIBER GLASS TOP
REPLACEMENT/ARMY DUMP TRUCK #411

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6238, account code DA5130.4.411, Purchase Order #13-01331, in the amount of \$700.00 to the John Tennis Company for fiber glass top replacement for Army Dump Truck #411.

Seconded by Mr. Francisco.

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

RESO 2013-113: RATIFY PAYMENT/U.S. POSTAL SERVICE/3RD QUARTER WATER
BILLING POSTAGE

Mr. Francisco moved for the following resolution:

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6316, account code SW8310.4, in the amount of \$303.60 to the U.S. Postal Service for postage for the 3rd Quarter Water billing.

Seconded by Mr. Bullock.

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

RESO 2013-114: RATIFY PAYMENT/NYS MAGISTRATES
ASSOCIATION/REGISTRATION FEE/J. MARSHALL AYRES/ATTEND NYS
MAGISTRATE CONFERENCE/SEPTEMBER 10 & 11, 2013

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6317, account code A1110.4, in the amount of \$50.00 to the New York State Magistrates Association for the registration fee for J. Marshall Ayres to attend the New York State Magistrate Conference to be held on September 10 and 11, 2013.

Seconded by Mr. Francisco.

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

RESO 2013-115: ACCEPT DONATIONS/CONKLIN RAIDERS FASTPITCH
SOFTBALL, INC. & FIDELIS CARE NEW YORK

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the following donations under account code A2750:

Conklin Raiders Fastpitch Softball, Inc. (Park)	\$200.00
Fidelis Care New York (Community Picnic)	<u>\$200.00</u>
Total	\$400.00

Seconded by Mr. Minoia.

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

RESO 2013-116: RATIFY PRE-AUTHORIZED PAYMENT/BILL LIST/\$185,580.34

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the pre-approved payment of the following Bill List in the total amount of \$185,580.34:

General	\$ 37,004.07
Highway	131,250.26
Fire Protection District	114.00
Flood Emergency	404.20
Light Districts	2,026.03

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

Water District	11,098.75
Sewer District	<u>3,683.03</u>
Total	\$185,580.34

Seconded by Mr. Francisco.

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

RESO 2013-117: AUTHORIZE PAYMENT/BILL LIST/\$37,224.80

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 \$37,224.80:

General	\$ 20,041.26
Highway	6,948.90
Flood Emergency	77.47
Light Districts	1,771.16
Water District	2,425.28
Sewer District	1,690.73
Non-Budget	<u>4,270.00</u>
Total	\$ 37,224.80

Seconded by Mr. Francisco.

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

DISCUSSION OF AWARD OF BIDS/DEMOLITION OF BUYOUT PROPERTIES

Ms. Sacco stated that, although a 10% bid bond was required per bid specifications, All Around Storage, LLC, d/b/a All Around Excavating, submitted a bid bond that was “inconsistent on its face,” adding that the Town could not determine if the bid bond was for 5% or 10%. She added that the Town Board can choose to waive this requirement or not. Mr. Bullock stated that the bid specifications require 10% and all bidders should be held to that standard and Mr. Francisco agreed. Ms. Sacco stated that this issue with the bid bond could indicate “irresponsibility or carelessness” on the part of the bidder, and urged the Board to “be careful with the wording” of its resolution.

RESO 2013-118: REJECT BID/ALL AROUND STORAGE, LLC d/b/a ALL AROUND EXCAVATING

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rejects the bid from All Around Storage, LLC, d/b/a All Around Excavating for failure to submit the correct bid bond amount in the amount of 10%, which shows “irresponsibility or carelessness” in examination of bid specifications and requirements.

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

Seconded by Mr. Finch.

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

Mark Gates of All Around Excavating stated that the error on the bid bond was made by the company’s insurance company. Ms. Sacco stated that the erroneous bid was submitted as part of the bid process. Mr. Gates stated that All Around Excavating will write a letter of protest and “will want a copy of the rules.” He then submitted a pre-written letter of protest to the Board, adding that this was “the first time we’ve heard about it” (the error on the bid bond). Ms. Sacco asked why he had a pre-written letter of protest if this is the first time he had heard about the error, and Mr. Gates stated that “other municipalities have made mistakes with bid awards.” He added that his company had “worked for Elmira Correctional Institute for a year.” Ms. Sacco replied that “the Board has the right to review the bids and seek legal advice.” Mr. Minoia stated that it would set a bad precedence to waive the bid requirements.

Ms. Sacco stated that the bids would be divided, lowest bid per parcel, between Gorick Construction and ZMK Construction, with the low bids from All Around Excavating to be divided between the other two companies. This would mean Gorick Construction would be awarded 24 properties and ZMK Construction would be awarded 22 properties. Mr. Finch stated that this will save the taxpayers approximately \$50,000.

RESO 2013-119: AWARD BIDS/DEMOLITION OF 2011 FLOOD BUYOUT
PROPERTY STRUCTURES/HMGP #4020-0017

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the following bids for demolition of 2011 Flood Buyout Property Structures, HMGP #4020-0017, to Gorick Construction, 24 properties for a total cost of \$195,300 and to ZMK Construction, 22 properties for a total cost of \$154,500, as follows:

<u>PROPERTY ADDRESS</u>	<u>NO</u>	<u>GORICK</u>	<u>ZMK</u>
15 ADRIANCE ROAD	1	8,000	8,200
10 ARDUTUS AVE	2	7,000	3,900
11 BARBARA AVE	3	7,000	2,900
27 BARBARA AVE	4	7,000	8,200
17 BEROTA COURT	5	7,000	8,800
33 BEROTA COURT	6	9,000	7,000
5 CHERRY DRIVE	7	7,000	5,000
9 CHERRY DRIVE	8	6,000	4,000
9 CLEARVIEW AVE	9	10,000	9,200
589 1/2 CONKLIN RD	10	5,000	10,500
772 CONKLIN RD	11	14,000	17,500

783 CONKLIN RD	12	6,000	6,400
785 CONKLIN RD	13	6,500	6,800
798 CONKLIN RD	14	7,000	5,800
867 CONKLIN RD	15	9,000	8,400
964 CONKLIN RD	16	16,000	22,800
1219 CONKLIN RD	17	9,400	8,200
1221 CONKLIN RD	18	9,400	9,200
1239 CONKLIN RD	19	12,000	9,000
1249 CONKLIN RD	20	8,000	9,200
1297 CONKLIN RD	21	8,000	17,000
9 JR BLVD	22	6,400	5,000
11 JR BLVD	23	7,000	9,200
6 JUNE ST	24	10,000	8,200
20 JUNE ST	25	9,000	7,600
2 LILAC PLACE	26	9,000	9,300
6 LOTUS AVE	27	7,000	8,600
11 LOTUS AVE	28	9,000	9,600
23 LOTUS AVE	29	5,000	6,400
9 MACGEORGE ST	30	5,400	6,000
11 MACGEORGE ST	31	5,400	6,500
4 MAXWELL CT	32	8,000	6,900
14 MAXWELL CT	33	9,000	10,500
1 MILLER ST	34	10,000	9,700
5 MILLER ST	35	10,000	16,000
11 MORRIS BLVD	36	8,000	4,200
1076 POWERS RD	37	14,000	21,000
9 SHIPMAN RD	38	8,000	6,900
62 STILLWATER RD	39	6,000	9,300
134 STILLWATER RD	40	6,000	7,400
4 TERRACE DR	41	9,000	8,200
9 VICTORY AVE	42	9,000	7,800
17 WOODCREST WAY	43	8,500	8,300

18 WOODCREST WAY	44	8,500	9,300
20 WOODCREST WAY	45	8,500	8,600
25 WOODCREST WAY	46	<u>10,000</u>	<u>9,100</u>
TOTALS		384,000	407,600
		\$	\$
AWARDED	349,800	195,300	154,500
# OF PROPERTIES	46	24	22

Seconded by Mr. Bullock.

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

Mr. Gates stated that “FEMA has a detailed plan for disputes,” and asked how the dispute will be handled. Ms. Sacco stated, “You will hear from us.” Mr. Gates stated that All Around Excavating “will go to FEMA.”

OLD BUSINESS:

TIME WARNER CABLE AGREEMENT

Ms. Sacco presented an update on the negotiations for the Agreement renewal with Time Warner Cable, adding that she had sent a letter to Mr. David Whalen at Time Warner Cable. She stated that the points of dispute are: length of term of the agreement; number of services, such as security at the Highway Garage and addition of cable service on Gratsinger Road; and the Town’s ability to audit the Time Warner Cable bills, specifically the number of times per year the Town can audit. Ms. Sacco stated that she will add the repair of the main transmission lines through the Town to the list of discussion points.

RESO 2013-120: ADOPT THE FORM OF QUESTION FOR LOCAL LAW SUBJECT TO MANDATORY REFERENDUM ON NOVEMBER 5, 2013

PRESENT:
 Supervisor James E. Finch
 Councilman Gary D. Bullock
 Councilman Charles Francisco
 Councilman Jerry Minoia
 Councilman vacant

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 Conklin Town Board adopted on July 23, 2013, A Local Law “Abolishing the Position of an Elected Town Highway Superintendent and Creating an Appointed Town Highway Superintendent position, subject to Mandatory Referendum”, a copy of which is attached hereto and made a part hereof; and

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

WHEREAS, said Local Law is subject to a mandatory referendum at the general election to be held on November 5, 2013; and

WHEREAS, the Town Board must submit to the County Board of Elections the form of question for the Town's electors to answer at said election;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts, for this local law, the following form of question to be submitted to the Town's electors:

PROPOSITION 1:

PROPOSITION NO. 1 - WHETHER THE TOWN OF CONKLIN HIGHWAY SUPERINTENDENT SHALL BE AN APPOINTED POSITION, submitting this local law to the electors of the Town of Conklin, County of Broome, State of New York, to be voted upon at the General Election of the Town of Conklin to be held upon November 5, 2013.

Shall there be approved and adopted in the Town of Conklin, this local law as approved by the Town Board of the Town of Conklin, to change the Town Highway Superintendent from an elected position to a position appointed by the Town, effective January 1, 2014?

☐ **Yes** ☐ **No**

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 August 27, 2013. Said resolution was adopted by the following roll call vote:

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

Dated: August 27, 2013

Town of Conklin Seal

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

RESO 2013-121: AUTHORIZE ATTORNEY CHERYL SACCO/ISSUE STIPULATION
OF DISCONTINUANCE/FISHER SCIENTIFIC/TAX CERTIORARI

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Attorney Cheryl Sacco to issue a Stipulation of Discontinuance in the tax certiorari involving Fisher Scientific from 2006-2007.

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

Ms. Sacco explained that Fisher Scientific will not be receiving a refund on taxes paid.

JOHNSON OUTDOOR TAX CERTIORARI

Ms. Sacco stated that Judge Tait has oversight of the tax certiorari filed by Johnson Outdoor, adding that a clerk who works in Judge Tait's office is married to a partner in the law firm that represents Johnson Outdoor in the tax certiorari, thus creating a potential conflict of interest.

RESO 2013-122: RETAIN JUDGE TAIT/JOHNSON OUTDOOR TAX CERTIORARI

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin retains Judge Tait in the case of the Johnson Outdoor tax certiorari.

Seconded by Mr. Bullock.

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

FLOOD DOORS/COMMUNITY CENTER

Mr. Bullock asked about the status of the flood doors at the Maines Community Center and Mr. Finch stated that they have been constructed and they are ready for installation by Jerry Wilson. Mr. Bullock asked if this would add extra cost to the bid and Mr. Finch stated that the price will be \$15,500 – no additional cost. The flood doors will be stored in the garage attached to the Community Center.

FLOODED PROPERTIES/MINIMUM ASSESSMENTS & UNSAFE STRUCTURES

Mr. Minoia stated that properties which have been flooded but are not in the Buyout program still have minimal assessments and unsafe structures. He added that the Town needs to set a time limit, maybe two years, in which the property owner must do something to clean up the property. "We must do something," said Mr. Minoia. Ms. Sacco stated that the Town Board cannot control assessments. Code Officer Jones stated that there is a process for removal of unsafe structures under the Town Code and asked what steps the Board would like him to take in this matter. Mr. Minoia will make a list of the properties in question and will talk with Town Assessor John McDonald about the assessments. Mr. Minoia stated that he needs a map of the properties bought by the Town through FEMA in the 2006 Flood Buyout Program.

LIGHTS ON DURING DAYTIME/COLESVILLE ROAD EXTENSION

Mr. Francisco stated that there are two street lights on the Colesville Road Extension that are turned on during the daylight, costing the tax payers money. He will contact NYSEG (New York State Electric and Gas Corporation) to see if this issue can be resolved.

PARK PAVILION & COMMUNITY CENTER RENTALS

Mr. Francisco stated that the Town Board should discuss the rates of pavilion rentals at the Town parks, adding that a fee structure similar to that used for renting the Community Center should be used. Mr. Finch commented that the Town reads the electric meter before and after the Conklin Fair and charges the Fair Committee for the extra usage. Town Clerk Sherrie Jacobs, who

REGULAR TOWN BOARD MEETING
AUGUST 27, 2013

handles rentals for both the Community Center and the park pavilions, stated that clarification is needed in the Community Center Rental Agreement, as to what is and isn't allowed and who is responsible for such items as garbage removal.

CONCERT IN THE PARK SEASON FINALE & BBQ

Ms. Jacobs reminded those present that the Concert in the Park Season Finale and Town BBQ will take place at Schnurbusch Park on August 28 from 6 to 8 P.M., with set-up at 5:30 P.M.

RESO 2013-123: EXECUTIVE SESSION/LITIGATION & SALARY OF TOWN OF CONKLIN EMPLOYEE

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 6:56 P.M. to discuss potential litigation and the salary of a Town of Conklin employee.

Seconded by Mr. Finch.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 6:56 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Attorney Cheryl Sacco, Town Justice J. Marshall Ayres, and Town Clerk Sherrie Jacobs. Town Clerk Jacobs 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 possible litigation and regarding the salary of a particular employee of the Town of Conklin.

RESO 2013-124: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 7:48 P.M.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – 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 7:49 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting on August 14, 2012. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Dog Control Officer	Darlene Weidman
	Substitute DCO	Kelly Wildoner
GUESTS:	Country Courier	Elizabeth Einstein
		Bev Collins
		John Colley
		Grace Farnham
		Otto Farnham
		Paul Preston
		Maureen E. Dedrick
		Laurie Francisco
		Bonnie Tolomei
		Angelo Tolomei
		Ken Decker
		Tom Decker

MINUTES: JULY 10, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the July 10, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of a letter from the Conklin Presbyterian Church thanking the Town Board for the donation of \$500 toward flood relief following the 2011 Flood. The money was donated by Cleaner Supply. He also acknowledged receipt of letters from Shumaker Surveying and Consulting regarding the Town Landfill and from Broome County regarding the Comprehensive Plan. Mr. Finch acknowledged receipt of a letter from the attorney representing Mr. Daniel Parker, 2010 Conklin Road. He acknowledged a letter from WPX Energy regarding the proposed road use agreement. Mr. Finch stated that WPX Energy has agreed to provide bonding to cover any damage to the Town roads, as well as \$20,000 non-refundable money up front. He stated that WPX Energy states that they do not intend to start developing the well near Farnham Road until January 2013.

PUBLIC COMMENTS:

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

CONKLIN FAIR COMMITTEE, INC.

Maureen Dedrick, Vice President of the Conklin Fair Committee, Inc., read the following into the minutes:

“My name is Reenie Dedrick and I have lived in the Town of Conklin since 1949. I have been a member of the Conklin Fair Committee since 1972, the year of its first fair 40 years ago. At that time, it was called the Conklin Community Corp. The purpose of the Corp. was to involve the community organizations in a day of celebration, a fair day, while earning funds for their organization’s budget and the proceeds from the fair events would be used by the Corp. to fund the needs of the newly formed Town parks.

“I am here today as a representative of the current non-profit Conklin Town Fair Committee to make a request to the Conklin Town Board.

“The 2012 40th Fair Day dates and times are: Friday, September 7, 2012, 6 p.m. -11 p.m.; Saturday, September 8, 2012, 10 a.m. – 11 p.m.; Sunday, September 9, 2012, Noon - 6 p.m.

“Here is the request - At the July 24, 2012 meeting of the Conklin Fair Committee, I was directed to come to the Conklin Town Board meeting tonight, August 14, 2012, and advise you of the serious concerns facing the Conklin Fair Committee due to the Conklin Town Board’s decision to withdraw manpower help to the Fair setup days and to charge the Committee \$125 for each of the three days for use of the Maines Community Center fields. The Committee is appealing to the Town Board to repeal these first-time decisions and find a way to provide manpower and a truck to move picnic tables, run electric cords, and help place the Fair Day signs.

“We offer these reasons – The annual Fair has been ongoing for 40 years. It benefits the people of Conklin. It’s an opportunity for the people to gather together and celebrate as a community and for community organizations to earn funds to support their projects. It has also been a benefit to the Town parks and recreation in many ways. The Town has helped us in previous years.

“The Conklin Community Center was gifted to the Town to benefit the people of the Town of Conklin, which the annual Fair does.

“The Fair Committee will not be using the Community building at all, only the fields.

“Other neighboring communities non-profit events have received help for their fair celebrations from their Boards, i.e., Binghamton, Johnson City, and Kirkwood. Also, Broome County government has helped non-profit organizations around the County, so it must be possible to provide help.

“The Town Board would be showing the people of Conklin that they are ‘fair friendly.’ This is important. One business owner, upon hearing that the Fair Committee had to pay for use of the Community Center fields, was offended and offered to cover the costs because she felt the Board’s decision was unfair.

“The Fair Committee members will be considering the possibility of not having a fair in 2013 if there is no support from the Conklin Town Board. The Fair Committee members are older and they are becoming physically unable to do the heavy work of setting up the Fair.

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

“Please consider our request and please respond. Thank you.”

Mr. Finch responded by stating that in 2005, the Town Auditor discovered that the Fair Committee’s monies were co-mingled with the Town’s monies, which, he added, is illegal. The Fair Committee at that point became an incorporated 501c3 organization. He stated that the initial agreement between the Town and the Conklin Fair Committee, Inc., called for “in kind” contributions from the Fair Committee to the Town, adding that no such donations have been made since 2007, when a Christmas tree was purchased for the Town Hall foyer. Mr. Finch also explained that the New York State Constitution prohibits the Town from using taxpayer-funded manpower and equipment for a private non-profit organization. He added that the Dog Control Officer, who is the Treasurer of the Fair Committee, is using her Town-issued cell phone to make arrangements for the Fair, and the Town Board has agreed to allow the Parks Department to place the Fair Committee signs advertising the Fair and to move picnic tables. Mr. Finch inquired how much money is in the Fair Committee funds and how the Committee plans to contribute to the Town.

Town Attorney Cheryl Sacco stated that in New York State “gifting” of materials or manpower is illegal. She explained that an exception can be made if the Town is getting anything in return for what it is giving. Ms. Sacco stated that some municipalities see a fair itself as a gift, for the public good.

Paul Preston, C.E.O. of the Fair Committee, stated that the Fair Committee’s by-laws do not stated that the Committee must give back to the Town, adding that Mr. Finch’s claim is “bogus.” “We are not obligated to give back,” stated Mr. Preston. “We are not obligated to help you,” replied Mr. Finch, adding that the money from the Johnson City Field Days comes back to the Village, which is why the Village of Johnson City helps sponsor the Field Days. Mr. Preston stated that the “Fair does not make money,” adding that the Committee needs \$3,000 for start-up funds. He added that there are “more costs,” as the price of everything has gone up.

Mr. Finch stated that the Town Board would consider waiving the \$125 per day charge if the Community Center building is not used. Dog Control Officer Darlene Weidman, who is Treasurer of the Conklin Fair Committee, stated that Broome County Health Department requires that the Fair Committee have access to hot water because it is serving food. Mr. Minoia stated that use of the hot water would be acceptable. Mr. Minoia, Mr. Bullock, and Mr. Francisco all agreed to waive the \$125 per day fee if the building is not used. Mr. Finch reiterated that if the Fair Committee uses the building and the Town must pay to have it cleaned, the Fair Committee will be charged the fee.

Mr. Preston stated that the Community Center building “should be open to all non-profits free of charge.” Mr. Finch stated that the Town “can’t afford that,” noting that the Town lost \$14,000 in 2011 on the Community Center. He added that the Town has “many expenses,” including trying to recover from two devastating floods. Ms. Sacco stated, “Even if the Town Board thinks it’s getting something from the Fair, there is no requirement that the Board give anything.”

Mr. Preston stated that the profits, if any, of the 2012 Fair would be donated to the Conklin Veterans Memorial Fund. Mr. Finch stated that the Parks Department will move picnic tables and put up the signs to advertise the Fair. Mr. Preston asked about clean-up and Mr. Finch stated that Mr. Preston can contact the Broome County Sheriff’s Office to arrange clean-up by the weekend inmates.

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

Jerry Kane stated that he has been involved with the Fair since 1966 and that the Fair is a “benefit to the people and children of Conklin.” He stated, “All people of the Town of Conklin benefit from the Fair. Vendors return proceeds back to the good of the people.” Mr. Finch reiterated that the fee has been waived as long as the building is not used. Bev Collins, Fair Committee member, thanked the Board for its concessions to the Fair Committee.

NEW BUSINESS:

FARNHAM QUARRY

Attorney Sacco stated that the New York State Department of Environmental Conservation (DEC) will be Lead Agency for SEQR (State Environmental Quality Review) review for the Farnham Quarry. The Town of Conklin has until September 7, 2012, to object to this designation. New York State will approve the quarry and issue the mining permit. The Town Board is in agreement to allow the development of the quarry to proceed. The DEC will conduct the SEQR review. Notice of Complete Application has been received by Otto Farnham, owner, and by Ken Decker, operator of the quarry. Ms. Sacco stated that the Town has 30 days in which to agree or disagree with the designation of the DEC as Lead Agency, adding that the Town can respond in a written letter earlier than 30 days if it is in agreement with the designation.

RESO 2012-139: APPROVE DEC AS LEAD AGENCY/FARNHAM QUARRY

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the DEC (New York State Department of Environmental Conservation) as Lead Agency for the Farnham Quarry, and has no comments, and is in agreement that the process move forward on development of the Farnham Quarry.

Seconded by Mr. Francisco.

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

Mr. Finch stated that the Town will send a letter on August 15, 2012, approving the DEC as Lead Agency. He reminded those present that there are already two other quarries operating in the area, which also have trucks that contribute to the truck traffic in the area.

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that much cleanup was needed after the intense storms on July 26, which included seven tornadoes in the area, one of which touched down on Burts Road in the Town of Kirkwood. He stated that cleanup efforts went well, even though the radios were inoperable because of the storms. Mr.

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

Latting stated that residents were affected by the wind and tree damage, adding that they are grateful for the Town's pick-up of the debris. He added that his department picked up 50 loads of debris from the storms and took the debris to Boland's Topsoil. Mr. Latting stated that the Town has a good working relationship with the Conklin Volunteer Fire Department and its Fire Chief, Bill Gorman. Mr. Finch expressed his appreciation to the Highway Department for its cleanup efforts.

Mr. Latting reported that the "CHIPS" (Consolidated Highway Improvement Program) paving projects have been delayed by the July 26 storms, rain, and the wait for NYSEG (New York State Electric and Gas Corporation) to complete its repairs to gas services.

REPORT: WATER & SEWER DEPARTMENT

Refer to written report. Mr. Delamarter, Water and Sewer Superintendent, was excused due to illness. Mr. Finch commented that the Parks Department has been busy with mowing and cleanup.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his office has issued eight or nine permits, two of which were for houses being raised. He reported that the first round of the application process for the Buyout Program has been completed, and includes 60 buildings and two empty lots. Mr. Jones reported that Griffiths Engineering has been working on updating the Town's Hazard Mitigation Plan, adding that the Town of Conklin will be joining the Broome County Hazard Mitigation Plan, effective January 2013. Mr. Jones stated that his office is making "significant progress." He added that he has been conducting safety inspections also. Mr. Finch thanked Mr. Jones and his assistant, Marilou Gabello, for their hard work, particularly on the FEMA (Federal Emergency Management Agency) Buyout Application.

REPORT: DOG CONTROL OFFICER

Refer to written report. Mr. Finch asked about the progress in making sure dogs whose owners are delinquent in paying for their licenses have become current with licensing, and Dog Control Officer Darlene Weidman replied that twelve delinquent owners came in last Monday, and three or four on Tuesday. Mr. Finch asked about the Board's requirement that Ms. Weidman bring the Town files from her home back to the office the Town has created for her in the Town Hall and that she do her paperwork at the Town Hall, and Ms. Weidman replied, "I can't do my paperwork here. It's worked fine the way it is for the past eight years. I get interrupted with dog calls and would have to leave and come back." Mr. Finch asked about the Dog Enumeration, which the Town Board has instructed Ms. Weidman to do, and she replied, "I can't do the enumeration because of my foot." Referencing a recent dog abuse case at 200 Shaw Road, Mr. Finch stated that the Code Officer issued a letter, which was served on August 9, 2012, giving owner Christine Macan a deadline of September 8 to bring her house into compliance with the Town Code Property Maintenance Law.

OLD BUSINESS:

ROAD USE AGREEMENT

Mr. Finch stated that WPX Energy has agreed to a \$2 million bond and \$20,000 non-refundable payment up front for protection of Town of Conklin roads from truck damage. He stated that

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

videos have been taken of all of the roads, which are in good condition as of August 14, 2012. Mr. Finch stated that there will be no water trucks traveling on Town of Conklin roads until January of 2013. He added that the Town requested an escrow account of \$5,000, refundable if not used, which could be used to pay attorney and engineering fees, but WPX Energy was unwilling to agree to this condition.

Ms. Sacco stated that she has created a draft of the route and map of the area to be utilized by truck traffic and is looking for consensus from the Town Board, although she added that the formal approval should wait until October or November. Mr. Minoia asked if a different agreement is needed for every gas well and Mr. Finch replied that a different agreement is needed for each different drilling company. Mr. Minoia asked if New York State allows natural gas drilling if a new agreement will be needed. Mr. Finch stated that these road use agreements are agreeable to the Joint Landowners Coalition of New York, and would be the same with all gas companies. He added that subcontractors must follow the agreements as well. Mr. Minoia commented that the Town of Conklin should tell the gas companies which roads to use, not vice versa. Mr. Bullock asked if the agreement covers all of Banta Road. Mr. Finch stated that these roads are public thoroughfares, and if a vehicle is not overweight or violating traffic regulations, it can travel on any road the driver chooses.

Bonnie Tolomei stated that her house is on Montrose Drive near Keith Lane, an area slated to be part of the proposed route for the trucks. She suggested that the trucks should exit Route 81 at Exit 1 and travel over Conklin Forks Road. Mr. Finch stated that Conklin Forks Road has a much higher population. "We don't count," stated Ms. Tolomei. Mr. Finch stated that it only takes three weeks to put the water for hydrofracturing into a well.

Ms. Sacco asked if there is consensus for the legal language to move forward with the proposed Road Use Agreement, including the \$2 million bond, \$20,000 non-refundable payment, and no \$5,000 escrow account. Mr. Francisco, Mr. Bullock, Mr. Minoia, and Mr. Finch all stated that they are in agreement with moving this Road Use Agreement forward.

12 WOODCREST WAY

Mr. Jones has inspected the structure at 12 Woodcrest Way and provided photographs for the Town Board. The Board was in agreement that property owner Stuart Kasmarcik met the conditions of purchase in bringing the outside of the structure into compliance with the Town Code within the prescribed amount of time and should therefore be entitled to the \$2,000 refund, as previously agreed in the terms of purchase.

RESO 2012-140: APPROVE REFUND/\$2,000/STUART KASMARCIK/STRUCTURE AT
12 WOODCREST WAY BROUGHT INTO CODE COMPLIANCE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the refund of \$2,000 to Stuart Kasmarcik, for having met the conditions of purchase of 12 Woodcrest Way in bringing the outside of the structure into compliance with the Town Code within the prescribed period of time.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

TIME WARNER FRANCHISE AGREEMENT

Mr. Finch stated that Time Warner Cable would agree to an eight year contract and a percentage of money from the shopping channels to be paid to the Town. He stated that Time Warner will not agree to a real estate tax credit. The respective attorneys for the two parties are working on the legal language of the agreement, which will be ready in September and which will require that a Public Hearing be held.

560 CONKLIN ROAD

Attorney Sacco has been in contact with CP Rail regarding the railroad company's property at 560 Conklin Road. There is no lease agreement between the railroad company and the building owner. CP Rail has been paying taxes on a building it did not know existed, and wants to demolish the building, which was damaged in the September 2011 Flood. There are one or two billboards located on the site, and the question arose of whether or not there is a lease agreement with Park Outdoor. Ms. Sacco stated that the assessment on the property is set at the State level, and added that the building in question is being taxed as an "improvement."

NEW BUSINESS:

PRIDE PARK HOLDINGS, LLC/AGREEMENT/WATER DISTRICT 6 USER
EXTENSION

Mr. Finch stated that a tentative agreement has been reached with Pride Park Holdings, LLC, regarding adding Pride Manor Mobile Home Park to the Town's water system. Pride Park Holdings has agreed to pay an additional 1.6% the rate of the Town of Kirkwood water purchased to provide water to the southern end of the Town of Conklin and to provide bonding as indemnification for the actions being undertaken by Pride Park Holdings. This outside user agreement would provide an additional \$1,300 per year to the Town's General Budget, since Pride Manor Mobile Home Park is outside the existing water district, which pays 1.5%, which goes to Special District Funds for Water and Sewer. Mr. Finch stated that the Town of Conklin personnel will be digging the ditch for the pipe.

RESO 2012-141: AUTHORIZE DEPUTY SUPERVISOR/ENTER AGREEMENT/PRIDE
PARK HOLDINGS, LLC/NO SEQR REQUIRED

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Deputy Supervisor to enter an agreement with Pride Park Holdings, LLC, regarding the addition of Pride Manor Mobile Home Park as an outside user to the Town of Conklin water system. No SEQR review is required for this agreement.

Seconded by Mr. Francisco.

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

Mr. Finch stated that next month the Town of Conklin will finalize the agreement with the Town of Kirkwood.

REGULAR TOWN BOARD MEETING

AUGUST 14, 2012

WATER DISTRICT 6 EXPANSION/STILLWATER ROAD

Mr. Finch stated that there were 47 homes on Stillwater Road that had been interested in being attached to the Town water system, adding that Mr. Delamarter will determine whether or not they are still interested. Ms. Sacco stated that it will be the same process and type of agreement, if more than 50% are interested in the expansion. Mr. Finch stated that it will be either an extension of the existing water district or a new district, with users paying 1.5% plus the cost of the bond. He added that this issue will be addressed next spring.

2013 BUDGET

Mr. Finch stated that he has received input from the department heads and there are very few increases expected in the 2013 Budget. The department heads will hand in their budget requests to Secretary to the Supervisor Lisa Houston this week. Mr. Finch stated that the water and sewer rates will be evaluated. At the September 11 meeting, the Tentative Budget will be given to the Town Clerk to distribute to the Town Board.

**RESO 2012-142: AUTHORIZE DEPUTY SUPERVISOR/ENTER
AGREEMENT/SHUMAKER ENGINEERING/
2012 REVIEW OF LANDFILL OPERATIONS**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Deputy Supervisor James E. Finch to enter into an agreement with Shumaker Engineering for the 2012 Review of Landfill Operations, Task Order No. 3, SCE No. R09357.0, for an amount not to exceed \$4,825 for Section II- A through II- C, and not to exceed \$10,375 for Section II- D.

Seconded by Mr. Bullock.

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

**RESO 2012-143: SCHEDULE SPECIAL TOWN BOARD MEETING/SEPTEMBER 8,
2012/12:00 NOON/MAINES COMMUNITY CENTER GROUNDS**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Special Town Board Meeting at 12:00 Noon on September 8, 2012, at the Floyd Maines Community Center grounds at 942 Conklin Road.

Seconded by Mr. Bullock.

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

**RESO 2012-144: AUTHORIZE TOWN JUSTICE AYRES/APPLY FOR
GRANT/JUSTICE DEPARTMENT/MAXIMUM AMOUNT AVAILABLE \$30,000**

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Justice J. Marshall Ayres to apply for a grant for the Justice Department, with the maximum amount available being \$30,000.

Seconded by Mr. Francisco.

VOTE: Bullock - Yes, Minoia – Yes, Francisco – Yes, Finch – Yes.

RESO 2012-145: AUTHORIZE BUDGET MODIFICATION/COVER
FEES/SHUMAKER ENGINEERING LANDFILL OPERATIONS TASK ORDER NO. 3

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the following Budget modification to cover the fees for Shumaker Engineering Landfill Operations Task Order No. 3:

From A1900-4-400 Contingency Contractual	- \$15,200.00
To A 8160-4-400 Landfill Contractual	+ \$15,200.00

Seconded by Mr. Francisco.

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

RESO 2012-146: RATIFY PAYMENT/BROOME COUNTY SHERIFF’S
DEPARTMENT/WARRANT CHARGE/200 SHAW ROAD

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4638, account code A3620-4, in the amount of \$27.00 to the Broome County Sheriff’s Department for the warrant charge for 200 Shaw Road.

Seconded by Mr. Francisco.

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

RESO 2012-147: ACCEPT DONATIONS/TOWN OF CONKLIN BEAUTIFICATION
PROJECT/FLOWER POTS OR FLAGS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the following donations for the Town of Conklin Beautification Project, account code A2750, with monies to be used for either flower pots or flags:

Conklin Rotary Club	\$200.00
Erin Eckert	86.00
Nancy Banick	43.00
Danielle Palmer	43.00
Daniel Kane	43.00
Margaret Lamb	50.00
Maureen Dedrick	43.00
Robert Henyan	43.00

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

Market Velocity	50.00
Jim Finch	50.00
Gerard Minoia	50.00
Sherrie Jacobs	50.00
Gary Bullock	50.00
Chuck Francisco	50.00
Pat Latting	50.00
Marshall Ayres	<u>50.00</u>
Total	\$951.00

Seconded by Mr. Francisco.

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

RESO 2012-148: APPROVE BUDGET LINE MODIFICATION

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following Budget line modification:

Increase Revenue A2705 (Gifts & Donations)	\$951.00
Increase Expenditure A7550.4 (Celebrations Contractual)	\$951.00

Seconded by Mr. Francisco.

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

RESO 2012-149: RATIFY PRE-AUTHORIZED PAYMENT/BILL LIST/\$107,210.11

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the pre-authorized payment of the following Bill List in the total amount of \$107,210.11:

General	\$ 20,809.03
Highway	8,825.78
Flood Emergency	46,736.20
Light Districts	290.25
Water District	23,790.95
Sewer District	192.90
Non-Budget	<u>6,565.00</u>
Total	\$107,210.11

Seconded by Mr. Francisco.

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

RESO 2012-150: AUTHORIZE PAYMENT/BILL LIST/\$54,758.30

Mr. Minoia moved for the following resolution:

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$54,758.30:

General	\$24,454.76
Highway	19,153.21
Flood Emergency	298.99
Light Districts	1,978.57
Water District	8,214.59
Sewer District	<u>658.18</u>
Total	\$54,758.30

Seconded by Mr. Francisco.

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

RESO 2012-151: SCHEDULE PUBLIC HEARING/SEPTEMBER 25, 2012/5:35
P.M./PROPOSED LOCAL LAW AMENDING CHAPTER 140 OF TOWN CODE,
ENTITLED “ZONING”

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:35 P.M. on September 25, 2012, regarding a proposed Local Law amending Chapter 140 of the Town Code, entitled “Zoning.”

Seconded by Mr. Bullock.

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

RESO 2012-152: SCHEDULE PUBLIC HEARING/OCTOBER 9, 2012/7:05
P.M./PROPOSED LOCAL LAW AMENDING CHAPTERS 91 & 140 OF TOWN CODE

Mr. Francisco 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 October 9, 2012, regarding a proposed Local Law amending Chapters 91 and 140 of the Town Code.

Seconded by Mr. Bullock.

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

2010 CONKLIN ROAD/PARKER

Mr. Jones has inspected the property belonging to Mr. Daniel Parker at 2010 Conklin Road, as stipulated in the Court Order, and has found it to be in compliance with the Town Code. A settlement has been proposed in which Mr. Parker would move the van and pile of steel, and keep his tools, unlicensed plow truck, and three licensed vehicles, and three flatbed trucks. He will be asked to pay either the attorney fees (more than \$8,000) or fines of \$200 per day for the past 200 days. Town Attorney Cheryl Sacco will consult with Mr. Parker’s attorney to attempt to reach an agreement.

REGULAR TOWN BOARD MEETING
AUGUST 14, 2012

RESO 2012-153: AUTHORIZE TOWN ATTORNEY/C. SACCO/REACH
SETTLEMENT WITH DANIEL PARKER

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Attorney Cheryl Sacco to reach a legal settlement with Daniel Parker on behalf of the Town of Conklin.

Seconded by Mr. Finch.

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

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 8:38 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
JULY 10, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on July 10, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Town Justice	J. Marshall Ayres
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman

GUESTS:	Country Courier	Elizabeth Einstein
		John Colley
		Marilynn Fanto
		Jackie Penny
		Rick Penny, Sr.
		Laurie Francisco
		Albert Mydlinski
		Andy Summa
		Tina Summa
		Arlene C. Dubay
		John J. Dubay
		Peter J. Motsavage

MINUTES: JUNE 12, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the June 12, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

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

MINUTES: JUNE 26, 2012 WORK SESSION

Mr. Francisco stated that the June 26, 2012 Work Session minutes should be amended on page 3, second paragraph, to add that he had stated at that meeting that if present billboards are replaced, they should not be allowed to be any larger than the current size that they are replacing.

Mr. Francisco moved to approve the June 26, 2012 Work Session minutes as amended.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

REGULAR TOWN BOARD MEETING
JULY 10, 2012

None.

PUBLIC COMMENTS:

HEAVY EQUIPMENT TRAFFIC/SOUTH END OF TOWN

Tina Summa of Corbettsville Road stated that she has many concerns regarding the heavy equipment and water trucks that are moving over Town of Conklin roads to a natural gas well drilling site just over the state line in Pennsylvania, off Farnham Road. Among the concerns she named were road quality, safety, and potential for spills, citing problems that have occurred in Pennsylvania. Ms. Summa asked why Town residents were not informed before the trucks began traveling Town roads.

Mr. Finch replied that the Town is discussing an agreement with WPX Energy, which has agreed to provide a \$2 million bond and \$20,000 non-refundable up front to cover the cost of any repairs that may be needed for the roadways involved. He added that the Town is changing the prescribed route to go from Montrose Drive to Keith Lane to Banta Road, then up to Finch Road and Farnham Road, bypassing Corbettsville Road and the hairpin curves on lower Banta Road. Mr. Finch explained that the Town cannot prohibit heavy vehicles from using public roads, but can only ask to limit speed and weight on the roads. Town Attorney Cheryl Sacco added that the Town Board has not yet received a formal agreement, but added that the Town has asked for bonding, upfront money, the suggested route change, and videos of the current road conditions. She stated that this is a brand new issue for this Town Board and added that the Board is being proactive in trying to protect the Town before problems arise.

Ms. Summa asked if the DEC (New York State Department of Environmental Conservation) is aware of this heavy vehicle traffic and Mr. Finch replied, "The DEC has nothing to do with it." Ms. Sacco stated that the New York State Department of Transportation (NYSDOT) has jurisdiction over the roads.

Ms. Summa asked if the tanker trucks are carrying only water or if they also are hauling chemicals, and Mr. Finch replied that the trucks are carrying water only, with the chemicals needed for hydrofracturing ("fracking") transported in kegs and mixed into the water at the well site. He reiterated that the Town Board is being proactive in its dealings with WPX Energy.

Ms. Summa asked about a possible decrease in property values as a result of the increased heavy vehicle traffic. Mr. Finch replied that the Town already has logging trucks, oil trucks, and quarry vehicles traveling over its roads. He stated that safe natural gas drilling is needed to save the Town financially. Mr. Finch stated that the roads in Pennsylvania are not as well made as those in Broome County, adding that the gas companies have repaired roads in Pennsylvania, sometimes leaving them better than they were before the gas companies started drilling.

BONDING FOR ROADS

Continuing the discussion of the road usage by the heavy vehicles, Ms. Sacco reiterated that the Town has no road use agreement in place yet, but added that the Town is requesting the \$2 million bond, \$20,000 upfront money, indemnity insurance, the suggested route change, and repairs if needed. Mr. Bullock stated that he feels this is a good agreement.

Mr. Minoia stated that no heavy vehicles should be allowed on the twin pipe culverts on Banta Road, adding that the pipes involved are a span of 190 feet. He suggested that the route be

REGULAR TOWN BOARD MEETING

JULY 10, 2012

Conklin Forks Road to Ross Hill Road. Mr. Minoia stated that Banta Road would need to be closed if the culvert is damaged. He stated that the Town should post Banta Road and Ross Hill Road with weight limits. Ms. Sacco stated that an engineering study and a new local law would be required for the Town Board to be able to post such limits. Mr. Minoia commented that NYSDOT inspects bridges and could post a weight limit.

Mr. Francisco suggested posting speed limits on the roads involved to improve safety. Mr. Finch stated that the Town could post a speed limit of 35 miles per hour. Ms. Sacco stated that there is a process that must be followed, adding that the Town must request permission from NYSDOT to decrease the speed limit.

RESO 2012-129:

**RECOMMENDATION TO IMPROVE TRAFFIC SAFETY BY REDUCING THE SPEED
LIMIT and POSTING SPEED LIMIT SIGNS ON BANTA ROAD, FINCH ROAD and
FARNHAM ROAD IN THE
TOWN OF CONKLIN**

PRESENT:

Supervisor Vacant

Councilman Gary D. Bullock

Councilman Charles Francisco

Deputy Supervisor and Councilman James E. Finch

Councilman Jerry Minoia

ABSENT:

Offered By: Mr. Finch

Seconded By: Mr. Bullock

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, members of public appeared at Town Board meeting on July 10, 2012, alleging that speed limit signs and a reduction in the speed limit was necessary for Banta Road, Finch Road and Farnham Road;

WHEREAS, these roads are rural and residential, where a number of families with young children live;

WHEREAS, it is believed that these roads have a speed limit of 50 mph;

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 Banta Road, Finch Road and Farnham Road in the Town of Conklin.

NOW, THEREFORE, the Town Board of the Town of Conklin resolves unanimously to recommend to the County of Broome and the New York State Department of Transportation that: 1) the speed limit on Banta Road, Finch Road and Farnham Road in the Town of Conklin be reduced to 35 miles per hour and 2) that the speed limit be clearly posted.

RESOLVED, that copies of this resolution, 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, New York 13901) and the County Highway Superintendent ; and it further is

RESOLVED, that this resolution shall take effect immediately.

REGULAR TOWN BOARD MEETING
JULY 10, 2012

Resolution Adopted: July 10, 2012

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 July 10, 2012. Said resolution was adopted by the following roll call vote:

Supervisor Vacant	YES
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Deputy Supervisor and Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: July 10, 2012

Town of Conklin Seal

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

Regional Traffic Engineer
Region No. 9
Department of Transportation

Gentlemen:

The Town Board of the **Town of Conklin**, by a resolution adopted on July 10, 2012, hereby request the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on **Banta Road, Finch Road and Farnham Road**.

Upon receipt of the notice that the regulation herein requested has been established, the **Town of Conklin** will provide, install, and maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

Dated: July 10, 2012

By: _____
Sherrie L. Jacobs Town Clerk of the Town of Conklin

CONTINUATION OF DISCUSSION

Albert Mydlinski of Stewart Road asked how long the bonding agreement would extend after the end of the usage and Ms. Sacco stated that it would extend one year after the end of usage. She added that the issue of backfilling has been addressed and added that the Town can improve the roads in question before the heavy vehicles utilize them and be reimbursed for the improvements.

Rick Penny of Corbettsville Road asked what is done with the fracking water after it has been used for the gas extraction and Mr. Finch replied that the gas companies recycle the water and it is taken to a sewage treatment plant. Jackie Penny of Corbettsville Road asked if there is a weight limit on the Corbettsville Road bridge and Highway Superintendent Patrick Latting replied that there is no weight limit on that bridge. Ms. Sacco reiterated that the Town cannot legally stop the vehicles from using its roads. Ms. Penny asked what would happen if a spill occurred from one of the vehicles, noting that most residents in the area in question have shallow wells. Mr. Finch stated that the gas company must make the wells good or provide drinking water. Ms. Sacco stated that the DEC and Broome County Health Department would have

REGULAR TOWN BOARD MEETING
JULY 10, 2012

jurisdiction in this situation. Ms. Penny stated that the vehicles should stay in Pennsylvania. Town Justice J. Marshall Ayres, who owns property in Pennsylvania, commented that he was informed at a property owners meeting that he attended that no truck traffic is currently allowed on Route 29 (Montrose Drive after it crosses the border into Pennsylvania), but noted that after Route 29 is repaired, truck traffic will be routed from Route 29 onto Muckey Run Road, avoiding New York State roads to get to the well site in question. He added that WPX Energy has provided a bond for \$13 million to repair Route 29 in 2013.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that his department has completed the second round of mowing of Town-owned roads. He added that Broome County is working on the roads that it owns in the Town of Conklin. Mr. Latting stated that his department has been using the weed eater in the guide rail and bridge areas of the roadways. He stated that drainage work has been done in the Wilbur Way area. Mr. Latting stated that the sign replacement program is ongoing, adding that he is waiting until the 2013 budget year before placing any new signs.

Mr. Latting reported that the FEMA (Federal Emergency Management Agency) repairs on Ketchum Road were completed on June 19. Mr. Latting also reported that the repairs made to the culvert on State Line Road involved a "new process for the Town of Conklin and a new scope of work." He stated that the culvert was failing and required emergency repair work. Mr. Latting stated that the project went very well and that while the cost estimate had been \$115,000, the actual cost was less than \$45,000, which means that the Town saved more than \$70,000 on the project. He stated that it took his department five work days to complete the needed repairs. Mr. Finch stated that the Highway Department did a "great job."

Mr. Rick Penny stated that his son, Rick Penny, Jr., had inquired about the possibility of installing a boat launch on Stillwater Road, perhaps on one of the Buyout properties. He asked if this is feasible and whether or not FEMA would allow this use of the green space. Mr. Finch replied that this decision would be determined by FEMA and the DEC. Mr. Latting commented that the Conklin Volunteer Fire Department would be helped by a boat launch in that area for its Swift Water Rescue operation, adding that the boat launch that was constructed on Woodcrest Way is not practical. Mr. Finch commented that the boat launch in the Town of Kirkwood has been closed. He stated that an application must be submitted to the DEC, which in turn will contact the Susquehanna River Basin Commission to obtain permission. FEMA must be contacted to see whether or not a boat launch is an accepted use for green space. Mr. Finch stated that the issues of safety and who will monitor the proposed boat launch must also be addressed. Mr. Minoia stated that the Town should wait until it knows whether or not FEMA will allow this use before any further action is taken. Parks Superintendent Tom Delamarter commented that FEMA will probably approve this use. Mr. Bullock stated that maintenance must also be discussed. Mr. Francisco commented that the neighbors should be contacted to see how they feel about a boat launch in their neighborhood. Ms. Sacco stated that she agrees with all of the concerns expressed – maintenance, liability, uses of green space. Mr. Latting asked Mr. Bullock if the proposed boat launch would be a benefit for the fire department and Mr. Bullock agreed that it would be a benefit, since there is no other boat launch in the area. Mr. Latting asked if there is funding available through the fire department, perhaps a grant, and Mr. Bullock replied that the grants that are available to the fire department do not include boat launches.

REGULAR TOWN BOARD MEETING
JULY 10, 2012

Mr. Bullock asked when the street paving will begin and Mr. Latting replied that his department had started milling the streets this week, adding that he is waiting for NYSEG (New York State Electric and Gas Corporation) to finish replacing its services on the streets in question. He stated that the paving will be completed by the end of July.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that the Broome County Health Department inspected the Town water and added that he is expecting that report soon. He stated that there was a water leak on JR Boulevard, which has been repaired. Mr. Finch asked if the dirt from digging to make the repairs has been removed and Mr. Delamarter replied that it has not been removed yet. Mr. Delamarter reported that the Town Landfill has been mowed and trimmed and the Second Quarter testing has been completed. He stated that Shawsville Cemetery has also been mowed and trimmed, and added that everything with the Town Pool, the parks, and the water and sewer system is going well.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that FEMA has some more questions regarding the Town's application for the 2011 Flood Buyout Program, with a deadline of July 18, 2012, to supply the needed information. Mr. Finch asked if there are 62 homes on the potential Buyout list, and Mr. Jones replied that there may be less than 62, noting that two property owners have withdrawn their names from the potential Buyout list, one on Conklin Road and one on Lotus Avenue.

Mr. Jones reported that his office issued 15 Building Permits, including several pool permits. He stated that five new businesses have been approved by the Planning Board. Mr. Jones reported that the Town Board met with the chairpersons from the Planning Board and the Zoning Board of Appeals at the last Work Session.

Ms. Sacco asked if the Form 239 response on the Meier Supply Company case has been received by the Town and Mr. Jones replied that the Town has received the response from the Broome County Planning Department, adding that the County had questions regarding the signage for Meier Supply Company. Mr. Jones stated that he was able to answer the County's questions regarding signage.

REPORT: DOG CONTROL OFFICER

In addition to her written report, Dog Control Officer Darlene Weidman thanked the Town Board for allowing her to assist the Broome County Humane Society in a recent dog abuse case on Shaw Road in the Town of Conklin. Mr. Finch asked why it took so long to get Broome County involved in this case and Ms. Weidman replied that she could not contact the dogs' owner, Christine Macan. She added that the Humane Society posted a notice twice on Ms. Macan's door, and received no response. Ms. Weidman stated that on July 3, 2012, New York State Police responded to a 9-1-1 call from a neighbor of Ms. Macan at 10:30 P.M. and 12 dogs were discovered. At 7:30 A.M. on July 4, stated Ms. Weidman, the NYS Police contacted her, and she and the State Police met at the Humane Society and went, with a representative from the Humane Society, to 200 Shaw Road and took 13 dogs. "The woman needs help," stated Ms. Weidman. Ms. Macan is scheduled to be arraigned in the Town of Conklin Court on July 17, 2012. Mr. Finch stated that Ed Freije, one of Ms. Macan's neighbors, stated that "nothing is being done" about the house and the smell. Mr. Finch stated that he asked the NYS Police to check on Ms. Macan to make sure she is okay. The Broome County Health Department has stated that the house should be cleaned and Ms. Macan would need to pay for that service. No psychiatric evaluation has been ordered to date. Mr. Finch stated that the Broome County Mental Health for Seniors is looking into the case to see if they can be of assistance. Ms. Weidman stated that the "dogs need help," adding that she went to the Humane Society and helped to wash the dogs. Mr. Francisco asked if there is any chance that the dogs will be returned to Ms. Macan and Ms. Weidman stated that there is no chance of that being allowed.

REGULAR TOWN BOARD MEETING
JULY 10, 2012

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

SEQRA/MEIER SUPPLY COMPANY

Ms. Sacco and the Town Board completed the short form EAF (Environmental Assessment Form) for Meier Supply Company, Inc., 275 Corporate Parkway. The Town Board answered “No” to all of the following questions:

- Doe this Action exceed any Type I threshold in 6 NYCRR, Part 617.4?
- Will this Action receive coordinated review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?
- Could this Action result in any adverse effects associated with the following:
 1. 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?
 2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?
 3. Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?
 4. 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?
 5. Growth, subsequent development, or related activities likely to be induced by the proposed action?
 6. Long term, short term, cumulative, or other effects not identified in C1-C5?
 7. Other impacts, including changes in use of either quantity or type of energy?
- Will this Project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
- Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

RESO 2012-130: DECLARE TOWN OF CONKLIN LEAD AGENCY/ISSUE NEGATIVE DECLARATION/MEIER SUPPLY COMPANY, INC.

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin declares the Town of Conklin Lead Agency and issues a Negative Declaration regarding the potential environmental impact of the issuance of a Special Use Permit for Meier Supply Company, Inc.

Seconded by Mr. Francisco.

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

RESO 2012-131: ISSUE SPECIAL USE PERMIT/MEIER SUPPLY COMPANY, INC.

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin issues a Special Use Permit to Meier Supply Company, Inc.

Seconded by Mr. Minoia.

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

OLD BUSINESS:

REGULAR TOWN BOARD MEETING
JULY 10, 2012

RAIL ROAD/FORMER CITY LINE GARAGE SITE

Ms. Sacco stated that her office sent a letter regarding the former City Line Garage site on Conklin Road to the owner of the building, and received no response. Mr. Finch stated that the new signal tower that CP Rail wants to install has been approved. He stated that the railroad company has been approached regarding the Town's wish to route water drainage under the railroad tracks, but added that the DEC must first determine if the area in question is a wetlands area. He stated that Assemblyman Clifford Crouch is researching possible grants to help with this project. Mr. Finch stated that the privately-owned lot needed for the drainage project could be acquired through eminent domain. Ms. Sacco stated that the railroad has a procedure in place for requests to dig under the railroad tracks to route drainage, adding that this is a common issue for CP Rail. She stated that the railroad company needs an application, plans for the project, and contact information.

2010 CONKLIN ROAD

Code Officer Robert Jones inspected 2010 Conklin Road to see if the property owner is in compliance with the Town Code and presented photographs of the recently cleaned up property to the Town Board. The Town's legal firm, Coughlin & Gerhart, wants a member of the Town Board to inspect the property again with Mr. Jones. If the property is still out of compliance, stated Ms. Sacco, the Town can then issue fines. Mr. Bullock will inspect the property.

NEW BUSINESS:

ROAD BONDING – WPX ENERGY

Mr. Finch asked if the other Town Board members are in agreement with the proposed terms of the bonding for the road with WPX Energy. Mr. Bullock and Mr. Francisco are in agreement. Mr. Minoia stated that he agrees with the proposed terms of the bond agreement but wants to see the route changed.

Mr. Francisco stated that the speed limit on Terrace Drive is 35 miles per hour, but the speed limit on Woodside Avenue is 40 miles per hour, and it has become a "raceway." He wondered if the Board would want to include Woodside Avenue in the request to change the speed limits. Mr. Bullock stated that he feels what is needed is enforcement of the existing speed limit. Ms. Sacco stated that the Broome County Sheriff's Department will set up a speed indicator if requested to do so.

Ms. Sacco stated that, since the Town Board does not yet have the actual Road Use Agreement to read and vote on, a special Town Board meeting may need to be called.

Mr. Francisco asked about trucks traveling over Fallbrook Road. Mr. Latting stated that the bridge on Fallbrook Road will not hold that much weight, adding that this is not a good route.

BROOME COUNTY GRANT WRITING PROGRAM

Mr. Finch stated that the Town of Conklin could participate with Broome County, which has hired a grant-writing company from Syracuse, and could save money on grant writing. The Town would be required to pay its share of the cost.

Mr. Finch stated that the Town Engineer is working on a \$30,000 grant, with \$6,000 in kind, to extend the water and sewer lines. A letter has been sent to Governor Cuomo.

RESO 2012-132: AUTHORIZE TOWN OF CONKLIN
TO PARTICIPATE WITH BROOME COUNTY STEERING COMMITTEE
UPDATE OF BROOME COUNTY HAZARD MITIGATION PLAN

REGULAR TOWN BOARD MEETING
JULY 10, 2012

Mr. Bullock moved for the following resolution:

WHEREAS, in 2008 all Broome County municipalities adopted the Broome County Hazard Mitigation Plan (the “HMP”) and it was approved by FEMA, and

WHEREAS, by federal regulation the HMP must be formally updated each five years in order for participating municipalities to be eligible for various FEMA grant programs, and

WHEREAS, the Broome County Department of Planning and Economic Development is willing to lead such HMP update effort, and

WHEREAS, the Town of Conklin is desirous of participating in the steering committee charged with preparation of portions of the updated HMP,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Conklin in regular session duly convened that the Supervisor be and hereby is authorized to execute the attached Letter of Intent to participate in the Broome County Hazard Mitigation Plan Update Project.

This resolution shall take effect immediately.

Seconded by Mr. Minoia.

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

**RESO 2012-133: RATIFY PAYMENT/JANET OR DAVID ORR/
FULL PARK PERMIT REFUND/PERMIT #677/ILLNESS IN FAMILY**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4513, account code A2771, in the amount of \$30.00 to Janet or David Orr for a full refund of Park Permit #677, due to illness in the family.

Seconded by Mr. Francisco.

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

**RESO 2012-134: RATIFY PAYMENT/TONI-LOU GRIFFIS/PAYMENT FOR CPR &
AED MEDICAL TRAINING FOR 4 TOWN EMPLOYEES**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4424, account code A1620.4, in the amount of \$100.00 to Toni-Lou Griffis for CPR (Cardiopulmonary Resuscitation) and AED (Automatic External Defibrillator) medical training for four Town employees.

Seconded by Mr. Francisco.

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

RESO 2012-135: RATIFY PRE-AUTHORIZED PAYMENT/BILL LIST/\$41,490.15

Mr. Francisco moved for the following resolution:

REGULAR TOWN BOARD MEETING
JULY 10, 2012

Be It Resolved: that the Town Board of the Town of Conklin ratifies the pre-authorized payment of the following Bill List in the total amount of \$41,490.15:

General	\$ 7,410.84
Highway	4,716.38
Flood Emergency	17,912.74
Light Districts	1,745.87
Water District	2,495.10
Sewer District	1,046.22
Non-Budget	<u>6,163.00</u>
Total	\$41,490.15

Seconded by Mr. Minoia.

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

RESO 2012-136: AUTHORIZE PAYMENT/BILL LIST/\$77,815.46

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 \$77,815.46:

General	\$17,436.97
Highway	8,141.57
Flood Emergency	6,496.26
Water District	638.94
Sewer District	<u>45,101.72</u>
Total	\$77,815.46

Seconded by Mr. Minoia.

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

RESO 2012-137: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET
LINES/AS OF JULY 10, 2012

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes modification of the stated from and to Budget lines as of July 10, 2012 (see attached).

Seconded by Mr. Bullock.

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

RESO 2012-138: AUTHORIZE APPROPRIATION OF UNANTICIPATED NYS GRANT
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 New York State Grant revenues (see attached).

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
JULY 10, 2012

Mr. Finch commented that the Town will need to borrow money to pay for the 2011 Buyout Program, if the Town of Conklin is approved by FEMA. The Town pays the money up front and is later reimbursed by FEMA.

LOCAL LAW/SPECIAL USE AGREEMENT

Ms. Sacco stated that she will bring a draft of the proposed local law regarding Special Use Agreements to the August 14, 2012 Town Board meeting.

CARS IN BOAT LAUNCH/SULLIVAN PARK

Mr. Bullock stated that he has seen cars backing down into the boat launch area of Sullivan Park to attempt to launch large boats. The launch is intended only for small boats, such as canoes and kayaks, which can be carried to the water's edge.

Mr. Bullock also commented that New York State DOT is fixing the bumps on Conklin Road.

CARPETS AT TOWN HALL

Mr. Bullock stated that he is researching prices to have the carpets at the Town Hall cleaned.

BILLBOARDS/UPDATE ON HIGHWAY LAW

Mr. Minoia asked if there is an update on the status of Conklin Road in regard to whether or not it is part of the state-assigned system that would require the Town to reimburse the owners of billboards if the Town forces the billboards to be removed. Ms. Sacco replied that Mr. Jones is working with another attorney from her law firm, Reinaldo Valenzuela, adding that Mr. Valenzuela needs a better map of locations of the billboards in the Town of Conklin. She stated that it will take 60 to 90 days for the billboards to be removed, if that is the decision that the Town Board makes. Mr. Jones commented that there are two billboards at 560 Conklin Road, the property owned by CP Rail, adding that one billboard is located in the Town of Conklin and the other is located in the Town of Binghamton.

FLOOD BUYOUT PROPERTIES

Mr. Minoia stated that if FEMA approves the Town to participate in the 2011 Flood Buyout Program, the Town Board needs to make sure the contracts for demolition of the buildings in question includes the cost of grading and filling. Public utilities are sealed on these properties and Water and Sewer Superintendent Tom Delamarter inspects each property. Mr. Minoia commented that after the 2006 Flood, the Town had to pay the cost of having septic tanks pumped out and collapsed and filled. Ms. Sacco suggested that Mr. Jones "keep an eye on this process," then added that she will contact the Town Engineer regarding this issue.

Mr. Minoia asked at which point in the process the survey is conducted and Ms. Sacco stated that the survey and title search are conducted after the price has been negotiated but before the closing on the property. Mr. Minoia asked if FEMA pays the cost of the survey if the property owner declines to participate in the Buyout. He added that many properties were surveyed after the 2006 Flood, only to have the owners decline, and he feels that these properties do not need to be surveyed again if they are in the potential 2011 Buyout Program.

Mr. Bullock asked about appraisals on the Buyout properties and Ms. Sacco stated that the Town Board would need to obtain three quotes.

BOAT LAUNCH/SULLIVAN PARK

Revisiting the discussion regarding the use of the boat launch at Sullivan Park, Mr. Francisco asked if boulders could be placed at the entrance to the river in such a way as to prevent boat trailers from being backed into the entrance. Mr. Latting stated that he will put boulders in place leaving a six foot opening, which is large enough for hand-carried watercraft.

REGULAR TOWN BOARD MEETING
JULY 10, 2012

CIVIL WAR ILLUMINATION CEREMONY

Town Clerk Sherrie Jacobs, an officer of the Conklin Historical Society, asked the Town Board's permission for the Conklin Historical Society to participate in a Civil War Illumination Ceremony to take place on November 3, 2012, at Shawsville Cemetery and Conklin Cemetery to honor those lost in the Civil War and buried in one of these two cemeteries in Conklin. There are thirteen Civil War veterans buried in the Conklin Cemetery and four veterans buried in Shawsville Cemetery. The Conklin Cemetery Association has granted permission for the Illumination Ceremony to take place in Conklin Cemetery. The Town Board granted permission for the Illumination Ceremony to take place in Shawsville Cemetery as well, and enthusiastically supported the idea.

TAX CERTIORARI/INLAND PAPERBOARD

Mr. Finch stated that Inland Paperboard has filed a tax certiorari against the Town of Conklin, seeking a lower assessment due to the September 2011 flood. He stated that the case has been turned over to Ms. Sacco and Town Assessor John McDonald.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 8:26 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

TOWN BOARD WORK SESSION
JUNE 26, 2012

The Conklin Town Board held a Work Session at 5:30 P.M. on June 26, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Planning Board Chairman	James Hauss
	Zoning Board of Appeals Chairman	William C. Northwood
	Planning Board	Dell Boyle
	Zoning Board of Appeals	Arthur Boyle

GUESTS:	Country Courier	Elizabeth Einstein
		Laurie Francisco

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the New York State Environmental Facilities Corporation (EFC) and the New York State Department of Environmental Conservation (DEC) regarding possible engineering grants from the Clean Water State Revolving Fund (CWSRF) for eligible water quality projects. He stated that the grants provide up to \$30,000 and the deadline for the application is July 16, 2012. Mr. Finch stated that Town Attorney Cheryl Sacco, Town Engineer Dan Griffiths, and Water and Sewer Superintendent Tom Delamarter are working on this application.

OLD BUSINESS:

TIME WARNER CABLE FRANCHISE AGREEMENT

Attorney Sacco stated that she is working on the new franchise agreement with Time Warner Cable, adding that she is down to “fine-tuning the language.” The Town has asked for several items in the agreement, with security cameras at the Highway Garage, Community Center, and sewer stations high on the Town’s priority list. Mr. Finch stated that the Town has also asked for more cable channels and has agreed to a five year term, with an option of adding three more years to the agreement period if desired. Ms. Sacco stated that the franchise fee equals the gross revenue and so should be defined in as broad terms as possible. Mr. Finch stated that there is a line tax on lines coming through the Town and added that the Town has asked Time Warner to pay its property tax directly. Ms. Sacco stated that she is awaiting the draft of the agreement, adding that the Town must schedule and hold a Public Hearing before it can adopt the new agreement. She stated that the New York State Public Service Commission must also approve the agreement.

WATER SYSTEM EXPANSION/PRIDE MANOR MOBILE HOME PARK

Ms. Sacco stated that she is working with the Town of Kirkwood attorney on the agreement to supply water to the Pride Manor Mobile Home Park, which will expand the portion of the water system in Conklin that is supplied by the Town of Kirkwood. She added that both the Town of

TOWN BOARD WORK SESSION

JUNE 26, 2012

Conklin and the Town of Kirkwood have approved the terms of the agreement. Mr. Finch added that the property owner is researching a pump to move water to the top of the hill, adding that the property owner will bear all of the costs of the expansion, including engineering costs. He added that the property owner hired Ron Lake as engineer. Mr. Finch stated that there are 47 homes on Stillwater Road that also want to be included in the expansion. He added that the existing bond to pay for the water district will be divided by more users, which will mean that individual bills should be less. Ms. Sacco stated that she is awaiting information from the engineer. Mr. Francisco asked if the plans include a new fire hydrant and Mr. Finch stated that the Town will raise the existing fire hydrant by three feet and will utilize the existing hydrant.

RAILROAD/FORMER CITY LINE GARAGE SITE

Mr. Finch stated that CP Rail wants to install a new signal tower and added that he is working with the railroad company to reach an agreement. He stated that Assemblyman Clifford Crouch is researching possible grants from New York State to pay for drainage to be drilled under the railroad tracks, with a swale and flapper valve installed.

Mr. Finch stated that the railroad company owns the property at the former City Line Garage site, but does not own the building. Mr. Ray Knapp claims to have a lease for the building, but no lease agreement has been produced. CP Rail has been paying property taxes on the building but has not received any lease payments. Mr. Minoia stated that the building is unsafe and Mr. Finch stated that CP Rail is aware of this issue.

DRAINAGE ISSUES/ROUTE 7A

As stated earlier, Mr. Finch stated that he is working on an agreement with CP Rail to deal with the water drainage on Route 7A and Assemblyman Clifford Crouch is researching possible grants to fund installation of drainage. Mr. Finch stated that there is a small piece of property owned by a resident of Montrose, Pennsylvania, that may have to be taken through eminent domain. A pipe would be run under Route 7A, with a swale installed, and water routed to the Susquehanna River. A flapper valve would be installed at the point at which the drainage would flow under the railroad tracks. Ms. Sacco stated that a deeded permanent easement would be needed for the drainage to cross property owned by Mario Masciarelli. She stated that there is currently a permanent easement for the water main.

NEW BUSINESS:

BILLBOARDS IN THE TOWN OF CONKLIN

Planning Board Chairman Jim Hauss, Zoning Board of Appeals Chairman William Northwood, and Zoning Board of Appeals member Arthur Boyle were invited to join the Town Board's discussion regarding billboards in the Town of Conklin. Ms. Sacco stated that Code Officer Robert Jones had been contacted regarding the number and locations of the existing billboards. She added that current local law bans billboards in the Town and set a five-year amortization period in which the existing billboards were supposed to be phased out and removed. Ms. Sacco stated that this five-year period expired some time ago. She explained that Highway Law Section 88 states that if the Town removes a billboard from within 650 feet from a highway that is part of the State's designated system, the Town must reimburse the billboard owner for lost potential revenue. Mr. Jones stated that there are currently 11 billboards in Conklin. All of the billboards are located on Conklin Road except one, which is on Montrose Drive. Ms. Sacco stated that the Town needs to determine whether any of these billboards are located on roads

TOWN BOARD WORK SESSION

JUNE 26, 2012

where their removal would require compensation. She added that the Town has three options: set a time limit for the removal of all billboards; repeal the current local law; or amend the current local law.

Ms. Sacco stated that Park Outdoors owns the billboards, and added that the company wanted to put up 12 foot by 24 foot billboards rather than the standard 5 foot by 9 foot billboards. Mr. Jones stated that he issued a permit to Mr. Storti to replace a billboard that blew over in a storm. Ms. Sacco stated that she will have to look at the local law and added that the Town may have to allow five years from the date of issuance of the permit before this particular billboard can be removed. She advised Mr. Jones not to allow any more billboards to be put up or replaced. Ms. Sacco added that the Town cannot control the content of billboards, since this violates First Amendment rights. She stated that the best way to handle the issue is to get rid of billboards altogether.

Mr. Northwood reiterated that Park Outdoors does not want to use 5 foot by 9 foot billboards but rather wants 12 foot by 24 foot ones. He stated that Park Outdoors stated that “towns have lost court cases when they tried to get rid of all billboards.” Mr. Northwood stated that Park Outdoors would take down its smaller signs if it is allowed to have the larger ones that it wants. Ms. Sacco stated that this is just a tactic to try to intimidate the Town Board. She stated that the Village of Johnson City made the company remove all of its billboards and Park Outdoors made the same threat.

Mr. Hauss stated, “If it is a law, then let’s work toward it.” He asked if the banning of billboards is a law or not, adding that he needs a “better discussion with the Planning Board. We have more homework to do.” Ms. Sacco asked, “Do we see a benefit to keeping billboards?” Mr. Finch replied, “No.” Mr. Bullock agreed, adding that the existing billboards are not maintained adequately. Mr. Hauss asked about electronic billboards and Ms. Sacco replied, “The door is closed now, but if you change the law, it opens the door to other companies.” Ms. Sacco stated that she will check the amount of time that has to be allowed to the newly permitted billboard and will check the listings for Highway Law Section 88 to see if Route 7 is included in the system classified by New York State for the federal government. She explained that the State chooses roads to classify to be part of a federal system, as a way to get money from the federal government to the State. If the billboard is removed, the Town has to compensate the owner for removal of the billboard. Ms. Sacco added that New York State law supersedes local law. She stated that she will also research how long the Town would have to pay the compensation, if it is owed.

Mr. Francisco agreed that there is no need for billboards, calling them “an eyesore.” Mr. Minoia agreed, adding, “Get rid of them.” Mr. Finch stated that the existing local law should be enforced and the rest of the Town Board members agreed.

2010 CONKLIN ROAD

Ms. Sacco stated that the Town received a Court Order requiring Mr. Daniel Parker to clean up his property located at 2010 Conklin Road within a certain time frame, which she stated has expired. A notice of this was sent to Mr. Parker and Code Officer Jones inspected the property. A meeting will be scheduled with Mr. Jones, Mr. Finch, and an attorney from Coughlin & Gerhart to determine whether Mr. Parker is in compliance with the Town Code or not. Ms. Sacco stated that Mr. Jones may need to cite Mr. Parker for new violations.

TOWN BOARD WORK SESSION

JUNE 26, 2012

TOWN COMPREHENSIVE PLAN & PLANNING BOARD & ZONING BOARD OF APPEALS DUTIES

Mr. Northwood stated that the Zoning Board of Appeals (ZBA) will meet in July to discuss updating the Comprehensive Plan, which was written in 2004, adding that there have been significant changes to the Town in the wake of two devastating floods. The ZBA will make recommendations for updates to the Comprehensive Plan. The Town Planning Board will do the same. Ms. Sacco stated that if the Comprehensive Plan is to be totally rewritten, there is a procedural process that must be followed, which includes public hearings and a Type 1 Action under SEQRA (State Environmental Quality Review Act).

Arthur Boyle, a member of the ZBA, asked if the Planning Board can correctly allow more than one business per property, or whether that is the jurisdiction of the ZBA. Ms. Sacco stated that it is actually the Code Officer's jurisdiction to decide whether a use is permitted or not. If the Code Officer disallows the use, the applicant can then appeal to the Zoning Board of Appeals. She stated that the Planning Board has the authority to grant a Special Use Permit.

Ms. Sacco recommends repealing the local law that limits a third business on one site. She stated that the Planning Board already oversees approval for a second use permit. Mr. Finch asked about the provision for the number of parking spaces, etc., and Ms. Sacco stated that this is already covered in the Planning Board's site plan review. Mr. Hauss stated that this would streamline the process and be better for businesses trying to establish a presence in Conklin. Ms. Sacco stated that she will bring the amended local law to the July 10 Town Board meeting, with language that removes the need for a Special Use Permit and the Public Hearing that this Permit requires.

Mr. Hauss asked if the Town Board has a time frame in which it is seeking feedback on the Comprehensive Plan and whether or not the Town Board is seeking recommendations. Mr. Finch stated that the Town Board is seeking recommendations from both the Planning Board and the ZBA and would like them by the second meeting in September. Mr. Northwood commented that a number of towns are updating their Comprehensive Plans, adding that Conklin needs to bring the obsolete areas of its Comprehensive Plan up to date.

MEDICAL POOL & EMPLOYEE MANUAL

Mr. Finch distributed copies of the Town Employee Manual and Medical Pool information and asked the Board members to read the documents and give any suggestions for changes to his assistant, Lisa Houston.

MAPS OF BUYOUT PROPERTIES

Mr. Minoia asked about maps of the Buyout Properties and Mr. Jones stated that he is working with Town Engineer John Mastronardi to obtain maps from the 2006 Flood Buyout. Some properties between Town-owned Buyout Properties are owned privately by individuals. Mr. Bullock asked about cleaning up the Buyout Property on Stillwater Road.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 6:50 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on June 12, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

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

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Assistant to Supervisor	Lisa Houston
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	Darla Klinko
	Meier Supply Co., Inc.	Frank Meier
		Nancy Leitner
		Dolly Stout
		Laurie Francisco
		John Colley
		Peter J. Motsavage
		Keith Wilson

MINUTES: MAY 22, 2012 REGULAR TOWN BOARD MEETING

Mr. Francisco stated that the May 22, 2012 Regular Town Board Meeting minutes should be amended on page 2, line 18 from the bottom, to read “responsible for meters, backflow valve and water meters, and all infrastructures.”

Mr. Francisco moved that the May 22, 2012 Regular Town Board Meeting minutes be approved as amended.

Seconded by Mr. Finch.

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

PUBLIC COMMENTS:

None.

CORRESPONDENCE:

Mr. Finch stated that he received a letter from Governor Cuomo regarding the Town’s request for assistance in obtaining grant money with which to expand the water system. Mr. Finch stated that he is traveling to Albany on Thursday, June 14, to meet with the Governor to discuss this further. He added that he also received a letter stating that some grant money will become available in July 2012. Town Attorney Cheryl Sacco stated that she has been in contact with CP Rail regarding the drainage issue on the southern part of Route 7, and Mr. Finch added that New

REGULAR TOWN BOARD MEETING

JUNE 12, 2012

York State Assemblyman Clifford Crouch will be assisting the Town in looking for grant money to help fund this project.

PUBLIC HEARING

**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 4, 2012/
“A LOCAL LAW ALLOWING AND/OR CREATING OFF LEASH AREA(S)”**

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch 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 4, 2012, “A Local Law Allowing and/or Creating Off Area(s).”

Town Attorney Cheryl Sacco explained that this is a Non-Action under SEQRA (State Environmental Quality Review Act) and therefore no Form 239 submission to Broome County is required. Dog Control Officer Darlene Weidman asked who will police the off-leash area and Mr. Finch stated that the Dog Control Officer will be responsible for this task. Ms. Sacco confirmed that the Dog Control Officer is listed as the enforcement officer in the proposed local law. Mr. Finch stated that the rules governing use of the off-leash area must be posted. Mr. Bullock suggested having a sign created to do so.

There being no further questions or public comments, Mr. Finch declared the Public Hearing closed at 7:08 P.M.

Ms. Sacco stated that the Town Board must designate which Park will contain the off-leash area. Mr. Minoia asked if the Community Center grounds, the proposed site of the off-leash area, is considered a “park” and registered as such with New York State. Ms. Sacco cited the Alienation of Park Land law, which Mr. Finch stated includes the prohibition of leasing park land for gas drilling, and added that the legal definition of “park” is not the same as green space. The Community Center grounds are not a “park” by the New York State definition. Mr. Finch stated that the proposed off-leash area is approximately 170 feet by 300 feet, or about two acres, in size.

PUBLIC HEARING

**TO RECEIVE INPUT REGARDING SPECIAL USE PERMIT APPLICATION/
MEIER SUPPLY CO., INC.**

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 7:15 P.M. and asked those present to speak either for, or in opposition to, the Special Use Permit application submitted by Meier Supply Co., Inc.

Ms. Sacco stated that the Public Hearing has been posted and advertised properly and letters sent to neighboring properties within 1,000 feet of the Broome Corporate Park, as required. She stated that the Form 239 response has not yet been received from Broome County, although a letter of approval has been received from the BCIDA (Broome County Industrial Development Agency). Ms. Sacco stated that the Town Planning Board reviewed the application and

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

recommends that the Town Board act as Lead Agency for SEQRA and recommends that the Town Board find a Negative Declaration regarding potential environmental impact of this proposed Special Use.

A question was raised regarding one of the conditions set by the Planning Board regarding signage and Mr. Meier stated that his company will use the existing sign and just change the wording. No new signage will be added to the site. Mr. Frank Meier stated that he was present at tonight's meeting to answer any questions that might arise. He added that he applied with the intention of moving in and moving ahead as soon as possible, since his company suffered hardship from the September 2011 Flood in its previous location.

Mr. Francisco had a question about the blockage of the dock doors, which will be sealed, asking if signage will be attached to the doors indicating that there is no entrance or exit. Mr. Meier stated that this will be done, adding that the studding and insulation has already been put in place to close off the doors. Mr. Francisco noted that there is no change to be made to the exterior or to the footprint of the building and added that he has no objections to Mr. Meier moving forward. Mr. Minoia, Mr. Bullock, and Mr. Finch all expressed the same opinion.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 7:20 P.M.

Formal approval will be held over until the July 10 Town Board meeting, by which time the response to the Form 239 should be received from Broome County.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that his department is ready to begin work on the culvert project on State Line Road, adding that he has five Purchase Orders ready to go. He asked that funds be transferred so that work can begin, adding that the project will cost almost \$100,000 less than was budgeted for it, with the total cost being \$45,593, with an original budget of \$137,000. Mr. Latting stated that he purchased the rip rap at Broome County bid pricing and saved \$37,000. FEMA (Federal Emergency Management Agency) will reimburse the Town for this expense. Assistant to the Supervisor Lisa Houston stated that this project was not originally in the 2012 Budget but added that since this is an emergency situation, with the culvert likely to fail if not repaired soon, monies can be transferred from the undesignated fund balance from the 2011 General Fund. She added that the Highway Fund cannot take on such a large expense in its fund balance. Ms. Houston stated that she discussed this with Town Auditor Cheryl DiStefano, who approved the process and stated that it is a legal procedure.

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

**RESO 2012-112: PROCEED WITH CULVERT PROJECT/STATE LINE ROAD/TOTAL
COST \$45,593 (INCLUDES PIPE PURCHASED FOR \$31,000)**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves proceeding with the culvert project on State Line Road, for a total cost of \$45,593 (which includes pipe purchased at bid pricing for \$31,000).

Seconded by Mr. Francisco.

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

“CHIPS” EXPENDITURES

Mr. Latting presented his plan for expenditure of “CHIPS” (Consolidated Highway Improvement Program) funds for 2012, stating that seven streets need to be milled out and re-blacktopped, adding that the millings will be re-used. He stated that his department will not be doing any stone and oil work on roads this year. The Town Board agreed to Mr. Latting’s proposal and signed the agreement. Mr. Latting stated that with the potential advent of natural gas drilling in New York State, the Town needs to prepare its roads. Mr. Bullock asked if there is a time frame for the “CHIPS” work and Mr. Latting replied that it will be completed in July. The “CHIPS” money is applied to the Highway Budget line.

CASE DROTT EXCAVATOR

Mr. Latting stated that the Case Drott Excavator has “many problems” and is not fixable, adding that it was purchased as surplus equipment for \$5,095 from the Town of Kirkwood in approximately 2001. He stated that he has had two offers from individuals to purchase the excavator, one for \$1,000 and a second offer for \$1,500. He has also had estimates from three scrap metal yards, with Weitsman Scrap offering the highest amount at \$4,305. Mr. Latting stated that the excavator weighs approximately 35,000 pounds. He stated that it will cost \$300 to move the equipment, but added that is still less expensive than cutting it up to take to the scrap yard. Mr. Finch stated that the money from the sale of the excavator will be applied toward the purchase price of a new backhoe for the Highway Department.

RESO 2012-113: DECLARE SURPLUS EQUIPMENT/CASE DROTT EXCAVATOR

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin declares as surplus equipment the Case Drott Excavator.

Seconded by Mr. Francisco.

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

**RESO 2012-114: AUTHORIZE SALE/CASE DROTT EXCAVATOR/
WEITSMAN SCRAP/\$4,305**

Mr. Francisco moved for the following resolution:

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

Be It Resolved: that the Town Board of the Town of Conklin authorizes the sale of the Case Drott Excavator to Weitsman Scrap for the price of \$4,305.

Seconded by Mr. Minoia.

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

PURCHASE OF NEW BACKHOE

The Town received two bids to provide a 20,494 Pound Loader Backhoe. The bids were opened and read aloud at 2:00 P.M. on June 12, 2012. Monroe Tractor bid to provide a Case Loader Backhoe for \$80,584, with no financing. This machine missed 28 of the specifications listed in the bid documents, which means that it materially deviates from the bid specifications. 5 Star Equipment bid to provide a John Deere Loader Backhoe, Model 410K, for \$81,198, with a four-year lease, one year delayed payment, and no call. This machine missed one of the specifications listed in the bid documents.

RESO 2012-115: REJECT BID/MONROE TRACTOR/CASE LOADER BACKHOE

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rejects the bid from Monroe Tractor to provide a Case Loader Backhoe, citing the machine as materially deviating from the bid specifications.

Seconded by Mr. Minoia.

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

RESO 2012-116: AWARD BID TO PROVIDE BACKHOE/5 STAR EQUIPMENT, INC./JOHN DEERE MODEL 401K/\$100,698 MINUS \$19,500 TRADE-IN/
TOTAL COST \$81,198

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the bid to provide a backhoe to the Town of Conklin to 5 Star Equipment, Inc., for John Deere Model 401K at a cost of \$100,698 minus a trade-in allowance of \$19,500, for a total cost of \$81,198.

Seconded by Mr. Bullock.

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

RESO 2012-117: ADOPT LOCAL LAW 4, 2012/
“A LOCAL LAW ALLOWING AND/OR CREATING OFF LEASH AREA(S)”

PRESENT:

Supervisor -vacant

Councilman Gary D. Bullock

Councilman Charles Francisco

Deputy Supervisor and Councilman James E. Finch

Councilman Jerry Minoia

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

ABSENT:

Offered By: Mr. Finch

Seconded By: Mr. Bullock

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

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 June 12, 2012, commencing at 7:05 p.m. to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW ALLOWING and/or CREATING OFF LEASH AREA(S)”, and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on May 30, 2012, and posted on the Town Clerk’s sign board on May 24, 2012, and

WHEREAS, said Public Hearing was duly held at the Conklin Town Hall at 7:05 o’clock P.M. on June 12, 2012, 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 a non -action; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination that the Project is a non-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 Local Law No. 4; and further

RESOLVED, that, based upon on the foregoing; no further action is needed; and further

RESOLVED, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and further

RESOLVED, the Conklin Town Board hereby adopts said Local Law as Local Law No. 4, 2012, entitled “A LOCAL LAW ALLOWING and/or CREATING OFF LEASH AREA(S),” 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 June 12, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant	_____	
Councilman Gary D. Bullock		YES
Councilman Charles Francisco		YES
Deputy Supervisor and Councilman James E. Finch		YES
Councilman Jerry Minoia		YES

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

Dated: June 12, 2012
Town of Conklin Seal _____

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

**RESO 2012-118: ADOPT TOWN OF CONKLIN REGULATIONS/
DOG OFF-LEASH AREA(S)**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin adopts the following Rules and Regulations governing the “off leash” areas on Town property:

Town of Conklin Rules and Regulations governing designated “off leash” areas.

The Town of Conklin desires to create designated “off leash” areas on town property;

The Town of Conklin recognizes that rules and regulations are necessary to govern the use of these areas;

As such, the Town of Conklin creates the following rules and regulations:

1. Dogs must be accompanied by owner or an authorized adult (over the age of 18 years old). There may not be more than two dogs per owner or authorized adult. Additional dogs require the presence and assistance of additional adults.
2. Dogs must be under the control of owner or authorized adult; this includes vocal control. Dogs must not be left unattended.
3. Dogs must not cause a public nuisance, safety hazard and must not harass people, dogs or wildlife.
4. No Dogs under the age of 6 months may be allowed off leash in the designated “off leash” area(s).
5. No female dogs in heat are allowed (whether on or off leash) in the designated “off leash” area(s).
6. Owner or authorized adult must supply their own equipment and use the equipment for removing their own dogs’ waste. Owner or authorized adult must clean up after their own dog(s) and place bagged waste in an appropriate receptacle.
7. Dogs must be licensed and properly vaccinated.
8. Dogs must wear collars and dog tags (evidencing licensing and vaccination). Proof of licensing and vaccination must be provided upon request of any peace officer and/or dog control officer. Owners, without tags, should have paper copies of proof of licensing and vaccination with them whenever using the designated “off leash” area(s).
9. By use of the designated “off leash” area(s), persons agree to be responsible and liable for the conduct of their animal.
10. By use of the designated “off leash” area(s), persons agree to comply with all applicable rules, regulations and laws.
11. By use of the designated “off leash” area(s), persons agree to indemnify and hold the Town of Conklin harmless for any and all claims that may occur from their use.
12. The hours of use of any area designated “off leash” shall be: 7:00 a.m. to 9:00 p.m.; and shall be closed from November 1 through April 30.
13. Dogs must be leashed when leaving and entering the designated “off leash” area(s).
14. No children under the age of 16 shall be allowed in the designated “off leash” area(s), unless accompanied by an adult.
15. No other animals are allowed (cats, rabbits, etc.).
16. Human food, dog food, glass containers are not allowed in the designated area. Small bite sized training treats are allowed. You are encouraged to provide water for your dog(s).
17. Owner or authorized adult must stop their dog(s) from digging and are responsible for filling any holes made.

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

18. Frisbees, balls and other retrieval toys are allowed, but be prepared to share with other visitors.
19. Owners or authorized adults must carry a leash at all times in the designated area. And if necessary, be prepared to leash your dog(s) and exit the area.
20. Choke, spiked, prong collars or other metal collars are not permitted in the designated area as they could be a potential snag hazard.
21. No commercial use of the designated area, unless a permit is obtained.
22. Sick and injured dogs are not permitted. Dogs with parasites are not permitted.
23. All rules, regulations and laws relating to Town Parks and animal control shall apply to designated "off leash" area(s). This includes but is not limited to excess barking.
24. Violations of any applicable rules, regulations, and laws may result in tickets, fines and being asked to leave the designated area(s).
25. If a dog incident (dog bite, dog fight) occurs, please cooperate with the other dog owner(s) and contact Town of Conklin Dog Control at: 607-343-7823.

Seconded by Mr. Bullock.

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

RESO 2012-119: AMEND OFF-LEASH REGULATION #12/
7:00 A.M. UNTIL DUSK

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin amends Off-Leash Regulation #12 to state that the open hours of the "off-leash" area will be 7:00 A.M. until dusk, rather than until 9:00 P.M.

Seconded by Mr. Minoia.

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

RESO 2012-120: DESIGNATE OFF-LEASH AREA AT COMMUNITY CENTER
GROUND/FENCED AREA

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates the fenced area at the Floyd Maines Community Center grounds as an off-leash area for dogs.

Seconded by Mr. Francisco.

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

The "off-leash" area will open immediately. Parks Superintendent Tom Delamarter will order a sign stating the rules and regulations, which will be posted at the entrance to the off-leash area.

REPORT: DOG CONTROL OFFICER

In addition to her written report, Dog Control Officer Darlene Weidman answered questions from the Town Board regarding a case involving two pit bulls running at large in Corbettsville. A person with a complaint involving the two dogs had called Mr. Finch, Ms. Weidman, and Town Justice J. Marshall Ayres about the problem. Ms. Weidman stated that the neighbor to the dogs skateboards past the dogs' residence and "agitates them." She described the situation as a "neighborhood problem" and stated that she had visited the dog owner with a police officer and warned the owner to keep the dogs confined. Mr. Finch commented that the neighbors are having problems with the dogs. Attorney Sacco asked the Dog Control Officer if she has had complaints and Ms. Weidman replied, "Yes. Two." Ms. Sacco asked if she had issued any tickets and Ms. Weidman replied, "We like to solve our problems without resorting to that,"

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

adding that she has not issued any tickets. Ms. Weidman stated that the dog owner promises to tether the dogs. Ms. Sacco stated that she will follow up on the situation.

REPORT: WATER AND SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that new sewer pumps are being purchased, the cost of which will be reimbursed by FEMA. He added that the specifications have been checked and mitigation approved.

Mr. Delamarter stated that the Annual Water Quality Report is completed and has been printed. He reported that water meters have been read and water use bills have been mailed to residents. Mr. Delamarter reported that the opening of Little League baseball and softball was held. He stated that his department has mowed the Buyout properties and Shawsville Cemetery, plus five residential properties that are out of compliance with the grass standard set in the Town Code. These five property owners will be billed for the cost of mowing their properties. Mr. Delamarter reported that the Town Pool has been inspected and is now open to the public. He stated that everything is good with the Town Landfill.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his office has been working on the FEMA application for the past two months and met the deadline for submission. He reported that he has also been completing safety and fire inspections, as well as construction inspections and has issued twelve permits this month. Mr. Jones reported that he has also been working with the Planning Board on its pending cases. Mr. Jones stated that there are three homes in Conklin that are being elevated more than eight feet – one each on Stillwater Road, Conklin Road, and Shipman Road. He stated that the former Pronto's Cucina restaurant is being renovated.

Mr. Bullock asked about the grass on the properties that will potentially be on the Buyout program and Mr. Jones stated that the Town of Conklin Parks Department will mow them.

Mr. Minoia stated that the owners of a property on Clearview Avenue never finished the Town-ordered clean-up of their property and it is now overgrown with grass. Mr. Finch stated that the Parks Department mowed this property also and the cost will be charged back to the property owners. Assistant to the Supervisor Lisa Houston asked about the Town setting a fee for mowing privately owned properties and Mr. Finch replied that it should be billed per hour. Ms. Sacco will look at current local law to see if any of the established fees apply.

Mr. Minoia asked about the property owned by the Aton family on Conklin Road, adding that there are piles of blacktop on the property and that he had been told by the DEC (New York State Department of Environmental Conservation) that it is illegal to dump blacktop in a wetland area. Mr. Jones replied that he is working with Larry Lepak from the Kirkwood office of the DEC. Mr. Jones added that Mr. Aton is "moving some" of the blacktop, adding that he took some photographs for Mr. Lepak to examine.

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

OLD BUSINESS:

EXPANSION OF WATER SYSTEM/PRIDE MANOR MOBILE HOME PARK

Mr. Finch stated that the expansion of the water system to Pride Manor Mobile Home Park is moving forward. Ms. Sacco stated that she has met with the property owner and Mr. Finch. Town Engineer Dan Griffiths is developing a map plan report. Mr. Delamarter is overseeing Mr. Griffiths and Mr. Jones in their particular parts of the projects. Mr. Finch stated that the existing water main ends somewhere on Route 7A and the property owner will pay the cost to run the pipe from that current end point to wherever he wants it to go.

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

2012 TIME WARNER FRANCHISE AGREEMENT

Mr. Finch stated that a representative from Time Warner would like to meet with someone from the Board to discuss the franchise agreement. He stated that a change should be made to page 4, adding that the Town is not covered for standard drops and should be. Mr. Finch stated that there are several items he would like to see negotiated into the agreement, including a security camera at the Community Center. He will schedule a meeting with Time Warner and the Board will schedule a Public Hearing for some time in August.

**KELLY WILDONER/CANDIDATE FOR BROOME COUNTY LEGISLATURE/
6TH DISTRICT**

Mr. Finch introduced Kelly Wildoner, who is a candidate for the Broome County Legislature, 6th District. Mr. Wildoner thanked Mr. Finch for his help and asked those present to call him with any questions they might have.

NEW BUSINESS:

TOWN OF CONKLIN SUMMER BOARD MEETING SCHEDULE

Mr. Finch stated that the Town Board will have a Work Session at 5:30 P.M. on June 26, and will meet with the chairpersons of the Planning Board and Zoning Board of Appeals to discuss billboards and other signage. He stated that some of the current billboards are 5 feet by 10 feet, with one billboard 12 feet by 24 feet near Schnurbusch Park. Mr. Finch stated that he would like the Board to be able to control the size and content of billboards, so that objectionable content is not permitted. Ms. Sacco stated that the Town Code has a provision that bans billboards, with a timeline of five years to remove the existing billboards. This timeline has now expired, stated Ms. Sacco, which means that the Town Board can have all billboards removed if it so chooses. Mr. Jones will compile a list of billboards and their locations in the Town along the Route 7 corridor from Holmes Crossing to the Pennsylvania state line.

RESO 2012-121: CANCEL JULY 24 & AUGUST 28 TOWN BOARD MEETINGS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels the Regular Town Board Meetings scheduled for July 24 and August 28, 2012.

Seconded by Mr. Minoia.

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

CONCERTS IN THE PARK

Mr. Finch stated that the Town officials should take turns introducing the bands at Concerts in the Park, since this is a Town-sponsored event.

**RESO 2012-122: APPROVE AGREEMENT/TOWN OF KIRKWOOD/
SUMMER 2012 ARTS & CRAFTS PROGRAM**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the agreement with the Town of Kirkwood to provide an Arts and Crafts Program for the summer of 2012.

Seconded by Mr. Bullock.

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

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

JUNKYARD/CONKLIN ROAD

Ms. Sacco stated that the Town received a Court Order from the presiding judge regarding the “junkyard” located at 2010 Conklin Road, adding that the time allowed for cleaning up the property has expired. She stated that her office must send a notice to the property owner advising him of this fact, and then Code Officer Robert Jones will inspect the property and can cite the property owner for the site not being compliant with the Town Code.

12 WOODCREST WAY

Ms. Sacco stated that the permissive referendum period for the sale of 12 Woodcrest Way has ended and the Town is now able to proceed with the closing on the property.

RESO 2012-123: RATIFY PAYMENT/DOUG MOSHER/EQUINOX
BROADCASTING/UNITED COMMUNITY DAY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4316, account code A7550.4, in the amount of \$250.00 to Doug Mosher/Equinox Broadcasting for coverage of United Community Day.

Seconded by Mr. Francisco.

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

Mr. Finch stated that this cost will be paid from the \$1,500 donated to the Town by Vision Resale Center.

RESO 2012-124: RATIFY PAYMENT/U.S. POSTAL SERVICE/
ANNUAL WATER REPORT POSTAGE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check # 4319, account code SW8310.4, in the amount of \$360.40 to the U.S. Postal Service for postage for the Annual Water Report.

Seconded by Mr. Minoia.

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

RESO 2012-125: AUTHORIZE HIRING/MADELYN G. BLACKMAN/
TEMPORARY LIFEGUARD/PAY RATE \$7.25 PER HOUR

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the hiring of Madelyn G. Blackman to the position of Temporary Lifeguard at a pay rate of \$7.25 per hour.

Seconded by Mr. Francisco.

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

RESO 2012-126: ACCEPT DONATIONS/
VISION RESALE CENTER & CONKLIN KIWANIS

Mr. Minoia moved for the following resolution:

REGULAR TOWN BOARD MEETING
JUNE 12, 2012

Be It Resolved: that the Town Board of the Town of Conklin accepts donations, account code A2705, from the Vision Resale Center in the amount of \$1,500.00 and from the Conklin Kiwanis Club in the amount of \$200.00. Donations were given to help with the Town community beautification project.

Seconded by Mr. Bullock.

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

RESO 2012-127: APPROVE BUDGET LINE MODIFICATION

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following Budget Line modification:

Increase Revenue A2705 (Gifts and Donations) by	\$1,700.00
Increase Expenditure A7550.4 (Celebrations Contractual) by	\$1,700.00

Seconded by Mr. Francisco.

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

RESO 2012-128: AUTHORIZE PAYMENT/BILL LIST/\$124,482.89

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 \$124,482.89:

General	\$ 17,069.41
Highway	43,332.48
Flood Emergency	16,635.00
Light Districts	314.89
Sewer District	45,514.48
Water District	<u>1,616.63</u>
Total	\$124,482.89

Seconded by Mr. Bullock.

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

PROPOSED LOCAL LAW/PARKING RESTRICTIONS/MORRIS BOULEVARD

Ms. Sacco distributed the draft of the proposed local law establishing parking restrictions on Morris Boulevard.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:31 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
MAY 22, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on May 22, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Dog Control Officer	Darlene Weidman

GUESTS:	Laurie Francisco
	Mike Weidman

MINUTES: MAY 8, 2012 REGULAR TOWN BOARD MEETING

Mr. Finch stated that the May 8, 2012 Regular Town Board Meeting minutes should be clarified on page 11, RESO 2012-89, to clarify that the checks written to the Conklin Fair Committee were funded by FEMA (Federal Emergency Management Agency) reimbursement for items lost in the 2011 Flood. He also stated that the minutes should be clarified on page 14, line 7 from the bottom, to specify that the suggested fee for 501(c)3 groups holding fundraisers at the Community Center would be \$125 per day if the kitchen is utilized, and \$100 per day if the kitchen is not utilized.

Mr. Bullock moved to approve the May 8, 2012 Regular Town Board Meeting minutes with the above clarifications.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch reported that he received an e-mail from the DOT (New York State Department of Transportation) regarding the issue of water on Route 7 near Jimay's Flea Market. He added that New York State Assemblyman Clifford Crouch is researching the possibility of obtaining grant money to mitigate the problem with drainage under the railroad tracks.

Mr. Finch reported that he has received two telephone calls from Governor Cuomo's office regarding the Town's request for assistance in obtaining grants to expand the Town water and sewer systems.

PUBLIC COMMENTS:

None.

REPORT: TOWN CLERK

Town Clerk Sherrie Jacobs reported that the Clean-up Day held on May 19 was very successful. Mr. Finch thanked Mr. Francisco for his participation in the clean-up efforts.

OLD BUSINESS:

REGULAR TOWN BOARD MEETING
MAY 22, 2012

WATER SYSTEM EXPANSION/PRIDE MANOR MOBILE HOME PARK

Mr. Finch reported that he met with the owner of Pride Manor Mobile Home Park and added that they are “working out issues.” The contract with the Town of Kirkwood to provide water to the south end of Conklin will renew in June.

Mr. Bullock asked about the fire hydrant at the entrance to the mobile home park. Mr. Finch replied that the owner is paying for the cost of the water extension, including a pump station. Mr. Bullock stated that the current hydrant is not accessible when the area floods. Mr. Finch stated that it is more than 300 feet from the hydrant to the park owner’s driveway, adding that the Town may need to assume the cost of raising the fire hydrant and laying new pipe for it. Mr. Finch stated that the area can be filled in and the Water and Sewer Department can raise the hydrant. Mr. Bullock asked when that will occur. Mr. Finch stated that he will check to see if raising the hydrant will lower the fire insurance rate for the Town. He reiterated that the owner is paying all engineering, legal, and construction fees for the expansion. Code Officer Robert Jones asked if there is money in the Conklin Fire Department budget to cover the cost of raising the hydrant. Mr. Bullock replied that the hydrants are owned by the Town and are the Town’s responsibility.

Mr. Minoia asked if residents of Stillwater Road are included in the proposed expansion of the water system, and Mr. Finch replied that there are 47 names on a petition requesting that the Stillwater Road be included. Mr. Minoia stated that Linda Burrows, owner of Jimay’s Flea Market, would also like to be included in the expansion project. Town Attorney Cheryl Sacco stated that all of these new users would be considered outside users of the Water District and would be responsible for meters, backflow meters, and all infrastructures.

NEW BUSINESS:

COMMUNITY CENTER RENTAL FEES

Town Attorney Cheryl Sacco stated that she re-wrote the Community Center Rental Agreement with the following changes: page 1 – the rental fee for fundraisers held by organizations with 501(c)3 status will be \$100 per day if the kitchen is not utilized and \$125 per day if the kitchen is utilized; page 2 – in the paragraph regarding the sound system, language noting that the Town does not condone the use of copyrighted music; page 3 – insurance – renters must guarantee that no liquor will be served or must provide a certificate of liability; page 4 – indemnity/hold harmless agreement.

RESO 2012-99: APPROVE REVISED COMMUNITY CENTER RENTAL AGREEMENT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the revised Community Center Rental Agreement as presented by the Town Attorney.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
MAY 22, 2012

**RESO 2012-100: DECLARE SURPLUS EQUIPMENT/CANON 3300 COPIER-
PRINTER/NO VALUE**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin declares as surplus equipment the Canon 3300 Copier-Printer, with no value.

Seconded by Mr. Minoia.

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

The plan is to donate the surplus copier-printer to the Conklin Volunteer Fire Department.

CODE RED EMERGENCY MESSAGING SYSTEM

Discussion of the Code Red Emergency Messaging System will be tabled until the June 12, 2012 Town Board meeting.

PARKING NEAR NIRCHI'S PIZZA/MORRIS BOULEVARD

A discussion was held regarding problems with parking on Morris Boulevard near Nirchi's Pizza. Town Attorney Cheryl Sacco stated that she will draft a local law that would prohibit parking on the south side of Morris Boulevard between Conklin Road and Leslie Avenue from 3 to 6 P.M. Monday through Friday, and then the Town would need to schedule a Public Hearing. She added that the Code Officer would have the ability to write tickets and impose fines on violators. Mr. Francisco noted that the street crossing is within the Town of Conklin right-of-way.

REQUEST TO REDUCE SPEED LIMIT/PIERCE CREEK ROAD

Mr. Finch stated that he received a request to reduce the speed limit on Pierce Creek Road to 45 miles per hour and to start a Neighborhood Watch Program. He stated that the only portion of Pierce Creek Road that lies within the Town of Conklin is the portion between Kabanek Road and Lathrop Road. This request should be directed to Broome County, which owns Pierce Creek Road. Mr. Finch stated that the request to form a Neighborhood Watch Program should be directed to the Broome County Sheriff's Department.

RESO 2012-101: AUTHORIZE HIRING/LIFEGUARDS/EFFECTIVE JUNE 2, 2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the hiring of the following lifeguards, subject to meeting all requirements, effective June 2, 2012:

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>2011 RATE</u>	<u>2012 RATE</u>
Ayres	Harrison J.		\$7.25
Bensley	Meagan M.	\$7.25	\$7.25
Brown	Alicia A.		\$7.25
Eldred	Melanie A.	\$7.25	\$7.25
Lyke	Jennifer E.	\$7.50	\$7.50
Lyke	Tyler F.	\$7.25	\$7.25

REGULAR TOWN BOARD MEETING
MAY 22, 2012

Martir	Alexander A.	\$8.00	\$8.00
Markstein	Emily R.		\$7.25
Morgan	Olivia C.	\$7.25	\$7.25
Mullins	Kelsey E.	\$8.25	\$10.00
Olsen	Hope M.	\$7.25	\$7.25
Petroski	Andrew R.		\$7.25
Petroski	Joseph A.		\$7.25
Robinson	Troy M.		\$7.25
Rogers	Joshua P.	\$7.50	\$7.50
Storti	Adam L.		\$7.25
Sutton	Andrew B.	\$7.25	\$7.25
Williams	Kayleigh M.		\$7.25

Seconded by Mr. Francisco.

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

RESO 2012-102: RATIFY PAYMENT/U.S. POSTAL SERVICE/2ND QUARTER WATER & SEWER BILLING POSTAGE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4235, account code SW8310.4, in the amount of \$294.40 to the U.S. Postal Service for 2nd Quarter Water & Sewer billing postage.

Seconded by Mr. Bullock.

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

RESO 2012-103: RATIFY PAYMENT/CONKLIN BEAUTIFICATION CORPS PRIZE DRAWING

Mr. Bullock 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 A7550.4, for the Conklin Beautification Corps prize drawing:

John Colley	Check #4231	\$ 50.00
John Dubay	Check #4232	\$100.00
Dee Nevins	Check #4233	\$ 25.00

Seconded by Mr. Francisco.

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

RESO 2012-104: DECLARE EMERGENCY/ELECTRIC SERVICE/SEWER PUMP STATION/DAMAGED IN SEPTEMBER 2011 FLOOD

Mr. Minoia moved for the following resolution:

REGULAR TOWN BOARD MEETING
MAY 22, 2012

Be It Resolved: that the Town Board of the Town of Conklin declared an emergency for the mitigation of the electric service at the sewer pump station, which was damaged in the September 2011 Flood.

Seconded by Mr. Francisco.

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

**RESO 2012-105: AWARD EMERGENCY CONTRACT/MITIGATION WORK/SEWER
PUMP STATION/SIEWERT EQUIPMENT & A.C. SPEAR ELECTRIC/AS
SUBMITTED AND APPROVED BY FEMA**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the emergency contract to Siewert Equipment and A.C. Spear Electric for mitigation work on the electric service at the sewer pump station, at a cost not to exceed \$571,000, as submitted and approved by FEMA.

Seconded by Mr. Bullock.

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

Mr. Finch explained that FEMA will pay 75% of the cost of the mitigation, and New York State will pay the remaining 25%.

**RESO 2012-106: RATIFY PAYMENT/THE PAINTED DAISY/TOWN HALL LAWN
FLOWERS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4234, account code A1620.4, in the amount of \$55.94 to The Painted Daisy for flowers for the Town Hall lawn.

Seconded by Mr. Francisco.

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

**RESO 2012-107: RATIFY PAYMENT/BLUESTORM TECHNOLOGIES, INC./25%
DOWN PAYMENT/PRE-APPROVED TOWN OF CONKLIN WEBSITE DESIGN**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4236, account code A1989.2, in the amount of \$950.00 to Bluestorm Technologies, Inc., for 25% down payment of the pre-approved Town of Conklin website design.

Seconded by Mr. Francisco.

REGULAR TOWN BOARD MEETING
MAY 22, 2012

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

RESO 2012-108: AUTHORIZE PAYMENT/BILL LIST/\$108,526.28

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 \$108,526.28:

General	\$ 36,613.91
Highway	4,308.45
2011 Flood Emergency	53,191.08
Light Districts	2,146.46
Sewer District	2,341.63
Water District	3,724.75
Non-Budget	<u>6,200.00</u>
Total	\$108,526.28

Seconded by Mr. Bullock.

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

Mr. Finch stated that FEMA will be reimbursing the Town for the \$53,191.08 spent for the 2011 Flood Emergency.

DOG PARK LOCAL LAW

Ms. Sacco stated that the Public Hearing regarding the proposed local law allowing the establishment of a dog park will be held at the June 12, 2012 Town Board meeting. She added that the suggestions from the Dog Control Officer had been added to the proposed local law.

LIGHTS AT COMMUNITY CENTER

Mr. Francisco reported that he priced light replacement fixtures for the Community Center ceiling. He stated that the sensor costs \$120, the relay control costs \$55, and the LED costs \$43. Mr. Francisco stated that the light can be set to be on from 30 seconds to 30 minutes. The Town Board approved moving forward with this project. He stated that the lights in the parking lot are lit from 9 P.M. until 12 A.M.

TOWN WEBSITE

Town Clerk Sherrie Jacobs reported that Elizabeth Einstein from the **Country Courier** is taking pictures of the Town parks and other sites for the new Town of Conklin website. She stated that the new office equipment will be installed on Wednesday, May 23.

MAY 19 CLEAN-UP

Mr. Finch thanked those who participated in the May 19 Clean-up Day, and asked that the residents keep the town cleaned up in their own areas.

REGULAR TOWN BOARD MEETING
MAY 22, 2012

12 WOODCREST WAY

Mr. Finch reported that the closing on the property located at 12 Woodcrest Way will be held soon, and that a downpayment has been made on the property. He stated that the Town will mow the property once, and then it will become the responsibility of the new owner.

RESO 2012-109: EXECUTIVE SESSION/PERSONNEL ISSUE

Mr. Finch moved to close the Regular Town Board Meeting and move into Executive Session at 6:12 P.M. to discuss a personnel issue.

Seconded by Mr. Minoia.

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

Dog Control Officer Darlene Weidman was asked to attend the Executive Session and she refused to attend “without her husband as a witness.” Upon advisement by the Town Board that this was not acceptable, she agreed to attend and the Executive Session began at 6:15 P.M.

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 6:15 P.M. with Deputy Supervisor James Finch presiding. Present were: Deputy Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Town Clerk Sherrie Jacobs, Town Attorney Cheryl Sacco, and Dog Control Officer Darlene Weidman. Town Clerk Jacobs 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 2012-110: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 7:15 P.M.

Seconded by Mr. Francisco.

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

**RESO 2012-111: DIRECT DOG CONTROL OFFICER TO PROCEED WITH DOG
ENUMERATION/8-2-2012 TO 1-31-2013/AUTHORIZE ADVERTISEMENT/COUNTRY
COURIER**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin directs the Dog Control Officer to proceed with a dog enumeration from August 2, 2012, through January 31, 2013, and authorizes advertisement of such in the **Country Courier**. There will be a grace period from May 22 through August 1, 2012, for previously unlicensed dogs to be licensed with no penalty. Once the enumeration begins, a penalty of \$10 will be assessed for each unlicensed dog found through the enumeration.

Seconded by Mr. Francisco.

REGULAR TOWN BOARD MEETING
MAY 22, 2012

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – 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 7:20 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
MAY 8, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on May 8, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Dog Control Officer	Darlene Weidman
	Planning Board	Chris Ostrowsky
	Planning Board	Dell Boyle
	Zoning Board of Appeals	Hal Cole

GUESTS:	Country Courier	Elizabeth Einstein
		Bonnie Tolomei
		Angelo Tolomei
		Sue Dean
		Jack Dean
		Bob Williams
		Elena Bowen
		Kenneth Bowen
		Laurie Francisco
		Dolly Stout
		Betty Dougher
		Brian Heller
		Nancy Bruetsch
		John Bruetsch
		Jon Van Deusen
		Mario Masciarelli
		Daniel Fitzsimmons
		Peter J. Motsavage
		Laurie Van Deusen

MINUTES: APRIL 25, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock stated that the April 25, 2012 Regular Town Board Meeting minutes should be corrected on page 5, line 12 from the bottom, to replace “Stenson Road” with “State Line Road.”

Mr. Francisco moved to approve the April 25, 2012 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

REGULAR TOWN BOARD MEETING
MAY 8, 2012

Deputy Supervisor James Finch stated that he sent a letter to Governor Andrew Cuomo asking for the State's assistance in obtaining grant funding for expansion of the Town water and sewer systems and support of natural gas drilling. He added that he had a meeting with Broome County Executive Debra Preston, Town Engineer John Mastronardi, and Conklin Water and Sewer Superintendent Tom Delamarter to discuss ways in which Broome County could help with these goals. Mr. Finch stated that he received a phone call from the Governor's Office and obtained the name of an individual, Ellen McDonald from the Office of the State Comptroller, who could provide information to the Town regarding the obtaining of grants, adding that he gave this name to Town Attorney Cheryl Sacco. Ms. Sacco stated that she spoke with Ms. McDonald and learned that two sources of grant money, the Clean Water Fund and the Capitalization Grants for Drinking Water, would be the two most likely resources for the Town to utilize. She stated that these resources provide a procedure for obtaining a zero interest, short-term loan, and although no funds are currently available, the required steps of the process and the eligibility checklist are available for the Town's perusal. Mr. Finch stated that he has a second meeting with Broome County Executive Preston scheduled for 8:00 A.M. on May 10, 2012.

Mr. Finch stated that he sent a letter to Broome County requesting that the Town be allowed to pay a fixed fee of \$17,500 per year to the County to pay for the Town Landfill, instead of the variable fee now assessed. Mr. Finch explained that when the County took by eminent domain the land that is now the Corporate Park, the Landfill that was on site had to be moved to a different location in the Corporate Park, with the Town bearing the cost of the move. He further explained that when businesses move into the Corporate Park, the Broome County Industrial Development Agency, which owns the Corporate Park, offers a PILOT (Payment In Lieu Of Taxes) program of reduced taxes as an incentive. Mr. Finch stated that one-half of the monies received by the Town from the PILOT programs must go to Broome County to pay for the Landfill. This means, stated Mr. Finch, that if a business pays 25% of its taxes through the PILOT program, 12.5% stays with the Town and the other 12.5% must be paid to Broome County. When the business starts to pay 50% of its tax burden, 25% stays with the Town and the remaining 25% must be paid to Broome County. Mr. Finch explained that, because different businesses are paying at different rates, depending upon where they are in their PILOT program, the amount due to Broome County changes yearly and makes budgeting more difficult. He therefore thinks that a flat fee would make budgeting and money management easier and more effective.

.....

PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 2, 2012,
"NOISE CONTROL"

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Deputy Supervisor Finch 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 2, 2012, "Noise Control."

Betty Dougher, of Conklin Forks Road, asked if the proposed law regulates noises such as loud stereo systems, etc. Mr. Finch explained that the proposed law will cover all areas of the Town of Conklin and will establish an ambient noise level and will address situations that will exceed the ambient level, including natural gas drilling and compressor stations.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

Bob Williams, of Windsor, stated that the Town of Windsor adopted the same law that is being proposed for the Town of Conklin and added that it is working very well. He stated that there is a compression station at the intersection of Dunbar Road and Patterson Road which is “quieter than this Board meeting.” Mr. Finch added that a compressor station can be operational for 50 years or longer. He added that the proposed local law will allow for five decibels above the ambient level. Mr. Finch added that the DEC (New York State Department of Environmental Conservation) will be able to inspect sites to make sure the noise level regulations are enforced.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 7:10 P.M.

.....

Attorney Sacco stated that the Form 239 was received back from the Broome County Planning Department and the County determined that there would be no County-wide or inter-municipal impact from the proposed local law. She stated that Broome County did make some suggestions regarding the proposed law, including in Section 6, which defines terms. In Section 8, which deals with Maximum Permissible Continuous Sound Levels, Broome County stated that the Town needs a procedure to test whether a particular situation exceeds the default, or ambient, noise level, adding that the procedure should include a 48-hour test period, including a weekend day in the study. In Section 11, which allows the Town Clerk to issue a Temporary License to exceed the ambient level for up to a three-day continuous period of time, Broome County suggested that the Town consider limiting the number of these permits to be issued. The County also stated that allowable noise levels should be specified, such as not to exceed 80 decibels during the three-day period. Ms. Sacco noted that in the proposed local law, the Town Board would set limits for special conditions. In Section 12, dealing with Special Permits, Broome County suggested that the Town contain the noise source. The County questioned whether monitoring would be needed for variant noise and Ms. Sacco stated that the proposed law allows the Town Code Officer to inspect the sites. Broome County suggested that the proposed law consider new technology that may develop and Ms. Sacco stated that the proposed law contains language that allows for “continuous improvement,” but does not require an upgrade. Broome County also suggested that the 50-foot radius within which residents must be notified of a situation in which the ambient noise level will be exceeded be extended to a 1,000-foot radius. Ms. Sacco stated that she spoke with Town Engineer Dan Griffiths and he felt that a 1,000-foot radius would be “excessive.” Broome County also suggested adding distinctions that would keep projects out of noise-sensitive areas such as schools, churches, parks, residential areas, etc. Broome County also suggested that the Town regulate low-frequency noise levels. Ms. Sacco stated that the proposed law is a flexible law, with language that will adapt to specific situations as they arise, and therefore did not think any of the County’s suggestions were applicable or necessary to include. Mr. Finch commented that the proposed law does not supersede the current Town Code Noise Ordinance, which Ms. Sacco stated “works well for specific situations.”

SHORT-FORM EAF (SEQRA)

Ms. Sacco walked the Town Board through the Short-Form EAF (Environmental Assessment Form) for SEQRA (State Environmental Quality Review Act) for the proposed local law, “Noise Control.”

Question A: “Does the Action exceed any Type I threshold in 6 NYCRR, Part 617.4?” No.

Question B: “Will the Action receive Coordinated Review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?” No.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

Question C: "Could the Action result in any adverse effects associated with the following:

C1: "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?" No.

C2: "Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?" No.

C3: "Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?" No.

C4: "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?" No.

C5: "Growth, subsequent development, or related activities likely to be induced by the proposed action?" No.

C6: "Long term, short term, cumulative, or other effects not identified in C1-C5?" No.

C7: "Other impacts (including changes in use or either quantity or type of energy)?" No.

Question D: "Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?" No.

Question E: "Is there, or is there likely to be, controversy related to potential adverse environmental impacts?" No.

The determination is that the project will not result in any significant adverse environmental impacts.

RESO 2012-84: ADOPT LOCAL LAW 2, 2012/ "NOISE CONTROL"

PRESENT:

Supervisor -vacant

Councilman Gary D. Bullock

Councilman Charles Francisco

Deputy Supervisor and 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, 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 May 8, 2012 commencing at 7:05 p.m. to hear all interested parties on a proposed Local Law entitled "Noise Control", and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on April 25, 2012, and posted on the Town Clerk's sign board on March 29, 2012, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:05 o'clock P.M. on May 8, 2012, 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 an unlisted action; and

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

REGULAR TOWN BOARD MEETING
MAY 8, 2012

RESOLVED, that the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said Local Law No. 2; and further

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; and further

RESOLVED, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and further

RESOLVED, the Conklin Town Board hereby adopts said Local Law as Local Law No. 2-2012, entitled "Noise Control", 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 May 8, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant	_____	
Councilman Gary D. Bullock		YES
Councilman Charles Francisco		YES
Deputy Supervisor and Councilman James E. Finch		YES
Councilman Jerry Minoia		YES

Dated: May 8, 2012

Town of Conklin Seal

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

PUBLIC COMMENTS:

PROPOSED REZONING OF PARCEL ON POWERS ROAD/STANDING WATER

Brian Heller, of Powers Road, asked about the proposed re-zoning of a parcel on Powers Road, to be discussed at a Public Hearing at 7:30 P.M., and asked what was planned to mitigate the standing water on the site. Mr. Finch explained that a swale will be put in to mitigate the standing water. Mr. Heller stated that this was a good idea, adding that he is "all for growth" in the Town.

AMBIENT NOISE

Chris Ostrowsky, of Scofield Road, clarified that ambient noise is "what is there now." Ms. Sacco stated that Local Law 2 will determine how much a noise can exceed the ambient level both during the day and at night time.

UPDATE TO MASTER PLAN

Hal Cole, of Whiting Way, commented on Local Law 2 and the proposed re-zoning of a parcel on Powers Road, and asked if the Town Master Plan has been updated to reflect the move toward natural gas drilling and the need for more housing and for flood mitigation. Mr. Cole served on the original committee that drafted the current Master Plan. Ms. Sacco stated that the Board will

REGULAR TOWN BOARD MEETING
MAY 8, 2012

be addressing this issue in the near future. Mr. Finch commented that possibly the original committee would re-form to update the Master Plan.

.....

PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 3, 2012/ "REZONING A
PORTION OF A CERTAIN PROPERTY"

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch opened the Public Hearing at 7:30 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 3, 2012, "Rezoning a Portion of a Certain Property."

Ms. Sacco explained that the owner of 959 Powers Road, Jon F. Van Deusen, is seeking approval to rezone his parcel of land from Residential (R-15) to Industrial/Light Industrial. Mr. Finch suggested keeping part of the parcel as Residential, perhaps 17 or 18 lots, and re-zoning the remainder of the parcel Light Industrial (IL). The application is to re-zone the 10 acres in the northeast corner of the parcel from R-15 to IL (Light Industrial). Ms. Sacco stated that this is not spot zoning because the portions of the parcel that border existing Residential parcels will remain zoned R-15. The Town Planning Board, at its April 16, 2012 meeting, unanimously approved the re-zoning request and strongly recommends that the Town Board also approve it. The Form 239 from Broome County Planning Department finds no County-wide or inter-municipal significant impacts. No Broome County departments have an issue with the application for re-zoning. Ms. Sacco pointed out that Article 10 of the Town Code specifies what is or is not allowed in a Light Industrial zone, which she stated prohibits many things that are allowed in an area zoned Industrial. She added that the parcel in question is bordered currently by areas zoned either Industrial or Light Industrial, as well as R-15.

SHORT-FORM EAF (SEQRA)

Ms. Sacco walked the Town Board through the Short-Form EAF (Environmental Assessment Form) for SEQRA (State Environmental Quality Review Act) for the proposed local law, "Rezoning a Portion of a Certain Property."

Question A: "Does the Action exceed any Type I threshold in 6 NYCRR, Part 617.4?" No.

Question B: "Will the Action receive Coordinated Review as provided for Unlisted Actions in 6 NYCRR, Part 617.6?" No.

Question C: "Could the Action result in any adverse effects associated with the following:

C1: "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?" No.

C2: "Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?" No.

C3: "Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?" No.

C4: "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?" No.

C5: "Growth, subsequent development, or related activities likely to be induced by the proposed action?" No.

C6: "Long term, short term, cumulative, or other effects not identified in C1-C5?" No.

C7: "Other impacts (including changes in use or either quantity or type of energy)?" No.

Question D: "Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?" No.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

Question E: “Is there, or is there likely to be, controversy related to potential adverse environmental impacts?” No.

The determination is that the project will not result in any significant adverse environmental impacts.

Ms. Sacco stated that the Planning Board asked if there would be an impact on any wetlands and Mr. Finch replied that there are no wetlands on this parcel. Ms. Sacco reminded the Town Board that this application is not a site plan, nor a proposal for a subdivision, but merely a rezoning of the property parcel. She added that there is no impact to any wetlands involved with rezoning the portion of the parcel.

RESO 2012-85: ADOPT LOCAL LAW 3, 2012/ “REZONING A PORTION OF A CERTAIN PROPERTY”

PRESENT:

Supervisor -vacant
Councilman Gary D. Bullock
Councilman Charles Francisco
Deputy Supervisor and Councilman James E. Finch
Councilman Jerry Minoia

ABSENT:

Offered By: Mr. Francisco **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, 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 May 8, 2012, commencing at 7:30 P.M. to hear all interested parties on a proposed Local Law entitled “Rezoning a Portion of a Certain Property,” and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on April 25, 2012, and posted on the Town Clerk's sign board on March 29, 2012, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 7:30 o'clock P.M. on May 8, 2012, 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 an unlisted action; and

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 Local Law No. 3; and further

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; and further

RESOLVED, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and further

RESOLVED, the Conklin Town Board hereby adopts said Local Law as Local Law No. 3-2012,

REGULAR TOWN BOARD MEETING
MAY 8, 2012

entitled “Rezoning a Portion of a Certain Property,” 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 May 8, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant	_____	
Councilman Gary D. Bullock		YES
Councilman Charles Francisco		YES
Deputy Supervisor and Councilman James E. Finch		YES
Councilman Jerry Minoia		YES

Dated: May 8, 2012

Town of Conklin Seal _____

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

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that he contacted the Broome County Sheriff’s Department to report illegal dumping in the metal recycling container at the Town Highway Garage. The person or persons dumped household garbage containing the person’s or persons’ name(s) and address.

Mr. Latting reported that his department is ahead of schedule with the Town-wide clean-up or brush and debris, adding that he is focusing his department’s efforts on Buyout properties. His department also has been trimming trees, and completing drainage and blacktop work. Mr. Latting stated that the white goods and brush pick-up is completed, adding that he wanted everything cleaned up before the Community Garage Sales on May 12.

Mr. Latting reported that the FEMA projects Sites1, 2, 3, 4, and 5 have been completed 100% by ZMK Construction Company, whom he stated did a “great job.” He stated that he re-notified the local contractor who was awarded Site 6 on Ketchum Road, asking for a start date for that project. Ms. Sacco stated that her office will send a letter to the contractor emphasizing that “time is of the essence” in completing repairs at Site 6.

STATE LINE ROAD CULVERT

Mr. Latting stated that he needs approval from the Town Board to purchase 48-inch plastic pipe to use for the repair of the State Line Road culvert. He stated that this is a new product which is more cost effective than traditional corrugated pipe, and which handles a volume of water capacity which is 23% more than the traditional pipe. Mr. Finch added that the State Line Road

REGULAR TOWN BOARD MEETING
MAY 8, 2012

project was estimated to cost \$137,000, but with changes to the way the culvert is being repaired, the actual cost will be less than \$40,000. Mr. Latting stated that the culvert is “near emergency conditions,” and added that New York State has approved the use of this new material and the plastic pipe is on New York State bid pricing. Mr. Francisco commented that the plastic pipe is becoming the industry standard. He asked how long it would take to make the repairs and Mr. Latting replied one week, adding that ZMK Construction will be doing the repair work. Mr. Latting explained that the corrugated pipe is a 60 inch diameter, while the plastic pipe replacement is only 48 inches in diameter. Mr. Minoia asked if it will be drilled and grouted, adding that there are load limits that have to be met to support the highway over the culvert. Mr. Latting explained that a grout tube is used.

**RESO 2012-86: AUTHORIZE HIGHWAY SUPERINTENDENT/PURCHASE 48-INCH
OD SNAP-TITE HDPE CULVERT LINER PIPE/NYS OGS CONTRACT/120 FOOT
LENGTH**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to purchase 48-inch OD Snap-Tite HDPE Culvert Liner Pipe in 120 foot length at New York State OGS Contract pricing.

Seconded by Mr. Bullock.

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

HIGHWAY DEPARTMENT BACKHOE

Mr. Latting stated that he needs the Board’s approval to solicit bids for the purchase of a new backhoe for his department, adding that he has checked the OGS State Bid Contract list and nothing is available from that venue. The backhoe the Highway Department currently owns is a 2004 model, which Mr. Latting stated has “been a good machine,” but added that it has seen high use. Mr. Finch commented that there is no use putting more money into the old machine. Mr. Latting stated that his department needs a heavier machine, and could possibly use the money saved on the State Line Road culvert project to use to purchase the backhoe. Mr. Francisco asked what the trade-in value would be and Mr. Finch stated that it should be at least \$25,000, adding that the Town needs more than the \$15,000 that was offered.

**RESO 2012-87: AUTHORIZE HIGHWAY SUPERINTENDENT/SOLICIT
BIDS/PURCHASE OF BACKHOE**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to solicit bids for the purchase of a new and unused 20,494 pound loader backhoe, with bids to be publicly opened and read at 2:00 P.M. on June 12, 2012, with requirement that the loader backhoe be delivered to the Town of Conklin on or before August 13, 2012.

Seconded by Mr. Francisco.

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

Mr. Finch thanked Mr. Latting and his department for their help with the Town clean-up efforts. Mr. Latting stated, “It makes a difference.” Mr. Finch stated that he and the Board are proud of the Highway Department.

REPORT: WATER & SEWER DEPARTMENT

Water and Sewer Superintendent Tom Delamarter was absent from the Board meeting but Mr.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

Finch stated that the Town is working on trying to run Town water to Pride Manor Mobile Home Park, adding that the Town of Kirkwood, which supplies water to the south end of Town, has agreed to the project. Mr. Finch added that a pressure test is needed, adding that the owner of the mobile home park will assume responsibilities for the cost of the hookup to the Town water system and for making sure all Town of Conklin requirements are met. He stated that the poor water quality of Pride Manor Mobile Home Park meets the criteria for the grants that were discussed earlier in the meeting.

Mr. Finch stated that the Water and Sewer Department personnel have been reading water meters for the quarterly billing.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that his department spent the past three weeks working on the Town's FEMA (Federal Emergency Management Agency) application for the 70+ potential Buyout properties. He stated that the application is almost completed, with pictures taken and inspections completed. Mr. Jones stated that the properties are ranked from the most damaged to the least damaged.

Mr. Jones stated that he has also been conducting inspections of flood home repairs and new construction and has been issuing building permits. He noted that several homes in the Town have been raised to help prevent any future flooding impacts. Mr. Jones reported that the former True Value Hardware Store has a new owner and a new business will be opening at that site. Mr. Finch thanked the Code Office for all of the hard work involved with the FEMA application.

REPORT: DOG CONTROL OFFICER

Refer to written report.

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

12 WOODCREST WAY

Mr. Finch stated that the Town received one bid for the purchase of 12 Woodcrest Way in the amount of \$15,600 from Stuart Kasmarcik. Ms. Sacco stated that her office will send a letter to Mr. Kasmarcik explaining the stipulations for the conditions of sale, including the need to begin matching the outside of the building to the aesthetics of the neighborhood within 60 days of the date of closing and making the outside Code compliant within 90 days, in order to receive the \$2,000 rebate.

RESO 2012-88: ACCEPT BID/12 WOODCREST WAY/STUART KASMARCIK/\$15,600

Mr. Bullock moved for the following resolution:

Be it Resolved: that the Town Board of the Town of Conklin accepts a bid for the purchase of 12 Woodcrest Way in the amount of \$15,600 from Stuart Kasmarcik, with stipulations regarding the compliance of the exterior of the building to the Town Code.

Seconded by Mr. Francisco.

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

OLD BUSINESS:

UNITED COMMUNITY DAY

Mr. Finch stated that United Community Day was a “huge success,” with many great prizes given away by area businesses. He added that the Conklin Business Association is already planning to hold this event again in June 2013.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

TOWN-WIDE CLEANUP DAY SCHEDULED FOR MAY 19

Mr. Finch stated that the second Town-side Cleanup Day is scheduled for May 19, 2012, from 9 A.M. until 2 P.M., adding that the Broome County Landfill will accept debris from the Cleanup until June 11. Volunteers need to sign up with Town Clerk Sherrie Jacobs. Mr. Finch stated that a thank you to the volunteers will run in the **Country Courier**. May 19 is also the date of Robert's Run.

DOG PARK

Ms. Sacco stated that a Public Hearing should be scheduled in June to receive input regarding the proposed local law which would allow the establishment of a dog park in the Town. She stated that the proposed law has been sent to the Town Justice and to the Dog Control Officer, who are to reply by May 31 with any questions they may have regarding the proposed local law.

NEW BUSINESS:

RESO 2012-89: RATIFY PAYMENT/COMMUNITY CENTER FLOOD CONTENT REPLACEMENT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following checks and amounts, account code HA8760-4E, for the following Community Center Flood Content replacement:

Conklin Fair Committee, check #4095, Fair Paper Product Supplies, \$501.68
Conklin Fair Committee, check #4165, Cooking Equipment, \$750.50

Seconded by Mr. Francisco.

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

RESO 2012-90: RATIFY PAYMENT/UNITED COMMUNITY DAY

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following checks and amounts, account code A7550-4, for the following costs for United Community Day:

Doug Mosher, check #4153, broadcasting, \$100.00
Rich Wilson, check #4154, entertainment, \$300.00

Seconded by Mr. Bullock.

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

RESO 2012-91: RATIFY PAYMENT/CONKLIN YOUTH BOOSTER CLUB/PAYMENT DUE FROM DONATIONS IN MEMORY OF RUTH JOYNER FOR BASEBALL & SOFTBALL EQUIPMENT

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4150, account code A7310-402, in the amount of \$1,430.00 to the Conklin Youth Booster Club for payment due from donations given in memory of Ruth Joyner for baseball and softball equipment.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

Seconded by Mr. Francisco.

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

RESO 2012-92: RATIFY PAYMENT/SAM'S CLUB MEMBERSHIP

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4069, account code A1220.4, in the amount of \$35.00 to Sam's Club for a membership, with the amount later refunded and billed directly to the Town.

Seconded by Mr. Minoia.

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

Mr. Finch stated that if Sam's Club can get 20 members of its Spirit Club to volunteer for the May 19 Cleanup Day, Sam's Club will donate \$1,000 to the Town of Conklin.

RESO 2012-93: RATIFY PAYMENT/TRAVELERS FLOOD INSURANCE/TERRACE DRIVE WELL INSURANCE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4151, account code SW8310.4, in the amount of \$2,849.00 to Travelers Flood Insurance for insurance on the Terrace Drive well.

Seconded by Mr. Francisco.

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

RESO 2012-94: AUTHORIZE PAYMENT/BILL LIST/\$110,998.42

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 \$110,998.42:

General	\$ 24,817.16
Highway	6,210.38
Flood Emergency	75,655.40
Water District 6	4,117.29
Water District	<u>198.19</u>
Total	\$110,998.42

Seconded by Mr. Finch.

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

RESO 2012-95: AUTHORIZE PROPOSAL/PROFESSIONAL SERVICES/BLUESTORM TECHNOLOGIES/WEBPAGE/\$5,500

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the proposal of professional services from BlueStorm Technologies, with services to include the design, programming, development, special features, and training of a new interactive webpage, totaling \$5,500.00, account code A1989-200, Computer Equipment. Proposal falls into the Professional

REGULAR TOWN BOARD MEETING
MAY 8, 2012

and Technical Services category per the Town of Conklin's Procurement Policy, reference page 5 of paragraph 5 a(3).

Seconded by Mr. Francisco.

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

Town Clerk Sherrie Jacobs discussed the new website and the benefits it will afford for the residents to keep informed, as well as businesses and visitors seeking information about the Town of Conklin.

RESO 2012-96: AUTHORIZE BUDGET LINE TRANSFER/FROM A9797-6 (DEBT SERVICE) TO A1989-200 (COMPUTER EQUIPMENT)/\$4,000/TO INCREASE COMPUTER EQUIPMENT BUDGET FOR NEW WEBPAGE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a Budget line transfer from A9797-6 (Debt Service) to A1989-200 (Computer Equipment) in the amount of \$4,000.00 to increase the Computer Equipment Budget for the new webpage.

Seconded by Mr. Francisco.

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

FORMER CITY LINE GARAGE SITE

Mr. Minoia asked about the property which is the site of the former City Line Garage, which he stated has garbage and a tractor-trailer sitting on it. CP Rail owns the property, but the ownership of the building located on the property is questionable. No tax map I.D. number exists for this parcel. Mr. Finch stated that the building is unsafe. Code Officer Jones will look at the building. Mr. Finch stated that the railroad company wants a site for a new signal tower and added that the Town may be able to negotiate with the railroad company to help it find a site for the tower if the issue of this parcel of land can be resolved. Mr. Minoia stated that he doesn't want it to cost the taxpayers any money. Mr. Jones stated that the building may need to be boarded up. Mr. Minoia commented that it is the first building one sees upon entering the Town of Conklin, calling it "the gateway to Conklin."

RESO 2012-97: EXECUTIVE SESSION/LITIGATION

Mr. Bullock moved to close the Regular Town Board Meeting at 8:35 P.M. and move into Executive Session to discuss litigation.

Seconded by Mr. Francisco.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:35 P.M. with Deputy Supervisor James Finch presiding. Present were: Deputy Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Town Clerk Sherrie Jacobs, and Attorney Cheryl Sacco. Town Clerk Jacobs 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.

RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Finch declared the Executive Session closed and re-opened the Regular Town Board Meeting at 9:08 P.M.

REGULAR TOWN BOARD MEETING
MAY 8, 2012

RESO 2012-98: RESCIND RESO 2005-163: AGREEMENT WITH CONKLIN FAIR COMMITTEE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rescinds Resolution 2005-163, which set up agreements with the Conklin Fair Committee, including the use of Town facilities such as park grounds, electric service, water and sewer at no cost; use of Town employees during regular working hours to help set up for the event, and provision of liability coverage for the Conklin Fair Committee and its members for the event dates only. Part of the agreement included the Conklin Fair Committee providing the Town Board with a written financial report annually.

Seconded by Mr. Finch.

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

Attorney Sacco explained that the Conklin Fair Committee, Inc., is a 501(c) 3, and, as such, the New York State Constitution prohibits a municipality from gifting funds and/or services to such an entity.

COMMUNITY CENTER COMMITTEE MEETING UPDATE

Mr. Finch gave an update from the recent Community Center Committee meeting, noting that discussion had been held at that meeting regarding fees for rental of the Community Center by groups for the purpose of fundraising. A fee of \$125 per day was suggested for groups holding fundraisers at the facility.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 9:25 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on April 25, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	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
	Pope, Schrader & Sacco	Alan Pope
	Vieira & Associates	Chris Hutchings
	Grantwriter	Ruth Lewis
		Laurie Francisco
		Roger Stafford
		Mario Masciarelli
		Joe Bartosik
		Dolly Stout

MINUTES: APRIL 10, 2012 REGULAR TOWN BOARD MEETING

Mr. Minoia stated that the April 10, 2012 Regular Town Board Meeting minutes should be corrected on page 2, line 7 from the bottom, to read, “Mr. Minoia asked about using property currently owned by the County and Ms. Miller stated that the County is ‘looking at that.’”

Mr. Bullock moved to approve the April 10, 2012 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

.....

PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 1, 2012
RESIDENCY REQUIREMENTS FOR DOG CONTROL OFFICER & SUBSTITUTE
DOG CONTROL OFFICER

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Deputy Supervisor Finch opened the Public Hearing at 5:35 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 1, 2012, which changes the residency requirements for the Dog Control Officer and the Substitute Dog Control Officer. Attorney Cheryl Sacco explained that the

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

change means that the Dog Control Officer and Substitute Dog Control Officer are not required to be residents of the Town of Conklin, as long as each is a resident of Broome County.

There being no further comments or questions, Mr. Finch closed the Public Hearing at 5:36 P.M.

.....

RESO 2012-73: ADOPT LOCAL LAW 1, 2012/ "DOG CONTROL OFFICER"

PRESENT:

Supervisor -vacant
Councilman Gary D. Bullock
Councilman Charles Francisco
Deputy Supervisor and 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, 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 April 25, 2012 commencing at 5:35 P.M. to hear all interested parties on a proposed Local Law entitled "Dog Control Officer", and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on April 11, 2012, and posted on the Town Clerk's sign board on March 28, 2012, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 5:35 o'clock P.M. on April 25, 2012, 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, the 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. 1-2012 entitled "Dog Control Officer," 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

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

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 April 25, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant	_____
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Deputy Supervisor and Councilman James E. Finch	YES
Councilman Jerry Minoia	YES

Dated: April 25, 2012

Town of Conklin Seal

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

INDEMNITY AGREEMENT/ALAN POPE/CUSIMANO DOG CASE

Alan Pope, of Pope, Schrader, and Sacco, LLP, provided background regarding the Indemnity Agreement proposed between the Town of Conklin and Thomas Cusimano. Mr. Pope stated that Mr. Cusimano, an attorney with Hinman, Howard, and Kattell, LLP, owns two dogs, which had elicited multiple charges for running at large and annoying behavior. He stated that the case was scheduled to be before Judge J. Marshall Ayres of the Town of Conklin Court but the defendant stated this was a conflict of interest and Judge Ayres was forced to recuse himself from the case. The case was then assigned to the Town of Chenango Court, which Mr. Pope stated was "reluctant to do anything." During the trial, stated Mr. Pope, an agreement was reached in which Mr. Cusimano pled guilty to one charge per dog. Controls were set in place, in which Mr. Cusimano agreed to keep the electronic fence on his property active, with the Conklin Dog Control Officer having the authority to inspect the fence periodically. Mr. Pope further stated that if either of the two dogs is off the Cusimanos' property, the dog(s) must be on leash and under adult control. Mr. Pope stated that the Town wanted insurance coverage to protect the Town for one year if further incidents occur but the Cusimanos' insurance carrier would not issue a certificate of liability for that purpose. The Town of Conklin is thus agreeing to accept instead this written indemnity agreement, which expires on October 10, 2012.

RESO 2012-74: AUTHORIZE EXECUTION OF INDEMNITY
AGREEMENT/CUSIMANO DOG CASE

Mr. Bullock moved for the following resolution:

WHEREAS, three counts of dog running at large, two counts of dangerous dog, and two counts of dog chase/jump/harass were brought against Thomas Cusimano, a resident of the Town of Conklin, by the Town of Conklin;

WHEREAS, a plea agreement was reached, part of which included an indemnification agreement;

WHEREAS, at the advice of Outside Legal Counsel, it is in the best interest of the Town to enter into this agreement;

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

1. The Deputy Supervisor is hereby authorized to execute said Agreement on behalf of the Town; such agreement is attached.
2. This resolution shall take effect immediately.

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

York, HEREBY CERTIFY that the above resolution was duly adopted by the Town Board of the Town of Conklin on April 25, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 25th day of April, 2012.

Sherrie L. Jacobs, Town Clerk

OLD BUSINESS:

RUTH LEWIS/GRANTWRITER/EXTENSION OF WATER SYSTEM

Water and Sewer Superintendent Tom Delamarter introduced Ruth Lewis, grantwriter, whom he stated the Town may be interested in employing to pursue grants for possible extension of the Town's water system. Mr. Finch stated that he has a meeting set up for May 2 with Broome County Executive Debra Preston and Acting Commissioner of Public Works Daniel Schofield to discuss the possibility of an extension of the Town's water system.

Ms. Lewis stated that it is good that the population of Conklin is less than 10,000, since many grants are targeted for areas with smaller populations. She stated that it is good to develop the infrastructure, adding that the bulk of funding would come from the United States Department of Agriculture (USDA) Office of Rural Development, although other sources would be pursued. Ms. Lewis stated that each municipality is evaluated individually, adding that a small part of the total cost of developing the project will come from grants. Ms. Lewis stated that pre-development grants are available, which would help pay for the preliminary engineering report. She stated that there is a great deal of paperwork required for this, including audits, SEQRA (State Environmental Quality Review Act) report, etc. Ms. Lewis stated that the application would be submitted to Chris Serio in the Cortland office, who would review the application.

Ms. Lewis stated that, in order to qualify for a grant, the Town must also agree to take out a loan, for up to 40 years, with variable interest rates. She stated that the Town should break the project into phases, adding, "Think through carefully what you want." Ms. Lewis stated that she does not think the Town would qualify for HUD (Housing and Urban Development) money. She added that pursuit of the grants is a "long process." Ms. Lewis suggested that the Town talk with the Broome County Planning Department to see if it will handle the research and stated that the Town will need to determine whether or not it wants the County to do so. She stated that the Town should "do all of your homework." Ms. Lewis stated that a referendum will be required, so stakeholders should be involved in the process, and a master plan should be developed to determine how to finance the water system expansion project. She stated that letters of support from local politicians will be required. Ms. Lewis stated that her fee for services is a guaranteed half the fee, with the balance due only if the Town receives the grant. She stated that the Town is welcome to contact her if they would like to utilize her grant writing services.

CORRESPONDENCE:

Mr. Finch stated that he sent a letter to Broome County regarding the PILOT (Payment In Lieu Of Taxes) program, stating that the Town wants to pay a set fee to pay for the Landfill in the Corporate Park, rather than a percentage of the PILOT monies. He stated that he also sent a letter to Governor Cuomo seeking help obtaining grants to expand the water and sewer systems and to look into development of a packaging plant.

PUBLIC COMMENTS:

REGULAR TOWN BOARD MEETING

APRIL 25, 2012

WATER EXPANSION GRANTS

Mario Masciarelli commented that Ms. Lewis had earlier stated that the Town of Conklin has no “low-income housing,” asking if the two mobile home parks that will benefit from expansion of the water system, one park with 100 units and the second with 150 units, would qualify as low-income housing. Mr. Finch stated that it could be added to the data.

Mr. Francisco asked if the Census 2010 data is available to be added to the data used for grant applications. Mr. Finch replied that the Census 2010 data is being utilized, adding that the Town will lose \$93,000 in sales tax revenue for the next ten years. He stated that the Town lost 499 people after the 2006 Flood and will lose 210 people as a result of the September 2011 Flood. Mr. Francisco asked what the average income is in the area of the mobile home parks and Mr. Masciarelli, who owns Fountain Bleau Mobile Home Park, replied that most of the residents are either retirees and/or people with disabilities. Mr. Minoia stated that “low-income housing” refers to housing subsidized by the government, adding that it must fit into the correct bracket.

REPORT: HIGHWAY DEPARTMENT

Highway Superintendent Patrick Latting reported that municipal cleanup of white goods and brush is underway, adding that he needs a Board resolution asking for waiver of tipping fees by Broome County to allow the Town to dispose of the waste materials collected.

Mr. Latting stated that his department is cleaning up in preparation for United Community Day on April 28. He stated that the department is picking up brush and debris and has concentrated its efforts on the Buyout properties and has concentrated its efforts on the Terrace Drive well site and on Shipman Road and Miller Street. Mr. Latting stated that his department cleaned the creek near Julius Rogers Park to the Susquehanna River.

Mr. Finch stated that the Town Hall employees, the Highway Department, and the Parks Department all donated their time to help with the Town-wide cleanup on April 14. He noted that the new banners are being installed around Town.

Mr. Latting stated that he is researching the possibility of replacing the department’s backhoe. Mr. Finch stated that the Town will receive money back from dumping fees. He stated that the Town saved \$70,000 on the culvert pipe project on Stenson Road.

REPORT: WATER AND SEWER DEPARTMENT

Water and Sewer Superintendent Tom Delamarter stated that he wants to replace the 1994 truck used by his department with a new truck on the state bid pricing. No financing will be needed because there is money in the Water and Sewer Budget for this purchase. Mr. Delamarter stated that the lift gate, priced at \$2,721.75, might be available locally at a less expensive price, and he is researching this possibility. He stated that it will be approximately 16 to 20 weeks before the truck would be delivered.

RESO 2012-75: APPROVE PURCHASE/2012 FORD TRUCK/WATER & SEWER DEPARTMENT/VAN BORTEL FORD/OSC PRICE/\$24,278.14/OR LESS IF CHEAPER TOMMY GATE IS AVAILABLE

Mr. Minoia moved for the following resolution:

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

Be It Resolved: that the Town Board of the Town of Conklin approves the purchase of a 2012 Ford truck for the Water and Sewer Department, to be purchased from Van Bortel Ford at the Office of the State Comptroller (OSC) state bid price of \$24,278.14, or less, if a cheaper Tommy Gate is available.

Seconded by Mr. Francisco.

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

OLD BUSINESS:

TOWN-WIDE CLEAN-UP

Mr. Finch stated that the Town-wide clean-up held on April 14, 2012, was a “huge success,” adding that Conklin Road really looks much better. Another Clean-up Day is scheduled for May 19, from 9:00 A.M. until 2 P.M. Sam’s Club will send 20 or more members of its Spirit Club to help with the clean-up effort. Mr. Finch stated that there is a resident in Corbettsville who walks and cleans the roadside daily. He stated that Broome County has agreed to waive the tipping fees for the clean-up debris.

UNITED COMMUNITY DAY

Mr. Finch stated that the United Community Day, to be held April 28, will include a Grand Prize as well as individual prizes at individual businesses in Conklin. To be eligible to enter the drawing for the Grand Prize, individuals must get their “passports” signed or stamped at businesses throughout the Town. Among other highlights, the United Community Day will feature a Farmer’s Market, a car show, and entertainer Rich Wilson, all at the Floyd Maines Community Center. The newly formed Conklin Business Association has been very enthusiastic in its participation with this event, stated Mr. Finch.

Mr. Finch stated that an ad thanking the volunteers from the Clean-up Day will run in the **Country Courier**. The Conklin Beautification Corps is planning on planting flowers in planters at businesses and areas along Conklin Road, and at the Town Hall, Community Center, and at Schnurbusch Park. Mr. Finch stated that this means the Town will not have to hire someone to plant flowers, as it has in the past. He stated that the Town Board thanks all who have helped with the clean-up and beautification.

NEW BUSINESS:

OVERVIEW OF 2011 AUDIT/VIEIRA & ASSOCIATES

Chris Hutchings of Vieira & Associates, CPAs, P.C., gave an overview of the 2011 Audit of the Town of Conklin. He started out by stating that there were no comments on the management letter, which he added is a very good thing, meaning that the Audit results were good. He stated that a physical inventory and tagging of items worth \$500 or more is being conducted and software installed, which will align the Town’s inventory with the inventory conducted by Industrial Appraisal Company.

Mr. Hutchings noted that on page 13 of the Audit, the Accounts Payable numbers were higher than anticipated because of repairs necessitated by the September 2011 Flood, adding that the reimbursement money from FEMA (Federal Emergency Management Agency) has already been

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

accrued, making the Accounts Receivable numbers higher as well. He stated that on page 17, the “sale of property/compensation for loss” line was also higher due to the Flood emergency. Mr. Hutchings reiterated that the Town lost \$80,000 in sales tax revenue from the decreased population numbers reflected in the 2010 Census. He stated that the Fund Balance was increased by a net change of \$9,838, totaling \$528,225 as of December 31, 2011.

**RESO 2012-76: AUTHORIZE DEPUTY SUPERVISOR/APPLY FOR ONE-DAY
WAIVER OF TIPPING FEES FOR DISPOSAL OF WASTES COLLECTED THROUGH
CLEANUP EVENTS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Deputy Supervisor to apply for a one-day waiver of tipping fees for disposal of wastes collected through cleanup events.

Seconded by Mr. Francisco.

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

**RESO 2012-77: AUTHORIZE DEPUTY SUPERVISOR/SIGN LEASE
CONTRACTS/OFFICE EQUIPMENT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Deputy Supervisor to sign lease contracts for the following:

1. BlueStorm Technologies – Hallway Copier, Xerox WorkCentre 4250/XFM Copier, Printer, Scanner, Fax – 5 Year lease for \$114.89 per month plus copies/prints at .0125 monthly, account code A1670.4
2. BlueStorm Technologies – Supervisor Assistant Office, Xerox WorkCentre 3550/X Copier, Printer, Scanner, Fax – 5 Year lease for \$97.05 per month plus overage of 2,000 prints at .019 monthly, account code A 1220.4
3. BlueStorm Technologies – Town Clerk Office, Xerox Phaser 6180MFP/Copier, Printer, Scanner, Fax – 5 Year lease for \$28.67 per month, plus prints at .02 first 200 black, .135 first 200 color. Monthly, account code A1410.4.

Seconded by Mr. Bullock.

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

**RESO 2012-78: RATIFY WIRE ACH PAYMENT/POSTAGE ON CALL/POSTAGE
METER POSTAGE PURCHASE**

Mr. Francisco 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 \$1,000.00 to Postage on Call for purchase of postage for the postage meter.

Seconded by Mr. Bullock.

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

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

RESO 2012-79: AUTHORIZE PAYMENT/BILL LIST/\$60,366.95

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 \$60,366.95:

General	\$24,388.04
Highway	14,806.84
Flood Emergency	4,855.55
Light Districts	2,169.08
Sewer District	1,392.88
Water District	3,814.56
Non-Budget	<u>8,940.00</u>
Total	\$60,366.95

Seconded by Mr. Francisco.

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

RESO 2012-80: ACCEPT RESIGNATION/CROSSING GUARD/DAWN M. PEASE/EFFECTIVE JULY 1, 2012

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Dawn M. Pease from the position of Crossing Guard, effective July 1, 2012.

Seconded by Mr. Francisco.

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

RESO 2012-81: APPOINT SHARON A. PLATT/PERMANENT CROSSING GUARD/EFFECTIVE SEPTEMBER 1, 2012/PAY RATE \$31.80 PER DAY

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Sharon A. Platt to the position of Permanent Crossing Guard, effective September 1, 2012, at a pay rate of \$31.80 per day.

Seconded by Mr. Bullock.

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

RESO 2012-82: APPROVE ADVERTISING/COUNTRY COURIER/TWO SUBSTITUTE CROSSING GUARDS, TO BEGIN WORK SEPTEMBER 2012

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves advertising in the **Country Courier** for two Substitute Crossing Guards, to begin work in September 2012. Ads will run in July 2012.

Seconded by Mr. Bullock.

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

MOVE AMERICAN LEGION MONUMENT TO COMMUNITY CENTER

Attorney Cheryl Sacco commented that the Town Clerk's office found in the minutes from the April 22, 1985 Town Board meeting the donation of the monument from the American Legion. She added that there were no conditions set at the time of donation, meaning that the monument can be moved from its current location in Schnurbusch Park to the Maines Community Center grounds to be part of the new Veterans Memorial to be constructed at that site.

AGREEMENT WITH TOWN OF KIRKWOOD/SHARED SERVICES/CODE OFFICER

Mr. Finch stated that the Town of Kirkwood has agreed to a shared services agreement with the Town of Conklin, in which the Town of Kirkwood would pay the salary for 15 hours work per week plus 38% of health insurance costs for the Town of Conklin Code Officer, if the Town of Conklin Code Officer will work 15 hours per week in the Town of Kirkwood Code Office.

Mr. Bullock asked if Code Officer Robert Jones would have enough time to do this and still do his job in the Town of Conklin. Mr. Finch replied that it is not a permanent arrangement, but would renew month to month. He stated that the Town of Kirkwood Code Officer is suffering from cancer and is unable to work currently. Mr. Finch added that he would not want this agreement to become effective until after the FEMA Buyout application is completed. Mr. Minoia commented that Mr. Jones has "enough to do."

Attorney Sacco stated that this discussion is not related to the recent rescheduling of a Planning Board case because the Form 239 had not been received from Broome County Planning Department. She stated that Broome County Planning Department requires 30 days because of its work load, and recommended that Mr. Jones not schedule cases for the Town Planning Board unless the full 30 days is available for the Broome County Planning Board to return the Form 239 with its comments. Mr. Finch stated, "Let the process happen the way it should."

DRAFT FRANCHISE AGREEMENT/TIME WARNER/CABLE TV

Attorney Sacco distributed copies of a draft Franchise Agreement with Time Warner to provide Cable TV services, adding that she recommends that it be discussed in Executive Session at the May 8 Town Board meeting. She added that the current agreement expires in June 2012.

RESO 2012-83: SCHEDULE PUBLIC HEARING/JUNE 12, 2012/7:05 P.M./ LOCAL LAW /CHANGES TO "PARKS" SECTION OF TOWN CODE/ALLOW DOG PARK

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing on June 12, 2012, at 7:05 P.M. to receive input regarding a proposed Local Law that would amend the "Parks" section of the Town Code to allow creation of a Dog Park.

Seconded by Mr. Minoia.

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

ZUMBA CLASSES AT COMMUNITY CENTER

Mr. Francisco stated that the Conklin Seniors Club wants to have a paid, certified Zumba instructor teach a Zumba class once a week from 9:00 to 9:45 A.M. at the Maines Community Center, adding that the instructor has her own insurance, and that there are too many students in the class for it to be held at the Castle. Mr. Finch stated that the Seniors Club should be charged to use the Community Center. He added that it will be discussed further at the Community Center Committee meeting to be held on May 1 at 3 P.M.

ATTORNEY FEES/CONFLICT OF INTEREST

Mr. Finch stated that he feels that, when there is a conflict of interest involving a Planning Board or Zoning Board of Appeals case, due to the Town Attorney Coughlin & Gerhart, LLP, representing both the Town and an applicant in a case, the Town should not have to incur the cost of hiring an outside attorney, since Coughlin & Gerhart is on retainer to the Town. Attorney Sacco stated that if the matter is one covered by the retainer, such as a Planning Board or Zoning Board of Appeals case, Coughlin & Gerhart will pay for the outside attorney from its retainer fee. If the matter is one not normally covered by the retainer, such as the Dog Indemnity case discussed earlier, the Town would pay the cost of hiring an outside attorney.

12 WOODCREST WAY

To date, no bids have been received for the purchase of property located at 12 Woodcrest Way. Mr. Finch stated that if someone offers \$8,000, which is below the minimum bid price, the offer can be accepted. Bids must be returned by 4:00 P.M. on May 8, 2012. Attorney Sacco stated that the Town can state that the fair market value of the property is lower than the Town thought it would be, and thus can accept less than the \$10,000 plus \$2,000 refundable amount listed in the bid specifications.

Mr. Bullock asked, if no bids are received by May 8, what the timeline would be to demolish the building. Mr. Finch stated that the building at 12 Woodcrest Way should be demolished before the buildings in the FEMA Buyout Program. Mr. Francisco commented that the lot without the flood-damaged house would be worth more than it currently is with the house on it.

FLOOD BUYOUT PROGRAM

Mr. Finch stated that he does not feel the Town can pay the local 12.5% portion of the Attorney's fees for the Flood Buyout Program. Attorney Sacco stated that she will talk to Managing Partner Mark Gorgos about this issue, adding that New York State has agreed to pay the state's 12.5% and the local 12.5% but only on water and sewer system repair or highway repair, not on Flood Buyout properties. FEMA pays 75% of the cost. Mr. Finch stated that the Town cannot afford to pay the local 12.5% for either the Attorney or the Town Engineer. Ms. Sacco stated that some properties cost more and some cost less to process than the flat rate per property established in

REGULAR TOWN BOARD MEETING
APRIL 25, 2012

December 2011. She added that the title insurance is handled by a private company and the fee is not negotiable.

Mr. Finch stated that the application paperwork is due from the Code office on May 5, adding that this is just the next step in the process and no approval has been given by FEMA for the Town of Conklin and no dollar amount set, so no promises are being made.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
APRIL 10, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on April 10, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Mark S. Gorgos
	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
	Broome County Executive	Debra A. Preston
	Broome County Planning	Elaine Miller
	Broome Co. Resident Svcs.	Deidra Martin
		Laurie Francisco
		Paul Preston
		Raymond "Tom" Edmister
		Peter J. Motsavage

MINUTES: MARCH 27, 2012 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the March 27, 2012 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Abstain, Francisco – Yes, Finch – Yes. Motion carried: 3 – Yes, 1 - Abstain.

BROOME COUNTY EXECUTIVE DEBRA A. PRESTON

Broome County Executive Debra A. Preston thanked the Town Board for giving her the opportunity to speak to the residents, adding that she has attended several Town Board meetings in other municipalities in Broome County, with the goal of visiting each Town Board for a meeting. She introduced the Commissioner of the Broome County Planning and Economic Development Department, Elaine Miller, and Deidra Martin, who also works for Broome County in Resident Services.

County Executive Preston stated that she saved \$365,000 by cutting her salary and that of many top officials, by 5 percent. She stated that she saved over \$400,000 by decreasing the size of the Broome County fleet of vehicles and tightening the controls on the use of such vehicles. Ms. Preston stated that she has created a task force comprised of businesspeople – no politicians - to examine the possibility of leasing or selling some of Broome County's assets, such as the Forum, the Arena, the Landfill, etc.

REGULAR TOWN BOARD MEETING
APRIL 10, 2012

Ms. Preston stated that her Open Office Hours, held Tuesdays from 9 to 11 A.M., have been a huge success. She stated that she is looking into grants for businesses impacted by the September 2011 Flood, adding that information regarding damage would have to be verified. Ms. Preston stated that she is creating an Office for Safe Natural Gas Drilling, which will open soon, adding that there is a site at the Broome County Airport which could be drilled, once horizontal drilling has been approved in New York State.

Ms. Preston stated that she is advocating returning to a 50%-50% split of sales tax revenue between Broome County and the municipalities. She stated that there have been “many challenges and there will be many changes.”

Deputy Supervisor Jim Finch asked what the minimum amount would be that a business owner might receive from a grant and Ms. Preston replied that the grant money totals \$500,000, to be split among the Towns of Conklin and Union and the City of Binghamton.

Ms. Preston then introduced Elaine Miller, Commissioner of the Broome County Planning and Economic Development Department, adding that Ms. Miller was a former Deputy Mayor of the City of Binghamton under Mayor Richard Bucci, and has also worked for New York State government in the Department of State.

Ms. Miller spoke about the previously mentioned flood recovery grants for businesses, adding that \$150,000 is received from a Community Development Block Grant, with the remaining \$350,000 coming from the New York State Main Street Program. She stated that for some businesses, there may not be enough money available to help them much or to be worth the effort of documentation of losses. Ms. Miller stated that additional money will become available through a Community Development Block Grant, with \$54 Million from HUD (Housing and Urban Development) to be split among four counties, including Broome County.

Ms. Miller stated that 100 New York State and Federal representatives were present at Binghamton University on March 27, 2012, to address residents’ concerns regarding flood recovery. She stated that this was the second in a series of workshops, with the next scheduled workshop geared toward Highway Superintendents.

Ms. Miller introduced a new project which she and Broome County Executive Preston are developing which partners Broome County with Binghamton University. The project is a High-Tech Transfer Incubator, to develop start-up businesses formulated at Binghamton University. She stated that the building will be located in the urban core and has support from “major stakeholders,” adding that the project will be officially unveiled soon. Ms. Miller stated that the Southern Tier Strategic Plan, which supports this project, was “very good,” adding that the County is seeking \$7 Million to \$15 Million for construction of the project, which is scheduled to be open in three years. Broome County will provide support services.

Mr. Minoia asked about co-owning property and Ms. Miller stated that the County is “looking at that.” Mr. Francisco asked for an estimate of how much money could be saved with space consolidation at the County, if the County gave up the properties at which it rents office space. County Executive Preston stated that an energy and space audit is currently being conducted at the County offices.

Town Counsel Mark Gorgos stated that he thinks there are “too many planning agencies.” County Executive Preston stated that she is “working on that,” adding that she is “streamlining,

REGULAR TOWN BOARD MEETING
APRIL 10, 2012

but it is difficult, because no one wants to give up what they have.” She added that the Broome County government is working with other counties on various projects.

CORRESPONDENCE:

Assistant to the Supervisor Lisa Houston read the following thank you card from the Conklin Presbyterian Church:

“On behalf of the people of Conklin Presbyterian Church, our many volunteers, and most importantly the flood affected, we want to thank you for your generosity. Your gift will enable us to serve thousands of meals and to help clean-out flood-damaged homes. Our work continues on and we value your prayers.

“With deepest gratitude,

“Pat Bond

“Assistant Financial Secretary”

Deputy Supervisor Finch explained that Cleaners’ Supply donated \$10,000 to help with flood relief. This money was divided between the businesses in Conklin, with the remaining \$2,500 donated to the Conklin Volunteer Fire Department. Some businesses chose to either return the gift or have not re-opened, and the returned money was donated, \$400 each, to the Conklin Presbyterian Church and the Little White Church, as a thank you for all of the efforts extended by both churches to aid in flood recovery.

PUBLIC COMMENTS:

None.

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting reported that he and his department, along with Water & Sewer & Parks Superintendent Tom Delamarter and Nick Platt from the Water/Sewer/Parks Department have completed their CPR (Cardiopulmonary Resuscitation) recertification.

Mr. Latting reported that the work on the FEMA (Federal Emergency Management Agency) Highway projects is progressing, with work completed, except for grout, by ZMK Construction on Site #2, which Mr. Latting stated was the first priority. He stated that Town Engineer John Mastronardi has checked and approved the work. Mr. Latting stated that the next project will be on Stenson Road, where trees have been cleared and pipe laid in preparation for the project.

REGULAR TOWN BOARD MEETING
APRIL 10, 2012

Mr. Finch asked about the culvert on State Line Road. Mr. Latting stated that it looks “promising” to re-line the culvert, which he added is failing due to erosion and is on a daily watch. He stated that this is normal for a culvert which was installed in 1984 or 1986.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that Nick Platt and Jim Gates from his department will attend training to receive their Grade C Water Certification, with one person attending the September training session and the other attending the November training session. Mr. Delamarter added that this training is free to the Town except for the cost of travel and meals for the two employees.

Mr. Delamarter asked about the issue of the Town Booster Club having its own flood insurance for the contents of the concession stands. He stated that the Town cannot require the Booster Club to have insurance, noting that FEMA did not cover the contents during the 2011 Flood, and only gave the Booster Club \$2,000 to cover its losses, which totaled \$20,000 in damages. Mr. Delamarter suggested putting the contents under the Town’s flood insurance and having the Booster Club pay the Town the difference in the cost of the premium. Mr. Finch stated that the Booster Club did not follow through with the appeals process. Mr. Minoia commented that FEMA sets guidelines and thresholds for flood insurance but insurance companies have some leeway. Mr. Delamarter asked if it would be possible for the Town to lease the concession stand buildings to the Booster Club. Mr. Francisco requested that a representative from the Town’s insurance carrier, The Partners, come to a Town Board meeting to discuss this issue.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that he has been issuing building permits and conducting inspections as a result of flood issues. He stated that two businesses want to open in the former Hycourt Supply building on Conklin Road, and that Michael Yezzi wants to open a business in the former True Value Hardware Store, also on Conklin Road. Mr. Jones stated that all of these applicants are scheduled to appear before the Planning Board. Mr. Jones stated that he and Assessor Clerk Penny Lake represented the Town of Conklin at a Flood Information Workshop held at Binghamton University on March 27, 2012.

REPORT: DOG CONTROL OFFICER

Refer to written report.

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

OLD BUSINESS:

DOG PARK

Mr. Finch stated that progress is being made moving forward with establishment of a Dog Park on the Maines Community Center grounds. Mr. Delamarter reported that the fencing has been ordered and work on the project will begin this week. He stated that the Dog Park will be ADA (Americans with Disabilities Act) compatible.

REGULAR TOWN BOARD MEETING
APRIL 10, 2012

COMMUNITY CENTER UPDATE

Mr. Finch reported that the Community Center has had one rental already and several more are booked for future use. He stated that the Town Board is researching installation of a key card entry system for the building, which will save having someone open and close the building whenever it is in use. Mr. Finch stated that the kitchen appliances are due to be delivered and installed this week. He stated that Meals on Wheels will soon be once again operating out of the Community Center, having been displaced by the September 2011 Flood. Mr. Francisco thanked Mr. Delamarter for getting the lights adjusted at the Community Center. Mr. Finch asked about lighting in the parking lot, adding that illumination is needed. Mr. Francisco agreed to research this issue.

TOWN-WIDE CLEAN-UP DAY

Mr. Finch reminded those present that the Town-Wide Clean-Up Day will be held on Saturday, April 14, 2012, from 9 A.M. until 2 P.M. Trash bags and gloves are available in the Town Clerk's office, and volunteer groups can sign up there to be assigned a section of Conklin Road to clean. Mr. Delamarter arranged for the Sheriff's Department to assign weekend inmates to clean areas of Conklin Road. Mr. Latting will have his Highway Department pick up the trash bags that volunteers will leave along Conklin Road.

UNITED COMMUNITY DAY

Mr. Finch reported that many businesses are participating in United Community Day, which will be held from 10 A.M. until 4 P.M. on April 28, 2012. He stated that COOL 100 will be doing live remote broadcasting from area businesses and from the Maines Community Center. Each participating business and volunteer organization is providing a raffle with prizes, and participants can also get their "passports" stamped by businesses to enter their name in a drawing for a Grand Prize. Several car clubs will be exhibiting their cars at the Community Center grounds that day, and entertainer Rich Wilson will be performing from 1 to 3 P.M. Robert Brown of R&R Mulch has a contract that will make signs for individual businesses to promote their business and/or the United Community Day, at a price of \$10 each. The media has been contacted with information regarding this event, with COOL 100 promoting the event all of the week preceding the event.

NEW BUSINESS:

**RESO 2012-70: ACCEPT DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL
IMPACT STATEMENT TO DEVELOP STANDARDS TO ENSURE THE SAFE
DEVELOPMENT OF NATURAL GAS RESOURCES BASED ON THE EXPERTISE OF
THE DEC**

Mr. Bullock moved for the following resolution:

WHEREAS, the state has dedicated more than three years and more than 10,250 man hours creating a 900-page comprehensive plan for the safe development of natural gas through its draft Supplemental Generic Environmental Impact Statement (sGEIS) under the leadership of the Department of Environmental Conservation (DEC) and Commissioner Joe Martens as well as Governor Andrew Cuomo; and

REGULAR TOWN BOARD MEETING
APRIL 10, 2012

WHEREAS, promoting economic activity and creating jobs to support families is a top priority; and

WHEREAS, state officials are developing standards to ensure safe development of our natural gas resources based on the expertise of DEC employees and advisors, such as:

- Requiring DEC staff to visit every well pad before permits are issued; and
- Requiring preapproval of wastewater treatment plans for every proposed well pad; and
- Requiring natural gas operators to provide a plan for assessing and repairing any road wear before permits are issued; and
- Requiring multiple layers of cement and steel casings around each underground well, extending at least 75 feet below New York State's deepest drinking water tables; and
- Requiring operators to provide dual failsafe protections for wastewater from hydraulic fracturing, mandating it be sealed in watertight, covered tanks enclosed in a secondary containment system; and
- Requiring disclosure of all additives used in the hydraulic fracturing process; and

WHEREAS, the role of municipal governments in New York State's natural gas development still remains under review by the DEC as a part of the ongoing sGEIS process; and

WHEREAS, local municipalities will have a designated role under the state guidelines once released; and

WHEREAS, development of our natural gas resources is currently prohibited pending the DEC's plan and final approval by Governor Cuomo.

WHEREAS, premature local action in our municipality could negatively impact the competitive environment of all of New York State for natural gas development, and jeopardize the potential \$11.4 billion in statewide economic impact of development; and

WHEREAS, preserving a competitive environment for development in New York as compared to neighboring states will be critical to the economic future of our region; and

NOW, THEREFORE, BE IT RESOLVED, that we, the undersigned, find pursuit of a ban or moratorium to be an irresponsible and premature misallocation of town resources pending the release of the state's final sGEIS; and

BE IT FURTHER RESOLVED that we commend the state's leadership in developing a comprehensive statewide program to address the potential resource development holds for New York; and

BE IT FURTHER RESOLVED that we have confidence the state will develop a program that allows development of our natural gas resources to proceed in a safe, responsible, and competitive manner.

Seconded by Mr. Francisco.

ROLL CALL VOTE:

Mr. Bullock	YES
Mr. Minoia	YES
Mr. Francisco	YES
Mr. Finch	YES

REGULAR TOWN BOARD MEETING
APRIL 10, 2012

Motion passed unanimously.

RESO 2012-71: AUTHORIZE PAYMENT/BILL LIST/\$120,018.05

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 \$120,018.05:

General	\$ 27,516.16
Highway	6,060.69
Flood Emergency	85,480.94
Water District	<u>960.26</u>
Total	\$120,018.05

Seconded by Mr. Francisco.

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

RESO 2012-72: APPROVE JOINT VENTURE/TOWN OF CONKLIN & CONKLIN
KIWANIS CLUB/SPONSOR RED CROSS BLOOD DRIVE AT CONKLIN
PRESBYTERIAN CHURCH

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves a Joint Venture between the Town of Conklin and the Conklin Kiwanis Club to sponsor a Red Cross Blood Drive at the Conklin Presbyterian Church.

Seconded by Mr. Bullock.

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

CONKLIN SENIORS CLUB BACK AT COMMUNITY CENTER

Mr. Francisco reported that the Conklin Seniors Club met at the Community Center on April 5 for their monthly luncheon, for the first time since the September 2011 Flood, and they are very happy with the renovations and with the ability to once again meet at the Community Center. The members of the Conklin Seniors Club who meet only to play cards on the Thursdays alternate to their luncheon meetings, will meet at the Castle to play cards.

STREET LIGHTS

Mr. Francisco stated that there are two methods by which one can report street light outages, either by reporting on the NYSEG (New York State Electric and Gas Corporation) website or by faxing the information to (585) 340-1664. The report must include either the pole number of the affected light or the number of the closest house. Mr. Bullock asked if there is a priority list for addressing outages, noting that there are many street lights on Conklin Road that have been out for a long time. Mr. Francisco stated that “the people in charge have changed.”

REGULAR TOWN BOARD MEETING

APRIL 10, 2012

12 WOODCREST WAY

Mr. Finch reported that no bids have been received to date for the purchase of the property located at 12 Woodcrest Way. The Town is offering the property for a minimum bid of \$12,000, with \$2,000 to be refunded if the structure is made Code compatible within the designated amount of time.

BEROTA COURT EASEMENT

Mr. Finch stated that John and Maria Corey will be in this week to sign the Temporary Easement on their property on Berota Court, so that the Town can move forward with addressing stormwater ponding issues in that area. Mr. Finch stated that the mitigation includes a swale and a pipe with a flapper valve.

INSURANCE REQUIREMENTS/COMMUNITY CENTER RENTALS

Mr. Finch stated that copies of renters' homeowners' insurance will no longer be required for rentals of the Community Center. He stated that, instead, those wishing to rent the Community Center can obtain a one-day coverage certificate of liability for \$1 Million coverage for a cost of \$97, adding that this certificate can be obtained in a short period of time. Mr. Finch stated that conversation with the Town's insurance carrier determined that this is a better procedure.

FIRE ALARM SYSTEM AT TOWN HALL

Mr. Francisco asked if the fire alarm system at the Town Hall has been repaired yet and Code Officer Jones stated that it has not been repaired, in spite of numerous visits by repairmen from both Verizon and Procon. Mr. Jones stated that Verizon needs to fix the problem.

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
MARCH 27, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on March 27, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Minoia (late), Francisco, Finch

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

GUESTS: **Country Courier** Elizabeth Einstein
Mario Masciarelli
Sam Banoosa
Laurie Francisco
Robert W. Page
Bonnie Tolomei
Angelo Tolomei
Dolly Stout
Joe Bartosik
John Colley

MINUTES: MARCH 13, 2012 REGULAR TOWN BOARD MEETING

Mr. Finch asked that the March 13, 2012 Regular Town Board Meeting minutes be clarified on page 5, line 2 from the top, to state that the “heat will be moved to accommodate the double doors.”

Mr. Bullock moved to approve the March 13, 2012 Regular Town Board Meeting minutes as presented, with the above clarification.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch stated that he received a proposal from Trees for Vets offering to provide free trees in honor of veterans, which could be planted along the driveway to the Community Center. He stated that he will contact Maines Paper and Food Services, Inc., which owns the property on the other side of the driveway to the Community Center, to see if trees could also be planted on that side of the driveway.

RESO 2012-48: ACCEPT PROPOSAL/TREES FOR VETS/TREES TO BE PLANTED
ON PROPERTY OWNED BY TOWN OF CONKLIN

Mr. Francisco moved for the following resolution:

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

Be It Resolved: that the Town Board of the Town of Conklin accepts the proposal from Trees for Vets to plant trees on Town-owned property to honor veterans.

Seconded by Mr. Bullock.

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

PUBLIC COMMENTS:

None.

REPORT: HIGHWAY DEPARTMENT

RESO 2012-49: AUTHORIZE TIRE DROP-OFF AT HIGHWAY GARGAGE/
APRIL 23 – MAY 18, 2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a tire drop-off at the Highway Garage from April 23 through May 18, 2012.

Seconded by Mr. Francisco.

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

Highway Superintendent Patrick Latting stated that the Broome County Landfill has agreed to waive the tipping fee on tires collected during this period of time.

RESO 2012-50: AUTHORIZE HIGHWAY SUPERINTENDENT/ATTEND 2012
HIGHWAY SCHOOL/ITHACA COLLEGE/JUNE 11-13, 2012

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent, Patrick Latting, to attend the 2012 Highway School, to be held at Ithaca College June 11 through 13, 2012.

Seconded by Mr. Bullock.

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

FEMA QUOTES/HIGHWAY REPAIR PROJECTS

Highway Superintendent Patrick Latting stated that he has received quotes from four companies on the highway repair projects to be funded by FEMA (Federal Emergency Management Agency). He stated that materials for the repairs were purchased on the Broome County bid price, thus saving the Town “a lot of money.” Sites #1 and 2 are located on Fallbrook Road; Site 4 is located on Stenson Road; Site #5 is located on Gratsinger Road; and Site #6 is located on Ketchum Road. The work at Site #3 has already been completed. Mr. Latting stated that Town Engineer Dan Griffiths has approved the plans for the repairs, which have been broken down by

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

site as FEMA requires. Mr. Latting stated that he received quotes from Gorick Construction, which he stated were “much higher than the other three,” and from ZMK Construction, Bolands Topsoil and Gravel, and from Procon.

RESO 2012-51: AWARD SITE #1/ZMK/NOT TO EXCEED \$14,700

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the repair work at Site #1, PW #1777203, to ZMK Construction as the lowest responsible bidder, for a cost not to exceed \$14,700.00.

Seconded by Mr. Bullock.

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

RESO 2012-52: AWARD SITE #2/ZMK/NOT TO EXCEED \$16,900

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the repair work at Site #2, PW #1777205, to ZMK Construction as the lowest responsible bidder, for a cost not to exceed \$16,900.00

Seconded by Mr. Finch.

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

RESO 2012-53: AWARD SITE #4/ZMK/NOT TO EXCEED \$6,200

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the repair work at Site #4, PW #1777207, to ZMK Construction as the lowest responsible bidder, for a cost not to exceed \$6,200.00.

Seconded by Mr. Francisco.

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

RESO 2012-54: AWARD SITE #5/ZMK/NOT TO EXCEED \$9,100

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the repair work at Site #5, PW #1777204, to ZMK Construction as the lowest responsible bidder, for a cost not to exceed \$9,100.00.

Seconded by Mr. Bullock.

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

REGULAR TOWN BOARD MEETING

MARCH 27, 2012

**RESO 2012-55: AWARD SITE #6/BOLANDS TOPSOIL & GRAVEL/NOT TO EXCEED
\$4,400**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the repair work at Site #6, PW #1777208, to Bolands Topsoil & Gravel as the lowest responsible bidder, for a cost not to exceed \$4,400.00.

Seconded by Mr. Francisco.

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

**SOUTHERN TIER EASTERN REGION PLANNING & DEVELOPMENT
BOARD/ROAD SURVEY**

Town Attorney Cheryl Sacco stated that the Southern Tier Eastern Region Planning & Development Board will conduct a survey of roads at no cost to the Town of Conklin, adding that the program, which is federally funded, would create maps delineating roads and their conditions. The Regional Planning & Development Board would need some assistance from Highway Superintendent Patrick Latting.

**RESO 2012-56: AUTHORIZE HIGHWAY SUPERINTENDENT/COOPERATE WITH
SOUTHERN TIER EASTERN REGION PLANNING & DEVELOPMENT
BOARD/ROAD SURVEY**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Highway Superintendent Patrick Latting to cooperate with the Southern Tier Eastern Region Planning and Development Board to conduct a road survey on roads in the Town of Conklin.

Seconded by Mr. Bullock.

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

REPORT: WATER & SEWER DEPARTMENT

Water and Sewer Superintendent Tom Delamarter reported that grant writer Ruth Lewis will be attending the April 10 Town Board meeting to answer any questions the Board may have.

Mr. Delamarter reported that the First Quarter testing of the Town Landfill has been completed. He added that the DEC (New York State Department of Environmental Conservation) has the site management plan and the Town is awaiting approval to test the Landfill once a year instead of quarterly, which will save a significant amount of money.

Mr. Delamarter stated that he will not be hiring any part-time workers for the summer season, but will instead be utilizing workers from the Broome County Works program. He stated that all of the Concerts in the Park performers have been booked and the concert program sent to Newspaper Publishers to be printed. Performer Rich Wilson will sing at the United Community Day on April 28 at the Community Center from 1 to 3 P.M.

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

**RESO 2012-57: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/TIRE DROP-
OFF/HIGHWAY GARAGE/APRIL 23-MAY 18, 2012**

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** of the Tire Drop-off to be held at the Highway Garage April 23 through May 18, 2012.

Seconded by Mr. Finch.

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

REPORT: SUPERVISOR'S OFFICE

Assistant to the Supervisor Lisa Houston stated that the annual Financial Statements have been submitted to New York State, adding that the Town Auditor will be in attendance at the April 10 meeting to address the Town Board.

[Councilman Gerard Minoia arrived at 5:50 P.M.]

**RESO 2012-58: AUTHORIZE ATTENDANCE/ASSISTANT TO SUPERVISOR/LISA
HOUSTON/OSC & ASSOCIATION OF TOWNS FINANCIAL SEMINAR/SARATOGA
SPRINGS/MAY 2-4, 2012**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Assistant to the Supervisor Lisa Houston to attend a Financial Seminar hosted by the New York State Office of the State Comptroller and the New York State Association of Towns in Saratoga Springs, New York, on May 2 through 4, 2012, including \$200 registration fee and all necessary expenses.

Seconded by Mr. Francisco.

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

REPORT: DOG CONTROL OFFICER

No report.

REPORT: CODE OFFICER

Refer to written report. Code Officer Robert Jones' written report discussed progress made at the Community Center, work still outstanding at the Center, and work in progress with the Planning Board. Mr. Jones was excused from tonight's meeting to represent the Town at a Flood Seminar at Binghamton University.

REGULAR TOWN BOARD MEETING

MARCH 27, 2012

VETERANS MEMORIAL

Robert Page, Ken Boston, and Paul Deeley from the Conklin Veterans Memorial, Inc., requested that the Town Board allow them to move the proposed Veterans Memorial from the agreed upon site in Schnurbusch Park to a site near Route 7 on the Floyd Maines Community Center property. Mr. Deeley explained that there is too much potential for flooding in Schnurbusch Park and it is felt that the Maines Community Center site would be a better location. Mr. Boston stated that the committee considered a location near the Community Center building but decided that it was too small to accommodate the memorial, so the site near Route 7 was chosen.

Mr. Finch asked about lighting for the American flags that are a planned part of the memorial, and Mr. Deeley stated that power for the lights could be run “from the poles at the road,” which are owned by NYSEG (New York State Electric and Gas Corporation). Mr. Finch stated that the Community Center Committee would meet for a tour of the newly renovated Community Center at 5:30 P.M. on April 2, and invited the Conklin Veterans Memorial committee to attend that meeting to discuss placement of the memorial. Mr. Deeley stated that the Conklin Veterans Memorial, Inc., is a not-for-profit with 501(c)3 status, and a tight budget, adding that the flooding that often occurs in Schnurbusch Park would “take away from the resources” that the not-for-profit group has to put toward establishment of the memorial. He added that the Community Center property is also community space. The newly designated location will increase vehicle traffic visibility as well.

Mr. Finch asked if there is a timeline for the construction of the memorial and Mr. Deeley stated that his committee will be asking Code Officer Robert Jones for building permits within the next 60 days, adding that it will be a presence even if it is not yet completed. Mr. Finch suggested that installing at least one flagpole might promote the project. Mr. Page stated that his committee has \$9,000 in the bank. Mr. Finch stated that there is a grant for small communities that may be beneficial to the memorial fundraising, and also explained about the Trees for Vets program.

The question was raised regarding whether or not the small memorial stone that is currently in Schnurbusch Park could be moved to the Maines Community Center site to tie-in with the proposed memorial. Mr. Page stated that the Conklin American Legion Auxiliary donated the marker in 1980 or 1981. Town Clerk Sherrie Jacobs will check the minutes to see if there were any conditions set when the marker was donated. If there are no conditions that were set, the Town Board approves the movement of the marker to the Community Center site. Mr. Finch stated that the Town Board “appreciates what you’re doing” and approves the progress on the memorial.

OLD BUSINESS:

UPDATE/DOG PARK

Attorney Cheryl Sacco stated that there are no legal or insurance issues with the creation of a dog park. She stated that the Town will need to adapt two existing local laws – one to redefine “running at large” to allow dogs to be off leash on public property (at the dog park only, in the enclosed gated area) and the second to amend the allowed uses of the park. Ms. Sacco stated that two areas, for different sized dogs, must be designated. Dog owners will be required to sign a waiver. The proposed location is the area of the former go-cart track next to the Community Center.

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

Mr. Francisco asked about the safety of the bridge in the old go-cart track and about how it might impact the Town's insurance. Mr. Finch stated that Parks Superintendent Tom Delamarter would have his department repair the bridge and the fencing. Ms. Sacco stated that the dog park must be "ADA-compliant" (Americans with Disabilities Act), in this case meaning that the gates are wide enough to accommodate a wheelchair. The gates are in the back of the dog park. Dog Control Officer Darlene Weidman commented that she received a packet from the Broome County Dog Shelter listing New York State regulations for dog parks.

Mr. Minoia commented that a dog park has already been approved at both Schnurbusch Park and at a River Boulevard site owned by the Town. Mr. Finch explained that FEMA would not allow the type of fencing needed for a dog park to be installed at the River Boulevard site because it is in the flood plain. Ms. Sacco stated that New York State regulations must be followed and signage provided, adding that FEMA will pay all of the costs for the dog park, except for the ADA-compliant gate. Town Clerk Sherrie Jacobs asked if the Board thinks that rentals of the Community Center building will be impacted by having the dog park situated so closely to the building and Mr. Finch replied that a stockade fence will be installed to hide the dogs from view of the building.

UPDATE/REZONING OF PROGRESS PARKWAY/VAN DEUSEN

Mr. Finch stated that Laurie and Jon Van Deusen have requested that their property located at 959 Powers Road and Progress Parkway be rezoned to Commercial/Residential. Ms. Sacco stated that it would be better if the zoning were to become Limited Industrial, since that would not require a site plan review, which would be required for an Industrial zoning. She added that her law firm, Coughlin and Gerhart, has done prior work for ZMK Construction (Mr. Van Deusen's company), but does not represent them on this issue, so there is no conflict of interest.

Ms. Sacco stated that approval for a subdivision, the creation of which is the goal of the rezoning request, would have to be granted by the Planning Board. It was noted that the Town would need to make sure the roads in the subdivision, as well as water and sewer, meet with Town standards. Ms. Sacco noted that the area in question is located in Town Water District 1 and Sewer District 4, so it will not be an extension of either district. She stated that she must discuss the rezoning further with Mr. Van Deusen, and submit a Form 239 to Broome County Planning Department for comments. A Public Hearing must be scheduled and notices publicized. She noted that a mailing to nearby residences is not required.

RESO 2012-58: SCHEDULE PUBLIC HEARING/MAY 8, 2012/7:30 P.M./
VAN DEUSEN/APPLICATION TO REZONE 959 POWERS ROAD/
TAX MAP NO. 178.04-1-1

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 7:30 P.M. on May 8, 2012, to receive input regarding the proposed rezoning of 959 Powers Road, Tax Map No. 178.04-1-1, owned by Laurie and Jon Van Deusen.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

UPDATE/WATER & SEWER EXTENSIONS

With regard to the water and sewer extensions to Pride Manor Mobile Home Park and Stillwater Road, Ms. Sacco stated that she has drafted the outside user agreement and the agreement with the Town of Kirkwood to provide water. She stated that the Town of Kirkwood now wants the map redrawn, with water limits and Joint Sewage Treatment Plant usage depicted, adding that the Town Engineer is working on this information. Mr. Finch stated that there are 180 available spaces for mobile homes at Pride Manor Mobile Home Park and 23 homes on Stillwater Road that would like to hook into the existing systems. He added that the additional users will reduce the cost of the bond for the residents of Fountain Bleau Mobile Home Park., adding that progress is being made.

UPDATE/UNITED COMMUNITY DAY

United Community Day will be celebrated on April 28, 2012. Mr. Finch stated that the Beautification Committee met on March 29. A Town-wide clean-up day is scheduled for April 14, beginning at 9:00 A.M. A Farmer's Market is planned for the Community Center, beginning with the United Community Day. A contest will be held with a drawing for money toward flowers and plants for residents' yards, with first prize \$100, second prize \$50, and third prize \$25.

UPDATE/2012 CONKLIN ROAD

Attorney Sacco stated that a ruling was issued by Judge Tate on February 10, 2012, regarding 2012 Conklin Road which states that the property in question cannot be used in violation of the Town Code. She added that after sixty days, the Town can make corrections and the Code Officer can inspect the property for violations, although he must give 48 hours' notice prior to such inspections.

COMMUNITY CENTER UPDATE

Mr. Finch stated that the Community Center repairs are all completed except for the kitchen. The floors will be waxed and sealed on March 29. Three quotes were obtained – At Your Service - \$500, although this company is not able to take on the Community Center project; Pat's Floor Service - \$675; and The Night Service - \$1150. The company will mop, strip, and wax the floors with three to four coats of wax. It was noted that the Community Center is rented for March 31. Mr. Finch stated that the kitchen will be completed in the next three to four weeks. Mr. Bullock completed the plumbing, including installation of the hot water tank, and "saved the Town a lot of money," noted Mr. Finch, thanking Mr. Bullock for his work on the restoration of the Community Center.

**RESO 2012-59: APPROVE PAT'S FLOOR SERVICE/STRIP & WAX
FLOORS/COMMUNITY CENTER/\$675**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Pat's Floor Service to strip and wax the floors at the Maines Community Center for a cost of \$675.00.

Seconded by Mr. Francisco.

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

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

Mr. Finch commented that the Town needs to find a cleaner for the Community Center that is less expensive than the \$450 every two weeks that was being paid. He stated that Meals on Wheels will be able to return to the Community Center in three weeks.

NEW BUSINESS:

RESO 2012-60: REQUEST SENATOR THOMAS LIBOUS & ASSEMBLYMAN
CLIFFORD CROUCH/SPONSOR LEGISLATION/AMEND SECTION 3/PUBLIC
OFFICERS LAW/ALLOW NON-RESIDENT OF TOWN OF CONKLIN TO HOLD OR
FILL POSITION OF BUILDING INSPECTOR & CODE ENFORCEMENT OFFICER
OF TOWN

Mr. Bullock moved for the following resolution:

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

Section 1. The Town Board (hereinafter “Town Board”) of the Town of Conklin, Broome County, New York (hereinafter “Town”), hereby requests that Senator Thomas Libous and Assemblyman Clifford Crouch sponsor legislation to be introduced in the New York State Senate and New York State Assembly in relation to amending Section 3 of the Public Officers Law to allow a non-resident of the Town of Conklin to hold or fill the position of building inspector and code enforcement officer of the Town.

Section 2. It should be noted that Section 3 of the Public Officers Law has been amended a number of times in past years to allow a non-resident of a municipality to fill those positions, i.e.

A. Section 3(40) as added by Chapter 272 of the Laws of 1998 regarding the Building Inspector of the Town of Somers, Westchester County

B. Section 3(41) as added by Chapter 273 of the Laws of 1998 regarding the Building Inspector of the Town of Pound Ridge, Westchester County

C. Section 3(42) as added by Chapter 273 of the Laws of 1998 regarding the Deputy Building Inspector of the Town of Pound Ridge, Westchester County

D. Section 3(43) as added by Chapter 546, section 2 of the Laws of 1999 regarding the building inspector and code enforcement officer of the Town of Ogden, Monroe County

E. Section 3(44) as added by Chapter 249, section 2 of the Laws of 2000 regarding the building inspector/code enforcement officer of the Town of Hamlin, Monroe County

F. Section 3(44) as added by Chapter 457, section 1 of the Laws of 2000 regarding the building inspector of the Town of Clarkson, Monroe County

G. Section 3(45) as added by Chapter 317, section 1 of the Laws of 2000 regarding the code enforcement officer of the Town of Clarkson, Monroe County

Section 3. The Town Board finds and determines that it does not have the legal authority to adopt a local law relating to the proposed legislation or enact the legislation it is requesting in that the most recent amendments to section 3 include the following words "Provided, however, the person performing the functions of (name of office) in any other town shall be a resident of

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

such town, unless otherwise provided by law.."

Section 4. The Town Clerk shall send certified copies of this Resolution to Senator Thomas Libous and Assemblyman Clifford Crouch.

Section 5. This Resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

Mr. Finch noted that the current Code Officer, Robert Jones, is a resident of the Town of Binghamton.

DISCUSSION/LOCAL LAW/ “DOG CONTROL OFFICER”

A discussion ensued regarding a proposed Local Law which allow a non-resident of the Town of Conklin to hold or fill the position of Dog Control Officer and/or Deputy Dog Control Officer, so long as that person(s) is/are residing in Broome County. Mr. Finch stated that the Town Board wants to consolidate Code Office services with the Town of Kirkwood and Dog Control services with the Town of Binghamton in an effort to save money for each Town involved. Conklin Code Officer Robert Jones has agreed to work 15 hours per week in the Town of Kirkwood. Mr. Finch stated that he offered the position of Dog Control Officer for the Towns of Conklin and Binghamton to Conklin Dog Control Officer Darlene Weidman three times but “she does not want to cover two towns.” This position could become available if and when the proposed Local Law is enacted. Costs for these shared services would be shared by the municipalities involved. Attorney Sacco stated that no Form 239 is needed for this proposed Local Law.

RESO 2012-61: RESCHEDULE REGULAR TOWN BOARD MEETING/FROM APRIL 24 TO APRIL 25, 2012/5:30 P.M./PRESIDENTIAL PRIMARY

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin reschedules the Regular Town Board Meeting from April 24, 2012, to April 25, 2012, at 5:30 P.M. to accommodate the Presidential Primary Election, which will be held April 24, 2012, from noon until 9:00 P.M.

Seconded by Mr. Minoia.

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

RESO 2012-62: SCHEDULE PUBLIC HEARING/APRIL 25, 2012/5:35 P.M./PROPOSED LOCAL LAW/DOG CONTROL OFFICER

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:35 P.M. on April 25, 2012, to receive input regarding a proposed Local Law regarding residency requirements for the Dog Control Officer and Deputy Dog Control Officer.

Seconded by Mr. Francisco.

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

RESO 2012-63: SET APRIL 25, 2012 MEETING AS REGULAR MEETING INSTEAD OF WORK SESSION

Mr. Francisco moved for the following resolution:

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

Be It Resolved: that the Town Board of the Town of Conklin sets the April 25, 2012 Town Board meeting as a Regular Meeting instead of a Work Session.

Seconded by Mr. Minoia.

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

**RESO 2012-64: RATIFY PAYMENT/AMERICA THE BEAUTIFUL
FUND/WILDFLOWER SEEDS/LOCAL TOWN GREEN SPACE LOTS**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3954, account code A7110.4, in the amount of \$49.95 to the America the Beautiful Fund for wildflower seeds for local Town Green Space lots.

Seconded by Mr. Francisco.

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

**RESO 2012-65: RATIFY PAYMENT/WELSH RESTAURANT EQUIPMENT,
LLC/DOWN PAYMENT/PURCHASE OF REPLACEMENT KITCHEN
EQUIPMENT/COMMUNITY CENTER/LOST IN 2011 FLOOD**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #3955, account code HA8760.4E, in the amount of \$3,802.00 to Welsh Restaurant Equipment, LLC, for the down payment, Purchase Order #12-00433, for the purchase of replacement kitchen equipment for the Maines Community Center lost in the 2011 Flood.

Seconded by Mr. Francisco.

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

Mr. Finch stated that the total cost for replacing the flood-damaged kitchen equipment will be approximately \$7,000.

**RESO 2012-66: ACCEPT DONATIONS/MEMORY OF RUTH E. TERBOSS
JOYNER/TO BE USED SOLELY BY TOWN OF CONKLIN'S YOUTH SPORTS
PROGRAM/\$100.00**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts donations in memory of Ruth E. Terboss Joyner (former Supervisor Debra A. Preston's deceased mother), with donations to be used solely by the Town of Conklin's Youth Sports Program, from various individuals, businesses, and organizations, in the amount of \$100.00, Revenue line A-2705-1 and Budget line A7310-4-402.

Seconded by Mr. Francisco.

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

Mr. Finch noted that previously accepted donations given in Mrs. Joyner's memory have been used to purchase new sports equipment to replace that which was lost in the 2011 Flood.

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

RESO 2012-67: AUTHORIZE PAYMENT/BILL LIST/\$18,245.87

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$18,245.87:

General	\$ 6,432.51
Highway	2,269.81
Flood Emergency	5,737.86
Light Districts	1,771.79
Sewer District	441.01
Water District	<u>1,592.89</u>
Total	<u>\$18,245.87</u>

Seconded by Mr. Bullock.

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

PROPOSED LOCAL LAW/NOISE ORDINANCE/FORM 239

Attorney Sacco stated that she will submit the Form 239 to Broome County Planning Department for input regarding the proposed Local Law, “Noise Ordinance.”

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM

Attorney Sacco stated that the New York State Office of Community Renewal announced the availability of over \$71 million in flood recovery grant money, available through the Community Development Block Grant Disaster Recovery Program. Broome County Planning Department Chief Planner Frank Evangelisti will be collecting flood damage information from various affected municipalities.

RESO 2012-68: AUTHORIZE TOWN ENGINEER/PROVIDE INFORMATION/COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM/DOCUMENT DAMAGE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Engineer to provide information documenting damage caused by the September 2011 Flood to the Community Development Block Grant Disaster Recovery Program.

Seconded by Mr. Bullock.

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

Mr. Finch asked if this grant could cover the cost of the water and sewer extensions and Attorney Sacco stated that she will research this possibility. Mr. Finch stated that the Town is paying extra money on the bonds on the water and sewer districts because of revenue lost from residences that were lost in either the 2006 Flood or the 2011 Flood and so are no longer paying towards the bonds.

12 WOODCREST WAY

Attorney Sacco stated that Mark Gorgos, Managing Partner for Coughlin and Gerhart, suggested that the Town Board authorize a minimum bid of \$12,000 instead of \$10,000, for the purchase of property located at 12 Woodcrest Way, with \$2,000 to be refunded if the building becomes Code-compliant within the designated amount of time.

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

**RESO 2012-69: RATIFY CHANGE IN TERMS OF BID SPECIFICATIONS/MINIMUM
BID \$12,000/12 WOODCREST WAY/\$2,000 REFUND IF CODE COMPLIANT**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies a change in terms of bid specifications for the purchase of the property located at 12 Woodcrest Way to require a minimum bid of \$12,000, rather than \$10,000, with \$2,000 to be refunded if the building becomes Code-compliant within the designated amount of time.

Seconded by Mr. Francisco.

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

THANK-YOU/GARY BULLOCK/PLUMBING AT COMMUNITY CENTER

Mr. Finch thanked Mr. Bullock for all of his work installing plumbing at the Maines Community Center, adding that it allows the Center to be re-opened sooner and saved the Town between \$2,000 and \$2,500.

FLOOD INSURANCE ICC CLAUSE/MONEY TO RAISE HOUSES

Mr. Minoia stated that he learned there is an ICC clause in flood insurance policies which allows money to raise houses, adding that there is a four year window to choose from four mitigation options – raise the structure, move the structure, demolish the structure, or flood proof the structure.

Dog Control Officer Darlene Weidman added that she learned that when the new flood maps become effective, homeowners can reapply, if they were previously denied.

UNITED COMMUNITY DAY

Mr. Francisco asked about the response from businesses regarding United Community Day. Mr. Finch stated that there were 15 to 20 businesses represented at the last Conklin Business Association meeting. He stated that “Cool 100” radio station will be broadcasting from Conklin during United Community Day on April 28, with the Town of Conklin financially responsible only for the disc jockey. Mr. Finch stated that most participating businesses have agreed to some sort of prize raffle, from a gas grill at Warner’s Gas, which is also giving away free hot dogs, to \$10.00 gift certificates. Entertainer Rich Wilson will be performing at the Community Center from 1 to 3 P.M. Several businesses have already agreed to set up tables at the Community Center to advertise their products and services.

Mr. Finch stated that the Beautification Corps is working on getting barrels for flowers throughout the Town.

Highway Superintendent Patrick Latting stated that someone drove a vehicle across the newly poured concrete at the Community Center sidewalk, adding that he will put up more warning cones. Mr. Finch thanked Mr. Latting and Parks Superintendent Tom Delamarter for the hard work they and their departments have done to help get the Community Center ready to reopen and to promote the United Community Day.

PRESIDENTIAL PRIMARY

Town Clerk Sherrie Jacobs reminded those present that the Presidential Primary will take place on April 24, 2012, from noon until 9:00 P.M., adding that there are four polling sites in the Town of Conklin – the Community Center, the Town Hall, Conklin Fire Station #1, and Conklin Fire Station #2. The Conklin Forks Methodist Church is no longer a polling site.

REGULAR TOWN BOARD MEETING
MARCH 27, 2012

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:03 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

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

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

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
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
John Colley
Joe Bartosik
Angelo Tolomei
Dolly Stout
Bonnie Tolomei
Laurie Francisco
Peg Lamb
Roberta Welch
Peter J. Motsavage

MINUTES: FEBRUARY 28, 2012 REGULAR TOWN BOARD MEETING

Town Attorney Cheryl Sacco stated that the February 28, 2012 Regular Town Board Meeting minutes should be corrected on page 2, line 5 from the bottom, to read, "She stated that the Town can contest DEC's Lead Agency Status under the SEQRA coordinated review. If the Town doesn't want to contest Lead Agency Status, then the Town can send its comments to the DEC. With coordinated review, if DEC is Lead Agency, the DEC (and not the Town) is handling SEQRA." This is to replace the sentence, "She stated that this means that the Town can approve the SEQRA review and send it to the DEC, but the DEC must still approve it."

Mr. Bullock moved to approve the February 28, 2012 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch stated that he had met with Mr. William Maines to look at the facts regarding a number of issues between the Town and Maines Paper and Food Service, Inc. He stated that the meeting had a good outcome and the discussion is continuing.

Mr. Finch stated that the Conklin Town Court and the Conklin Town Clerk were both featured in an article in the **Press & Sun Bulletin** regarding FOIL (Freedom Of Information Law) and

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

record access. The article highlighted the Court's state of the art electronic record-keeping system.

PUBLIC COMMENTS:

COMMUNITY CENTER

Peg Lamb asked about the pile of debris still located behind the Community Center, including an old trailer that belongs to the Conklin Fair Committee. Mr. Francisco, who is also President of the Fair Committee, stated that he will address this concern with the rest of the Fair Committee.

Bonnie Tolomei commented that she noticed that there are only four outside lights on now at night at the Community Center, adding that this is a good cost-cutting action. Mr. Francisco stated that two more lights will be added, so that there will be a total of six lights on outside at night, with the two additional lights controlled by sensors.

Mr. Finch asked about the outside lights on the Town Hall, which had not yet been adjusted to compensate for Daylight Savings Time. Mr. Bullock stated that he adjusted them tonight when he arrived for the Board meeting.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting stated that he is six or eight months ahead of schedule with the Town's mandated sign replacement program, adding that the mild winter has helped. He stated that the 428 signs that have been replaced to date were scheduled for the fall of 2012. Mr. Latting stated that there are approximately 300 more signs to replace.

RESO 2012-35: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/WHITE
GOODS & BRUSH PICK-UP/APRIL 23 – MAY 4, 2012

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 curbside pick-up of white goods and brush for the period April 23 through May 4, 2012.

Seconded by Mr. Minoia.

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

The Town Board decided to table approval of advertisement for tire drop-off, tentatively scheduled for April 23 through May 18, 2012, until the March 27 Town Board meeting, so that it

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

can be determined whether or not Broome County Landfill will waive the tipping fees for the tires. Mr. Finch stated that scavengers of the white goods will be arrested if caught.

Mr. Latting stated that he is negotiating with FEMA (Federal Emergency Management Agency) regarding payment for several sites that were damaged during the 2011 Flood. He stated that he has “revamped” the quotes, with the Town purchasing stone materials at the Broome County bid price. Mr. Latting stated that he has three quotes but needs time to review them, as one quote arrived just hours before tonight’s meeting. He estimates that the changes to purchasing will save the Town approximately \$15,000. Mr. Latting stated that he is also waiting for easements to be signed before he can proceed with repairs.

REPORT: WATER & SEWER DEPARTMENT

Refer to written report. Water and Sewer Superintendent Tom Delamarter was excused from tonight’s meeting due to illness.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones stated that his office has been working on the Community Center repair project, the Flood Buyout Program, and on oversight of flood repairs, with over 100 building permits issued to flood damaged structures. He stated that his office has received 72 property owners’ signatures applying for the Buyout Program. Mr. Jones stated that his office has issued property damage assessments and information sheets to the property owners and he has compiled all the data into a spreadsheet. He stated that on February 24, with the assistance of the legal and engineering consultants, the Town’s application was submitted to FEMA, who will make the final determination regarding eligibility. Mr. Jones stated that the next steps will be to collect existing survey information and take photographs of the damaged structures. FEMA is expected to reach a decision regarding the Town’s eligibility in either June or July of 2012, then the information collected by the Code Office will be submitted and the application moved forward.

Mr. Finch asked if there are four property owners who plan to raise their homes and Mr. Jones confirmed that this is the case, noting that there is a home on Shipman Road and one or two on Conklin Road. Attorney Cheryl Sacco asked if FEMA was providing money for elevating homes and Mr. Jones replied, “Maybe.” Mr. Minoia stated that he recently read a pamphlet which stated that FEMA has a program through which it pays to raise homes.

Mr. Minoia asked about the status of the piles of contaminated soil behind the car wash and Mr. Jones replied that he will call the DEC (New York State Department of Environmental Conservation) again, as nothing has been done with the problem. Mr. Finch stated, “The DEC is in the wrong.” He stated that it has not yet been determined whether the contaminated piles are being taken to the Broome County Landfill or to Ithaca. He stated that the persons who authorized the dumping in Conklin of the contaminated soil from a gas station stated that they “thought it wasn’t contaminated.”

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
MARCH 13, 2012

OLD BUSINESS:

NOISE LOCAL LAW

Attorney Cheryl Sacco opened discussion about the proposed local law to control noise levels. She stated that the Town's current Code section 140-114 addresses "noisy neighbor" issues and will be included in the new law. Ms. Sacco stated that the Towns of Windsor and Colesville have enacted similar laws. She explained that the local law would set the base noise level in the Town and would then allow an increase over that base of five dBAs (A-weighted decibels) during daytime hours and three dBAs during nighttime hours. Ms. Sacco stated that a Temporary License could be obtained from the Town Clerk for three days, if the increase in noise level would be greater than that allowed in the local law, or from the Town Board for a longer period of time than the three days. She stated that a Form 239 needs to be sent to Broome County Planning Department for its input. Code Officer Jones stated that he will need to purchase a decibel meter and be trained in its use.

RESO 2012-36: SCHEDULE PUBLIC HEARING/LOCAL LAW 1, 2012/ "NOISE CONTROL"/MAY 8, 2012/7:05 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 7:05 P.M. on May 8, 2012, to receive public input regarding proposed Local Law 1, 2012, "Noise Control."

Seconded by Mr. Francisco.

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

UPDATE/COMMUNITY CENTER RESTORATION

Mr. Jones stated that the contractor has completed his portion of the Floyd Maines Community Center restoration project, adding that Town employees are now replacing ceiling and floor tiles, and installing plumbing. He stated that sinks and urinals still need to be installed, and the building thoroughly cleaned and the floor waxed. The scheduled re-opening of the Community Center is April 1, although it is anticipated that the kitchen renovation will not be completed until April 15. Mr. Jones has received three quotes on kitchen appliances. Mr. Finch commented that the Town would buy new appliances, since research has shown that the price is almost the same for used appliances as it would be for new ones.

Mr. Finch stated that a second set of doors could be installed near the front entrance to create an "airlock," to try to keep the heat from escaping when the outside doors are opened and closed, adding that this possibility is being researched for cost. The Board discussed whether or not panic bars are needed for the doors in the bathrooms that lead to the outside of the building. Mr. Bullock asked if there are emergency lights in the bathrooms and Mr. Jones confirmed that there are emergency lights. Mr. Bullock commented that the Town needs to make sure it purchases the correct size doors. Mr. Jones commented that he will need to get three quotes for the doors. Mr. Jones added that the ceiling tiles near the doors will need to be changed so that air puffs from the doors opening and closing do not lift the tiles. Mr. Francisco commented that there are clips designed to hold ceiling tiles in place. Mr. Finch stated that a new piece of carpet will be

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

installed in the entrance way to cut down on the tracking of dirt into the Community Center and the heat will be changed.

Mr. Bullock stated that the floor tiles have been replaced and the toilets installed in the women's bathroom. He stated that sinks and countertops still need to be installed. Mr. Bullock stated that the front sidewalk needs to be repaired with concrete before the Community Center re-opens. Mr. Bullock stated that Parks Superintendent Tom Delamarter had obtained two adult workers through the Broome County Work Force, at no cost to the Town, to help with the Community Center restoration project, adding that they are very good workers.

Dolly Stout commented that the Town needs to make sure the handicapped bars on the toilets are installed with the correct placement, adding that the ones that were in place before the flood were incorrectly installed. Mr. Francisco stated that he thinks the Town should install crash bars on the bathroom doors that lead to the outside and Mr. Minoia agreed. This would allow for another exit from the building in case of emergency.

12 WOODCREST WAY

Mr. Finch stated that the Town now owns the property located at 12 Woodcrest Way and must decide whether to advertise to sell it, or pay to tear down the flood-damaged structure located there. Mr. Finch stated that he would like the Town to be able to recoup the legal fees. Mr. Bullock agreed that the Town needs to recoup some of the money spent and stated he thinks the Town should advertise in the **Country Courier** to sell the property, with a minimum bid of \$10,000.

RESO 2012-37: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/SELL
PROPERTY AT 12 WOODCREST WAY/MINIMUM BID \$10,000

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the advertisement in the **Country Courier** of the acceptance of bids to purchase 12 Woodcrest Way, Tax Map No. 178.07-3-3, from the Town of Conklin. Sealed bids must be submitted to the Town Clerk by 1:00 P.M. on May 8, with the bids to be opened at the Board meeting that evening, and must be a minimum of \$10,000. The purchaser must make the exterior of the building located on the property Code compliant within 90 days of the date of purchase.

Seconded by Mr. Minoia.

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

NEW BUSINESS:

UNITED COMMUNITY DAY

A celebration of the Town's businesses and residents will take place on United Community Day, April 28, 2012. Businesses will have the opportunity to show the public and other businesses what they have to offer. Town Clerk Sherrie Jacobs stated that letters of invitation have been sent to all of the Town's businesses, adding that Deputy Town Clerk Marilou Gabello was very helpful in procuring the correct addresses for this project.

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

Mr. Finch stated that the Town is launching a “Beautification of Conklin” project, with the hopes of cleaning up the Town from the flood debris and encouraging residents and business owners to take pride in the appearance of their properties and perhaps plant some flowers. He stated that the Town Board will advertise in the **Country Courier** inviting those interested in participating to send their name and contact information to the Town. From these names, two winners will be selected, with the first winner to receive \$100, and the second winner \$50, worth of flowers for their yards. Town Clerk Jacobs also mentioned the possibility of a riverbank clean-up.

Mr. Finch stated that the Town is researching the possibility of extending the water and sewer systems to an area that would allow for 60 to 70 new homes to be constructed.

2012 PARK PAVILION RENTAL FEES

The Town Board discussed the possibility of raising the Park Pavilion rental fees and decided to keep the fees the same for 2012.

**RESO 2012-38: AUTHORIZE ADVERTISEMENT/COUNTRY
COURIER/LIFEGUARDS/TOWN POOL/2012 SEASON**

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** for the position of lifeguard for the Conklin Pool for the 2012 season.

Seconded by Mr. Francisco.

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

**RESO 2012-39: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/RENTAL OF
PARK PAVILIONS & COMMUNITY CENTER & RENTAL FEE SCHEDULE/2012**

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** of the availability of rental of the Park Pavilions and of the Community Center and the rental fee schedule for 2012.

Seconded by Mr. Francisco.

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

**RESO 2012-40: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/UNITED
COMMUNITY DAY**

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** to promote United Community Day, to be held April 28, 2012.

Seconded by Mr. Minoia.

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

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

RESO 2012-41: AUTHORIZE WATER & SEWER SUPERINTENDENT/TOM DELAMARTER/ATTEND NY RURAL WATER ASSOCIATION TECHNICAL CONFERENCE/VERONA, NY/MAY 20-24, 2012

Mr. Minoia 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 Technical Conference, located in Verona, New York, from May 20 through May 24, 2012, and authorizes payment of the following costs associated with the Conference: NYRWA registration - \$325.00, Turning Stone Hotel – four nights at \$119.00 per night, totaling \$476.00, and mileage and meals (per diem) paid to the attendee.

Seconded by Mr. Francisco.

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

RESO 2012-42: AUTHORIZE PAYMENT/BILL LIST/\$72,150.54

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 \$72,150.54:

General	\$27,610.21
Highway	14,377.71
Flood Emergency	7,514.37
Light Districts	449.08
Sewer District	4,214.36
Water District	1,491.81
Non-Budget	<u>16,493.00</u>
Total	\$72,150.54

Seconded by Mr. Francisco.

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

Mr. Finch explained that the “Non-Budget” amount reflects the PILOT (Payment In Lieu Of Taxes) from the Conklin Senior Housing amount being paid to Susquehanna Valley School District for payment of school tax.

RESO 2012-43: RECOMMENDATION TO IMPROVE TRAFFIC SAFETY BY REDUCING THE SPEED LIMIT AND POSTING SPEED LIMIT SIGNS ON STILLWATER ROAD IN THE TOWN OF CONKLIN

PRESENT:

Supervisor Vacant
Councilman Gary D. Bullock
Councilman Charles Francisco

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

Deputy Supervisor and Councilman James E. Finch
Councilman Jerry Minoia

ABSENT:

Offered By: Mr. Francisco

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, members of public appeared at Town Board meeting on February 28, 2012, alleging that speed limit signs and a reduction in the speed limit was necessary for Stillwater Road;

WHEREAS, Stillwater Road is located off Conklin Road;

WHEREAS, Stillwater Road is residential, where a number of families with young children live;

WHEREAS, Stillwater Road has a speed limit of 30 mph;

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 Stillwater 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 on Stillwater Road in the Town of Conklin be reduced to 20 miles per hour and 2) that the speed limit be clearly posted.

RESOLVED, that copies of this resolution, 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: March 13, 2012

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 March 13, 2012. Said resolution was adopted by the following roll call vote:

Supervisor Vacant

Councilman Gary D. Bullock

No

Councilman Charles Francisco

Yes

Deputy Supervisor and Councilman James E. Finch

Yes

Councilman Jerry Minoia

Yes

Dated: March 13, 2012

Town of Conklin Seal

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

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

Mr. Bullock stated that he feels the problem is a need for enforcement of the existing speed limit, rather than a reduction of the speed limit. He stated that it is “outsiders causing a neighborhood problem.” Attorney Sacco stated that the decision regarding the speed limit will be decided by New York State and Broome County, adding that the Town of Conklin “has no say” in the matter.

RESO 2012-44: AUTHORIZE CHANGE/MARCH 27, 2012 TOWN WORK SESSION TO
REGULAR TOWN BOARD MEETING/5:30 P.M. START TIME

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes changing the March 27, 2012 Town Work Session to a Regular Town Board Meeting, with a start time of 5:30 P.M.

Seconded by Mr. Minoia.

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

CPR CLASS/TOWN HALL EMPLOYEES

Mr. Bullock stated that the Town will need to schedule a CPR class for the Town Hall employees in either April or May to maintain compliance with the presence of AEDs (Automatic External Defibrillators) in the building. Assistant to the Supervisor Lisa Houston will make a list of employees who need the CPR class. Mr. Finch stated that information about the class will be included with the next pay cycle’s paycheck.

PARK PAVILION RENTALS

Town Clerk Sherrie Jacobs stated that Park Pavilions will be available to rent beginning April 2, 2012.

OPENING DAY/LITTLE LEAGUE

Mr. Finch stated that April 28, the United Community Day, is also the Opening Day for Little League.

RESO 2012-45: EXECUTIVE SESSION/PERSONNEL ISSUE

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 8:00 P.M. to discuss a personnel issue.

Seconded by Mr. Francisco.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:00 P.M. with Deputy Supervisor James Finch presiding. Present were: Deputy Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Town Clerk Sherrie Jacobs, and Attorney Cheryl Sacco. Town Clerk Jacobs 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.

REGULAR TOWN BOARD MEETING
MARCH 13, 2012

RESO 2012-46: 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 8:50 P.M.

Seconded by Mr. Minoia.

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

No action was taken.

RESO 2012-47: RESTRICT USE OF TOWN VEHICLES TO TOWN BUSINESS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin requires that all Town-owned vehicles, except those driven by the Highway Superintendent and Deputy Highway Superintendent, be parked at either the Town Hall or Highway Garage unless being used on official Town business. No Town-owned vehicle may be drive to and/or from work and all such vehicles are to be used for official Town business only, unless previously authorized by the Supervisor, Deputy Supervisor, or a member of the Town Board. This resolution becomes effective March 15, 2012.

Seconded by Mr. Bullock.

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

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 8:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on February 14, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	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
	Substitute DCO	Kelly Wildoner

GUESTS:	Country Courier	Elizabeth Einstein
		John Colley
		Dolly Stout
		Joseph Bartosik
		Roberta Welch
		Peg Lamb
		Peter J. Motsavage
		Caren Zopp
		Marie Bowden
		Bonnie Tolomei
		Angelo Tolomei
		Laurie Francisco

MINUTES: JANUARY 10, 2012 REGULAR TOWN BOARD MEETING

Mr. Minoia moved to approve the January 10, 2012, Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

MINUTES: JANUARY 24, 2012 WORK SESSION

Mr. Finch commented that the January 24, 2012 Work Session minutes should be changed on page 3, line 22 from the bottom, to read “the water main is reduced from ten inches to six inches to two inches where Fountain Bleau Mobile Home Park connects.”

Mr. Francisco moved to approve the January 24, 2012 Work Session minutes as corrected.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the New York State Department of Environmental Conservation (DEC) regarding the piles of contaminated fill dirt behind the Car Wash. He stated that the person responsible for putting the fill in that location has until the end of this week to come up with a plan for removal of the piles, and then two days after that in which to actually remove them.

Mr. Finch stated that letters were sent to the residents of Berota Court apprising them of the Town's plan to mitigate the ponding of stormwater in that area to eliminate breeding areas for mosquitoes, adding that the Town must wait until the two property owners whose property must be accessed using easements sign the easement agreements. No work on the mitigation plan can be started until the easements are signed.

Mr. Finch 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:

FLOYD MAINES COMMUNITY CENTER

Mr. Finch stated that a committee of six people has been formed to brainstorm ways in which the Floyd Maines Community Center can be more self-sustaining, adding that the building is "for the whole Town," not select groups. He stated that the Board anticipates that the Community Center will re-open by April 1, but added that some changes will be necessary in the way the building is used.

Bonnie Tolomei stated that she heard a rumor that the Town does not want the Conklin Seniors Club to use the Community Center, even after it re-opens. Mr. Finch stated that this is not true, adding that the Seniors Club will be able to continue holding their weekly meetings at the Community Center. Mr. Finch stated that the Conklin Rotary Club and the Conklin Fair Committee will be meeting at the Castle. Mrs. Tolomei asked if the Seniors will be able to meet every week and Mr. Finch re-iterated that they will be able to meet every week after the Community Center re-opens. She asked if the Town plans to charge various groups for use of the building and Mr. Finch stated that this possibility is being discussed.

Joseph Bartosik stated that the Conklin Seniors Club does not need to use the kitchen, adding that they just need "a space to sit down." He asked why the space can't be cleaned up so that the Seniors Club can use it. Code Officer Robert Jones explained that the bathrooms are not yet functional. Dolly Stout suggested installing a double set of doors to create an airlock, to keep the heat from escaping every time a door is opened.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

REPORT: HIGHWAY SUPERINTENDENT

In addition to his written report, Highway Superintendent Patrick Latting stated that the mild winter weather has allowed his department to get an early start on spring projects, such as the five-year sign replacement plan, which he stated will be done ahead of schedule.

Mr. Latting stated that Sullivan Park has been cleaned up and the outbuilding removed. He stated that his crew has been trimming trees and sweeping roads. Mr. Latting stated that he is awaiting a price quote from Time Warner regarding a security system for the Highway Garage, which currently does not have a security system, which Mr. Latting stated creates a “big liability.” Mr. Francisco is researching lighting options and security options.

Mr. Latting stated that his department is working on truck maintenance and repairs. He stated that he is awaiting quotes for the sites that need repair from the flood and which are being paid for through FEMA (Federal Emergency Management Agency), adding that there are six sites total, one of which has been completely repaired. Mr. Latting stated that there is a discrepancy on the Fallbrook slope project.

Mr. Latting stated that the DEC inspected the Highway Garage for hazardous waste and debris and was very pleased with the efforts put forth by Mr. Latting and his crew. The Highway Garage passed the inspection.

Mr. Latting stated that the FCC (Federal Communications Commission) has set forth new regulations regarding two-way radios, cutting the waves in half and compressing the signals. He stated that he has received a quote from Tri-County Communications of \$5,800 to replace eight radios. Mr. Latting explained that the Town must comply with these new regulations by January 1, 2013. He stated that Tri-County Communications has the Broome County contract on equipment. Mr. Finch asked if the work must be done on site, and therefore the Town must pay prevailing wages, and Mr. Latting stated that he will research this issue. Mr. Latting stated that the work at the Highway Garage must be done on site. Attorney Cheryl Sacco stated that some Broome County contracts include a second warranty.

Mr. Latting spoke about a program he discovered called US Communities. This program, if adopted by the Town, would allow the Town to purchase automotive parts at a much less expensive price from one vendor, which in this area is CarQuest. Attorney Sacco stated that the Procurement Policy exception to the competitive bidding process, detailed in Section 119.0 of General Law, is regarding cooperative municipal purchasing, allowing, in effect, “bulk purchasing” such as this US Communities program would provide. Bids are received by the vendor both in and outside of New York State. Ms. Sacco stated that other Broome County municipalities utilize this program, which she stated would give the Town more options. She added that the Board will need to amend the current Procurement Policy, adding that a resolution to do so could be adopted at the February 28, 2012 meeting of the Town Board. The Board is in favor of moving forward with this program.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that his department has read the water meters and the quarterly water and sewer bills have been mailed to residents. He stated that a motor burned out at Well 6 and was replaced. Mr. Delamarter reported that there was a bad coil at Well 5 and that was repaired. He added that FEMA is paying for the repairs. Mr. Delamarter stated that FEMA electricians have examined

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

the junction boxes at the sewer stations for the necessary mitigation and added that FEMA will pay the cost of having the junction boxes rebuilt.

Mr. Finch stated that the Board is researching grants for the water and sewer department, adding that he has contacted some grant writers who may be able to help with this process. Mr. Delamarter thanked the Highway Department for the help in cleaning up Sullivan Park.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that all applications have been received for the FEMA Flood Buyout Program, adding that Griffiths Engineering is preparing the Letter of Intent to send to FEMA. Mr. Jones stated that there are 74 applications for the Buyout Program, including four parcels of vacant land and two businesses. He stated that he grouped the properties by area, so that the Board could see where the green spaces will be, if the properties are part of the Buyout. Mr. Jones stated that Alta Road will be completely vacant if the remaining property is accepted in the Buyout Program.

Mr. Jones stated that he has been busy with inspections of rebuilds of homes damaged by the 2011 Flood. He stated that he has been working with the Water and Sewer Department regarding development of a residential area to allow more homes to be built.

Mr. Jones stated that he had the entire exhaust system replaced on the Town Code truck. Mr. Minoia stated that all quotes for mechanical work are to be written or faxed, adding that phone quotes are not acceptable.

Mr. Minoia asked about the flood-damaged house on Shipman Road and Mr. Jones stated that the owners had it burned by the Conklin Volunteer Fire Department. He added that they intend to place a modular home atop eight foot piers to replace the flood-damaged house, with Fahs Construction doing the work. Mr. Jones asked if the sale to the Town of 12 Woodcrest Way is complete and if the Town is planning to demolish the structure, which was damaged in the 2006 Flood.

REPORT: DOG CONTROL OFFICER

Dog Control Officer Darlene Weidman stated that there are only a half-dozen really delinquent dog licenses now, adding that the new dog law, which allows her to seize unlicensed dogs, has been very helpful in getting dog owners to comply with the dog licensing law.

QUESTIONS FOR PARKS & WATER & SEWER DEPARTMENTS

Mr. Bullock asked Parks Superintendent Tom Delamarter if the gates to Schnurbusch Park are usually locked during the winter, and Mr. Delamarter replied that the park is open to walkers year round. Mr. Bullock stated that the gates should be locked until spring, to keep vehicles out of the park and prevent possible vandalism to the property by people driving in areas other than the park roadways. Walkers could still access the park.

Mr. Bullock asked Mr. Delamarter about selling the stripper from Wellhouse 1, near Johnson Outdoor, which has been unused for years. Attorney Sacco stated that the Town must first declare the stripper surplus equipment before it can be sold.

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

Mr. Finch told the residents at the meeting that the Town of Conklin has “good employees. They are loyal and dedicated, and they work hard to save you money.”

OLD BUSINESS:

REMAINING FLOOD DONATIONS

Mr. Finch stated that the donations given to assist with flood relief were split between the businesses in the Town that sustained flood damage, with the remaining \$2,500 given to the Conklin Volunteer Fire Department, which was instrumental in rescue during the flood. He stated that \$700-\$800 in checks were returned from Town businesses and stated that these monies should be split between the Conklin Presbyterian Church and the Little White Church, both of whom were instrumental in flood relief and recovery.

**RESO 2012-7: DONATE REMAINING FLOOD DONATIONS/CONKLIN
PRESBYTERIAN CHURCH AND LITTLE WHITE CHURCH**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin donates the remaining flood relief donations to the Conklin Presbyterian Church and the Little White Church.

Seconded by Mr. Francisco.

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

INVENTORY APPRAISAL RECOMMENDATION

Mr. Finch stated that utilizing the Inventory Appraisal recommendation made by Assistant to the Supervisor Lisa Houston would help greatly with the record-keeping process and would allow the Town to clean up the surplus equipment it no longer uses.

COMMUNITY CENTER COMMITTEE

Mr. Finch stated that a Community Center Committee has been formed to consider ways to make the Community Center more self-sustaining. The Committee will consist of Mr. Finch, Town Councilman Chuck Francisco, Town Clerk Sherrie Jacobs, Conklin Senior Citizens Club President Bob Tokos, Youth Commission member Rob Finch, and Parks Superintendent Tom Delamarter.

Mr. Francisco is working a new lighting at the Community Center which will help save money by using outdoor LED lights. Mr. Bullock asked if the lights are all on one circuit and Mr. Francisco stated that the lights are on two separate circuits. Mr. Francisco stated that he feels we should leave lights over the doors and at the four corners of the buildings, with twelve lights total. Mr. Finch asked if the lights could be alternated, one on, one off, but Mr. Francisco stated that lights over the doors and at the corners would be sufficient. It will mean eight less lights will be used. Mr. Francisco will work with Mr. Jones on this project.

NEW BUSINESS:

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

RESO 2012-8: APPROVE DEPUTY SUPERVISOR/SIGN CONTRACT/INDUSTRIAL APPRAISAL COMPANY/INVENTORY SERVICES/2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Deputy Supervisor James E. Finch to sign a contract with Industrial Appraisal Company for \$4,950.00 for inventory services to be performed this current year. Also included in the contract is \$650.00 for tagging of movable furniture and equipment of minimum cost of \$500.00 and above, and \$495.00 purchase of VFACS software. The total cost of the contract is \$6,595.00.

Seconded by Mr. Minoia.

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

Mr. Bullock asked about a time frame for completion of this project. Assistant to the Supervisor Lisa Houston explained that there will be a two-week set up time, and asked that it not be started until after March 31, 2012, after the annual audit and report to New York State have been completed. The project will begin approximately April 1 and move forward.

RESO 2012-9: ACCEPT DONATIONS IN MEMORY OF RUTH E. TERBOSS JOYNER (DEBRA A. PRESTON’S DECEASED MOTHER)/TO BE USED SOLELY BY TOWN OF CONKLIN YOUTH SPORTS PROGRAM

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts donations in memory of Ruth E. Terboss Joyner (Debra A. Preston’s deceased mother) from various individuals, businesses, and organizations in the amount of \$1,030.00, revenue line A-2705-1 and Budget line A-7310-4-402, with donations to be used solely by the Town of Conklin Youth Sports Program.

Seconded by Mr. Francisco.

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

Mr. Finch thanked Debra Preston and her brothers for allowing the donations in memory of their mother to be given to the Youth Sports Program.

RESO 2012-10: CALL ON NYS DEPARTMENT OF LABOR/WAIVE ASBESTOS REMOVAL FEES FOR STRUCTURES OBTAINED THROUGH FLOOD BUYOUT PROGRAM

Mr. Minoia moved for the following resolution:

WHEREAS, municipalities in Broome County and neighboring communities have been subject to significant financial hardships associated with recovery from damage sustained during the flooding event of September 2011; and

WHEREAS, the acquisition of several hundred flood damaged properties (Buyout) through the Federal Emergency Management Agency’s Hazard Mitigation

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

Grant Program are expected to comprise the majority of applications for federal funding appropriated for this disaster; and

WHEREAS, twenty-five percent of the total project cost associated with these buyouts must be provided by a non-federal source, costs that will be incurred by local municipalities or property owners; and

WHEREAS, the buyout process requires the removal of the flood damage structures for proper flood management and protection of public health and safety; and

WHEREAS, the cost of demolishing these properties is increased due to New York State Department of Labor fees related to asbestos removal totaling \$4,000 per structure; and

WHEREAS, local municipalities recognize that New York State also is experiencing financial pressures resulting from damage sustained during both Hurricanes Irene and Tropical Storm Lee; and

WHEREAS, the waiver of asbestos removal fees would achieve minimal negative impacts on State revenues, while providing local governments with significant financial relief during recovery; and

WHEREAS, waving these fees would reduce the total project cost resulting in savings to local municipalities, allowing for the purchase and demolition of additional properties and the relocation of more people out of the floodplain and reducing the costs of future flooding events; and

WHEREAS, these fees are the result of an unanticipated disaster, and therefore waiving these fees would not negatively impact the State's finances; and

WHEREAS, waiving these fees would represent a willingness by the State to assist local governments without financially impacting other parts of the State budget; and

WHEREAS, Article 30 of New York State Labor Law does not allow the Department of Labor to waive these fees:

NOW, THEREFORE BE IT RESOLVED, that the Town of Conklin calls upon New York State to amend Article 30 of New York State Labor Law to allow the Department of Labor to waive fees associated with asbestos removal from structures being demolished as a result of flooding in areas subject to a Federally declared disaster.

Seconded by Mr. Francisco.

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

Mr. Minoia asked if FEMA paid for the asbestos removal following the 2006 Flood and Mr. Finch replied that FEMA paid partially.

RESO 2012-11: ADOPT BROOME COUNTY HAZARD MITIGATION PLAN

PRESENT:

Supervisor: Vacant

Councilman Gary D. Bullock

Councilman Charles Francisco

Deputy Supervisor and Councilman James E. Finch

Councilman Jerry Minoia

ABSENT:

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

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 at the Conklin Town Hall located at 1271 Conklin Road, Conklin, NY 13748, does hereby resolve as follows:

WHEREAS, Town of Conklin, with the assistance from Griffiths Engineering, LLC, has gathered information and prepared the Broome County Hazard Mitigation Plan; and

WHEREAS, the Broome County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Town of Conklin is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Town of Conklin have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

WHEREAS, pursuant to 6 NYCRR Section 617.5 (20) of the implementing regulations pertaining to State Environmental Quality Review Act (“SEQRA”), this resolution is a Type II action and thus no SEQRA review is necessary, and

NOW THEREFORE, BE IT RESOLVED by Town Council that the Town of Conklin adopts the **Broome** County Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

RESOLVED, this resolution shall become effective immediately.

ADOPTED this 14th February 2012 at the meeting of the Town Board of the Town of Conklin.

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 February 14, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant

Councilman Gary D. Bullock YES

Councilman Charles Francisco YES

Deputy Supervisor and Councilman James E. Finch YES

Councilman Jerry Minoia YES

Dated: February 14, 2012

Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

Mr. Minoia asked if the adoption of this Hazard Mitigation Program will result in a discount in flood insurance rates for residents. This question is being researched. Mr. Finch stated that this means the Town of Conklin is being added to Broome County’s Hazard Mitigation Plan, adding that the Town of Conklin’s stand-alone Hazard Mitigation Plan is expiring.

RESO 2012-12: AUTHORIZE EXECUTION OF SETTLEMENT/LITIGATION
MATTER

Mr. Francisco moved for the following resolution:

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

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;

WHEREAS, on or about December 13, 2011, the Town Board approved this settlement, however; the terms had an error within the Schedule A of the Consent Order.

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

1. This resolution amends the previous action of the board and approves settlement of the matter using correct assessment number on Schedule A, all the remaining terms to remain the same.
2. Legal Counsel hereby is authorized to execute said Stipulation papers on behalf of the Town.
3. This resolution shall take effect immediately.

CERTIFICATE OF TOWN CLERK

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, in the County of Broome, State of New York, HEREBY CERTIFY, that the above resolution was duly adopted by the Town Board of the Town of Conklin on February 14, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 14th day of February, 2012 _____

Sherrie L. Jacobs, Town Clerk

Attorney Sacco explained that this is a correction to some numbers in the tax certiorari case with Verizon.

RESO 2012-13: ADDRESS OPEN MEETINGS LAW AMENDMENTS & SET FORTH
REASONABLE AND PRACTICABLE PROCEDURES

PRESENT:

Supervisor: Vacant
Councilman Gary D. Bullock
Councilman Charles Francisco
Deputy Supervisor and 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 at the Conklin Town Hall located at 1271 Conklin Road, Conklin NY 13748, does hereby resolve as follows:

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

WHEREAS, Public Officers Law Section 103 (e) requires that the Town make its records available to the public pursuant to article six of Public Officers Law, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by the Town during an open meeting (hereinafter "Agenda Items"); and

WHEREAS, Public Officers Law requires that such Agenda Items shall be made available, upon request therefore, to the extent practicable as determined by Town, prior to or at the meeting during which the records will be discussed; and

WHEREAS, the Town does maintain a regularly and routinely updated website and utilizes a high speed internet connection, such Agenda Items shall be posted on the website prior to the meeting, to the extent practicable as determined herein; and

WHEREAS, based upon time constraints, financial constraints and personnel constraints, Town deems the following to be practicable and reasonable; and therefore

IT IS RESOLVED THAT, a request for copies of Agenda Items - that are 20 pages or less- can submitted up to noon on the same day of the meeting and will be processed before the meeting; and

RESOLVED THAT, any request for Agenda Items that are longer than 20 pages must be made at least 24 hours before the meeting; and

RESOLVED THAT, copies of Agenda Items will be made available for a reasonable fee, determined in the same manner as provided for in the Public Officers Law; more specifically, the cost is twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record in accordance with the law; and

RESOLVED THAT, the Town can charge the actual cost of reproducing Agenda Items, including engaging outside professional service, actual cost of any storage device and, where allowable, the hourly salary attributed to the lowest paid agency employee who has the necessary skill required to prepare a copy of the requested record; and

RESOLVED THAT, in accordance with the Public Officers Law, a person requesting Agenda Items shall be informed of the estimated cost of preparing a copy if more than two hours of an employee's time is needed, or if an outside professional service would be retained to prepare a copy; and

RESOLVED THAT, Agenda Items submitted at least three business days before the meeting will be posted on the website and whenever possible, such Agenda Items will be posted on the website at least 24 hours prior to the meeting time; and

RESOLVED THAT, Agenda Items submitted less than three business days before a meeting shall not be posted on the website and

RESOLVED THAT, this Resolution shall take effect immediately.

ADOPTED this 14th February, 2012, at the meeting of the Town Board of the Town of Conklin.

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 February 14, 2012. Said resolution was adopted by the following roll call vote:

Supervisor Vacant

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

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

Dated: February 14, 2012

Town of Conklin Seal

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

Town Clerk Sherrie Jacobs discussed the ways in which the Town would like to update its website, making access to information easier.

RESO 2012-14: AMEND SALARY/TOWN JUSTICE J. MARSHALL
AYRES/CORRECTLY REFLECT 3% RAISE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin amends the salary of Town Justice J. Marshall Ayres to correctly reflect his three percent raise (\$18,540.00), which was the intention of the Town Board during its passage of the 2012 Budget.

Seconded by Mr. Bullock.

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

RESO 2012-15: SET NEXT MEETING/2-28-2012/AS REGULAR MEETING/NOT A
WORK SESSION/STARTING TIME OF 5:30 P.M.

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets the next meeting, February 28, 2012, as a Regular Meeting, not a Work Session, with a starting time of 5:30 P.M.

Seconded by Mr. Francisco.

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

RESO 2012-16: SET PUBLIC HEARING/APPLICATION/STATE LINE QUARRY/
2-28-2012/5:45 P.M.

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets the Public Hearing for the application for State Line Quarry for February 28, 2012, at 5:45 P.M.

Seconded by Mr. Bullock.

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

Mr. Finch stated that the Joint Landowners Coalition will give a presentation on February 28, 2012, at 6:00 P.M. on the tax advantages of natural gas drilling for the Town.

RESO 2012-17: AUTHORIZE PRE-APPROVED JANUARY 24, 2012 BILL
LIST/\$465,999.02

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the pre-approved January 24, 2012 Bill List in the total amount of \$465,999.02:

General (2011)	\$ 29,107.50
Highway	890.96
Flood Emergency	11,091.93
Light Districts	2,247.74
Sewer District	503.00
Water District	<u>2,576.65</u>
2011 Total	\$ 46,417.78

General (2012)	\$ 66,140.74
Highway	10,294.42
Fire Protection District	230,605.00
Sewer District	689.00
Water District 6	138.00
Water District	3,895.00
Non-Budget Section	<u>107,818.18</u>
2012 Total	\$419,581.24

Grand Total	\$465,999.02
--------------------	---------------------

Seconded by Mr. Minoia.

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

RESO 2012-18: AUTHORIZE PAYMENT/2-14-2012 BILL LIST/\$70,069.23

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the February 14, 2012 Bill List in the total amount of \$70,069.23:

General	\$16,258.02
Highway	28,596.99
Flood Emergency	21,953.57
Light Districts	452.47
Sewer District	564.56
Water District	<u>2,243.62</u>
Total	\$70,069.23

Seconded by Mr. Minoia.

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

RESO 2012-19: RETAIN COUGHLIN & GERHART, LLP/STURTEVANT VS. TOWN OF CONKLIN

Mr. Bullock called for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin retains Coughlin & Gerhart, LLP, as council in the case of Sturtevant vs. the Town of Conklin.

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

Mr. Finch explained that this case is a water bill issue with the owner of the transmission shop, adding that the Town insurance will not cover the cost because this is not a case in the Town of Conklin Court.

RESO 2012-20: APPOINT HAROLD COLE/BOARD OF ASSESSMENT
REVIEW/FIVE-YEAR TERM/2-14-2012 – 12-31-2016

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Harold Cole as a member of the Town Board of Assessment Review for a five-year term from February 14, 2012, through December 31, 2016.

Seconded by Mr. Minoia.

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

NEW RAILROAD RADIO TOWER/SOUTH END OF TOWN

Mr. Finch stated that construction on the new radio tower that CP Rail wanted to install near the Buffalo Head Bar and Grill has been halted because the site is too close to the business. A new site for the radio tower has been found on Boland Drive. Mr. Finch explained that the radio towers are required every 25 feet for the safety of the trains.

RESO 2012-21: EXECUTIVE SESSION/PERSONNEL MATTER

Mr. Minoia moved to close the Regular Town Board Meeting and move into Executive Session at 8:20 P.M. to discuss a personnel matter.

Seconded by Mr. Bullock.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:20 P.M. with Deputy Supervisor James Finch presiding. Present were: Deputy Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Town Clerk Sherrie Jacobs, and Attorney Cheryl Sacco. Town Clerk Jacobs 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 2012-22: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Francisco moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:25 P.M.

Seconded by Mr. Bullock.

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

No action was taken.

RESO 2012-23: PROVIDE AND FUND A SALARY/DEPUTY SUPERVISOR

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
FEBRUARY 14, 2012

Be It Resolved: that the Town Board of the Town of Conklin provides and funds a salary for the position of Deputy Supervisor. The position will be salaried without overtime or benefits retroactive to January 1, 2012. The salary shall be set at \$16,000 per year, until such time as the position of Town Supervisor is filled, via appointment or election. In addition, this resolution allows reimbursement for cell phone usage of \$40.00 per month. If a Supervisor is appointed or elected, the salary of the Deputy Supervisor shall be null and void.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Abstain. Motion carried: 3 – Yes, 1 – Abstain.

ORAL VS. WRITTEN QUOTES

Mr. Minoia stated that he would like the Town Procurement Policy amended to make oral quotes unacceptable. The current Procurement Policy accepts oral quotes for amounts between \$500 and \$1,000. The new policy would require no quotes for amounts from 0 to \$500, and three written quotes for amounts between \$500 and \$3,000.

COMMUNITY CENTER REPAIRS

General discussion was held regarding repairs to the Maines Community Center.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:55 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

WORK SESSION
JANUARY 24, 2012

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on January 24, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	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
	Zoning Board of Appeals	Dell Boyle
	Town Engineer	John Mastronardi
GUESTS:	Country Courier	Linnea Ransom
	Roberts' Stone	Joe Roberts
	Keystone Associates	Ronald Cobb
		Mario Masciarelli
		Joseph Bartosik
		Dolly Stout
		Tom Kelly
		John Colley

ROBERTS' STONE QUARRY

Deputy Supervisor Finch started the discussion by stating that he had met with Mr. Joe Roberts, owner of Roberts' Stone Quarry, Mr. Minoia, and Code Officer Robert Jones at a previous date, and had asked Mr. Roberts to come to the Work Session to discuss his permit application for his bluestone mining operation. Mr. Roberts had purchased the quarry on State Line Road from Lawrence Gregory. Mr. Roberts' engineer, Ronald Cobb of Keystone Associates, was also present for the discussion.

Mr. Roberts stated that the large DEC (New York State Department of Environmental Conservation) permit for which he is applying will allow his quarry to process crusher run stone. He stated that his business will assume responsibility for any road damage that occurs as a result of his mining operation, adding that his company will bond for road repair when the crushing operation begins. Highway Superintendent Patrick Latting asked what volume of traffic Mr. Roberts anticipates will be traveling over State Line Road and Mr. Roberts replied that he expects two tri-axles per week will be traveling on the road. Mr. Latting asked when the anticipated time frame for starting this operation will be and Mr. Roberts replied that it will be later this spring. Mr. Finch stated that a Public Hearing must be held regarding the permit.

Mr. Roberts explained that retention ponds will be built to catch the wastewater and runoff from the big saws used to cut the stone. He stated that the catch ponds will be built to ensure that there are no leaks, adding that the sludge will be dried in a second pond and then sold. Fences will be built around the ponds to ensure public safety. Mr. Roberts stated that his company will blacktop the roads running from the gates to the retention ponds, to cut down on the dust that

WORK SESSION
JANUARY 24, 2012

will be raised by the truck traffic. He stated that one pond will be near State Line Road, surrounded by a high fence.

Town Engineer John Mastronardi of Griffiths Engineering asked if the overall disturbance of the land will increase and Mr. Cobb stated that it will increase, with 64 acres total being disturbed. Mr. Cobb stated that there will be a 100 foot buffer from all wells.

Mr. Finch stated that the quarry had been “an eyesore” under the old operation, which he stated Mr. Roberts will correct as he begins his stone crushing operation. Mr. Mastronardi asked if the DEC-required wheel washing will take place on the property and Mr. Roberts replied that he has not yet applied to the DEC for the mining permit and therefore has not worked out all of the details.

Mr. Mastronardi asked about the bonding for road repair and asked if an assessment should be made to determine baseline condition of the roads in question. Mr. Finch replied that Griffiths Engineering had completed a road study in the recent past. Mr. Latting agreed, adding that he believes State Line Road was one of the roads from which core samples were taken.

Town Attorney Cheryl Sacco stated that a SWPPP (Stormwater Pollution Prevention Plan) would be required, as well as a Form 239 submitted to the Broome County Planning Department. She added that the County will require 30 days to examine the Form 239. Ms. Sacco reiterated that a Public Hearing would also be required. Ms. Sacco stated that a Long-Form SEQRA (State Environmental Quality Review Act) statement would be required. Mr. Finch stated that the Town would be Lead Agency for purposes of SEQRA, and Ms. Sacco replied that she is not sure the DEC will allow the Town to be Lead Agency. She stated that the Town Code states that the Town can approve a Special Permit for mining before the DEC permit has been obtained. Ms. Sacco added that the DEC will require a full application, including the SEQRA review. Broome County also requires the full application with the Form 239. Ms. Sacco stated that the Town’s responsibility in matters of mining permit applications is explained in Local Law 1 of 2003, in Section 140-95 of the Town of Conklin Code. Mr. Finch stated that he believes this law was enacted to require Mr. Gregory, the former owner, to obtain a permit and so exercise some control over the conditions of the mining operation. Ms. Sacco informed Mr. Roberts that he needs to provide a book and map of his mining plan to all of the Town Board members, the Code Officer, the Town Clerk, Griffiths Engineering, Broome County Planning Department, and two copies to her office. Attorney Sacco stated that the Town Board will need a resolution at the February 14 meeting to set a Public Hearing for the February 28 meeting, which she stated should be set as a Regular Meeting, as opposed to a Work Session.

Mr. Latting asked if the stone mining operation would utilize any other roads besides State Line Road, perhaps Ross Hill Road, Banta Road, or Farnham Road. Mr. Roberts replied that his operation will only use Brady Hill Road to Conklin Forks Road, and State Line Road to the Pennsylvania border. Mr. Mastronardi stated that he will review the SWPPP.

WATER DISTRICTS/PRIDE MANOR, STILLWATER ROAD & PROGRESS
PARKWAY

The discussion regarding water supply began with Pride Manor Mobile Home Park. The new owner of the mobile home park would like to hook up the park to water coming from the Town of Kirkwood, which travels across the river in a 10 inch main. The new owner has stated that he will do “whatever is needed” to get water for the mobile home park. He will construct a cinder block building in which to put the water meter. Mr. Finch commented that 80 additional trailers

WORK SESSION
JANUARY 24, 2012

will potentially be added to the water district and asked how the Town could compensate the existing members of the water district for money they have been paying on the bond for the district for the past twelve years. Attorney Sacco explained that Pride Manor Mobile Home Park would be considered an outside user to the water district. She stated that formerly, the Town of Kirkwood had not allowed outside users to the water district, but the current agreement between the Town of Conklin and the Town of Kirkwood has expired, and the Town of Kirkwood now will approve outside users as long as Griffiths Engineering addresses any backflow issues. Ms. Sacco stated that this means that the owner of the mobile home park is not on the bond. She reiterated that there are currently no outside users in the agreement with the Town of Kirkwood.

John Mastronardi stated that he spoke with Tony Mastroangelo from the Broome County Health Department and was informed that a backflow preventer has already been installed in the main on the Town of Kirkwood side. He suggested that another backflow preventer could be installed to prevent the “brown water” from Pride Manor Mobile Home Park from entering water to Stillwater Road or to Fountain Bleau Mobile Home Park. Mr. Mario Masciarelli, owner of the Fountain Bleau Mobile Home Park, stated that a backflow preventer is a necessity, and Water and Sewer Superintendent Tom Delamarter agreed.

Mr. Masciarelli stated that he has been paying the majority of the cost of the bond for the water district for the past twelve years. Ms. Sacco replied that the cost of the bond was to cover the cost of construction of the infrastructure for the water district, adding that outside users must pay for their own infrastructure, at a cost higher than the current members of the water district. Mr. Mastronardi commented that the owner of Pride Manor Mobile Home Park should provide data on both fire flow and domestic flow. Mr. Finch stated that the owner will provide this data, as well as pay for all fees – legal, engineering, etc. – incurred so far for this project.

Mr. Finch explained that the water main is reduced from ten inches to two inches where Fountain Bleau Mobile Home Park connects. He added that Mr. Mastronardi, Mr. Masciarelli, and the new owner of Pride Manor Mobile Home Park should meet to discuss where to connect the mobile home park to the current water supply. Ms. Sacco commented that the Town needs to protect all parties involved – the Town of Kirkwood, Stillwater Road residents, and both mobile home parks.

Mr. Masciarelli stated that he is upset because “no one else wanted to join (the water district) twelve years ago.” He stated that he feels the new owner of Pride Manor Mobile Home Park should pay part of the bond. Attorney Sacco will research this possibility.

Mr. Finch stated that 20 or 30 more residents of Stillwater Road want to tie into the water district and asked if this would be an extension of Water District 6 or a new Water District. Ms. Sacco stated that they could be outside users, adding that the Town is “starting from the ground up with outside user agreements.”

Mr. Finch stated that a property owner on Progress Parkway wants the water and sewer extended and his property rezoned from Residential to Residential/Commercial. The property owner will have to appear before the Zoning Board of Appeals with the rezoning request. Mr. Giammarino, who also owns property on Progress Parkway, would also like the water and sewer extended. Attorney Sacco stated that the same three options apply to sewer districts as apply to water districts: create a new district; extend the current district; or treat the new users as outside users to the current district. Mr. Finch stated that he is researching grants to help with the expansion of the water and sewer systems. Mr. Delamarter stated that the Water District ends near Mity Forms on Progress Parkway.

WORK SESSION
JANUARY 24, 2012

BOARD OF ASSESSMENT REVIEW

Mr. Finch stated that Paul Preston has resigned his position as a member of the Board of Assessment Review for the Town. He added that Town Assessor John McDonald recommends that Harold Cole, a member of the Zoning Board of Appeals, be appoint to take Mr. Preston's position on the Board of Assessment Review. This issue will be on the agenda for the February 14 meeting.

FEMA REPORT/CODE DEPARTMENT

Code Officer Robert Jones reported that his office has received to date 56 Letters of Intent for the FEMA (Federal Emergency Management Agency) Buyout Program. He added that he has been gathering data and estimating the damage done to homes in the Town. Mr. Jones stated that he has made sure residents understand that FEMA will pay 75% of the Buyout but there is no other money available for the remaining 25%. Mr. Jones provided a list by street of the number of homes on the potential Buyout list. Ms. Sacco requested that Mr. Jones keep her and Griffiths Engineering updated as any more Letters of Intent are received. Mr. Finch requested that the list be arranged by street names, so that the Board could see where the pockets of houses may be demolished if the Buyout offer is accepted.

Mr. Minoia asked if all of the Letters of Intent are for structures and Mr. Jones replied that of the 56, two are for vacant land, and two are for businesses, adding that he has been informed that all of these could qualify for the Buyout Program. Mr. Mastronardi stated that he inquired to SEMO (State Emergency Management Office) as to whether commercial property and/or vacant land would qualify and was told that SEMO will consider all of these on a case by case basis.

Mr. Minoia commented that the Town will lose even more of its tax base. Mr. Finch commented that he found out that the Town can collect surface rights and royalties, if natural gas drilling is permitted in New York State. Mr. Minoia stated that the area near Julius Rogers Park, which is in a sewer district and is therefore bonded for the district, is losing money.

Mr. Bullock asked who approves applications for the Buyout Program and Mr. Finch replied that FEMA approves or denies the applications, although the Town of Conklin prioritizes the applications. Mr. Mastronardi explained that the Town's Letter of Intent must be sent to SEMO by February 29, 2012, and SEMO then sends it to FEMA. Once FEMA approves a Buyout Program for the Town, the prioritized list of individual properties is sent to FEMA. Mr. Jones stated that he has set a deadline of January 31 by which residents' Letters of Intent need to be signed and returned to his office.

In a different area of Code Department business, Mr. Jones reported that the Planning Board has one case for its meeting on January 30. The owner of the former Keesler's Garage would like to add a used car sales lot to his detailing business at that site. Mr. Finch commented that this might constitute two businesses on one site and would therefore need to go to the Zoning Board of Appeals for a variance.

Mr. Finch commented that the property owner on Progress Parkway who wants his property rezoned has 24 acres. Ms. Sacco stated that the Town Board could start this process but it would then need to go before the Zoning Board of Appeals.

WORK SESSION
JANUARY 24, 2012

LEGAL FEES

Mr. Finch stated that the Town has received three Notices of Claim in the lawsuit filed by Attorney Ronald Benjamin. He added that NYMIR (New York Municipal Insurance Reciprocal), the Town's insurance carrier, has denied all three claims and will hire and pay for a separate attorney to defend the Town in the lawsuit (as opposed to Town Attorney Cheryl Sacco). Ms. Sacco stated that the only way a municipality can recoup legal fees is by statute or through a legally-binding contract.

INVENTORY REPORT

Assistant to the Supervisor Lisa Houston gave a presentation regarding the Inventory Report and the GASB 34 software program. She explained that, "per NYS accounting standards, Municipal Consultants, 'GASB 34 requires that fixed asset records must be maintained in a complete, accurate, and detailed manner and that governments report all capital assets with the consideration of depreciation, including infrastructure assets and historical treasure.'" Ms. Houston went on to state that the 2010 Audit found "a difference of the recorded Fixed Asset between the Town's K Fund and the Industrial Appraisal Report."

Ms. Houston explained that the Town could purchase an Internal Inventory software program, for \$1,000 and \$250 annual maintenance fees, which would number each fixed asset and list its cost and depreciation. She further explained that the Town could spend \$5,000 every two or eight years and have the Town's fixed assets inventoried or the Town could purchase the initial Internal Inventory software, conduct an annual inventory update "in house" utilizing Town employees, and then e-mail the updates to Industrial Appraisal and have them create the report from the submitted data. Ms. Houston explained that this means each department in the Town would conduct a physical inventory of fixed assets each year, utilizing whichever time of the year had the lowest volume of work. Department heads would be responsible for adding or removing items from the inventory and for tagging items, and would then be responsible for submitting a written report of the changes. The Town Board would oversee the accountability for these annual inventories.

Mr. Minoia asked if the New York State Comptroller's office requires that items be tagged and Ms. Houston replied that although school districts are required to tag each of their fixed assets, municipalities are not required to do so.

The Town Board was in favor of this idea, noting that an annual inventory tracking fixed assets will aid in knowing what items should be in the Town's possession and which could be taken off the inventory list and recycled, such as out-of-date and non-functional office equipment. Mr. Finch asked the department heads to discuss this plan with Ms. Houston, who will then bring their input back to the Town Board.

Ms. Houston stated that the insurance list and the inventory list do not match, which creates a problem when the Town is audited. Water and Sewer and Parks Superintendent Tom Delamarter stated that often when he gives corrections to the insurance company instructing them to remove items which the Town no longer owns, such as those lost in the 2006 Flood, the changes are not made as requested. He stated that this must change and the insurance company must update its records as requested by the Town.

WORK SESSION
JANUARY 24, 2012

POLICY & BENEFITS STANDARDS

Ms. Houston will make copies of the Town Policy & Benefits Standards for the Town Board members to review, with the intention of revising the Standards at a future meeting.

FLOYD MAINES COMMUNITY CENTER

Mr. Finch distributed data illustrating the cost to the Town of operating the Floyd Maines Community Center, adding that it cost the Town \$10,000 in 2010 and \$18,000 in 2011. In order to save the Town money, Mr. Finch proposed closing the Community Center from October 15 until April 15, so that the Center would not have to be heated during those months. Mr. Francisco commented that the Center would still need to be heated to prevent pipes breaking. Mr. Finch replied that you could keep the heat at a minimum and shut the water off at the floor.

Mr. Finch commented that there is no Ansul system for fire suppression in place for the stove and no fire alarm system. He stated that the repairs to the Community Center will be expensive, adding that much of the cost is covered by the Town's flood insurance and FEMA. Mr. Finch added that the Town could possibly lose at least 56 more properties from its tax base, if all of the current Buyout applications are accepted, and the Town cannot afford the cost of operating the Community Center. Suggestions for increasing revenue for the rental of the Community Center, to help offset expenses, included advertising its availability and adjusting the rental fees, and perhaps charging the organizations that routinely use the building free of charge for their meetings and events.

SALARY ADJUSTMENTS

Attorney Sacco stated that the Town Board minutes from the October 25, 2011 Town Board meeting indicate that all Town employees, excluding the Town Board, Planning Board, and Zoning Board of Appeals, were to be given either a 3% or \$.50 per hour increase in salary in 2012. Town Justice J. Marshall Ayres did not receive an increase in his salary, which was an oversight. The Town Board plans to enact a resolution at the February 14 Town Board meeting to correct this oversight and to adjust Judge Ayres' salary accordingly.

Ms. Sacco stated that the 2012 Budget does not include a separate Budget line for the position of Deputy Supervisor, and Mr. Finch's salary as Councilman cannot exceed what was set in the Budget, even though he is currently working five hours per day without any monetary compensation. She explained that the Town can, however, fund the position of Deputy Supervisor by creating a separate line to give Mr. Finch additional monies to compensate for his increased hours. The Town Board will discuss this further at the February 14 meeting.

SUMP PUMPS IN CASTLE BASEMENT

Mr. Francisco asked if sump pumps have yet been purchased for the basement of the Castle. Code Officer Robert Jones replied that it will cost \$600 to purchase two sump pumps for the basement of the Castle, adding that he will dig the holes and have the pumps wired. Mr. Francisco asked if this improvement will lower the Town's flood insurance premiums but the other Town Board members felt that it would not lower the premiums, as the sump pumps will not guarantee that the basement will not flood again.

WORK SESSION
JANUARY 24, 2012

SHARED SERVICES

The Towns of Conklin and Binghamton had been in discussion regarding the possibility of the Town of Conklin Court assuming the workload of the Town of Binghamton Court following the retirement of Town of Binghamton Justice Garry Verhoeven and Court Clerk Mary Ann Verhoeven, but the Town of Binghamton appointed a new Justice, who intends to run for office in the November 2012 Election. There will continue to be reciprocity between the two Courts, however.

Mr. Finch stated that he is meeting with Town of Binghamton Supervisor Tim Whitesell at 2:00 P.M. on January 26, 2012, to discuss Joint Dog Control for the Towns of Conklin and Binghamton.

PAINTING EXTERIOR OF CASTLE

Mr. Francisco asked about painting the exterior of the Castle, which is listed on the Federal and State Registry of Historic Buildings. Mr. Jones replied that he obtained an estimate of \$50,000 to paint the exterior of the Castle and Mr. Finch commented that the Town cannot even consider spending that amount of money. Mr. Bullock commented that it is required in the conditions of transfer in the deed to the Castle that the building be maintained in good condition.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 6:45 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk