

**REGULAR TOWN BOARD MEETING**  
**DECEMBER 10, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on December 10, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

Councilman-Elect William Dumian, Jr., was given the Oath of Office just prior to the Board meeting.

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

Town Counsel	Nate VanWhy
Town Clerk	Sherrie L. Jacobs
Assistant to Supervisor	Lisa Houston
Public Works Superintendent	Tom Delamarter
Code Officer	Robert Jones
Highway Superintendent-Elect	Brian Coddington
Highway Foreman	Stan Albrechta
Highway Laborer	Mike Platt
Zoning Board of Appeals	Hal Cole

**GUESTS:** Country Courier Elizabeth Einstein  
Conklin Kiwanis Club Don Einstein  
Laurie Francisco  
Bill Dumian, Sr.  
Mike Gabello  
John Colley  
Peter J. Motsavage  
Tiffny Dumian

**RESO 2013-165: APPROVE APPOINTMENT/WILLIAM C. DUMIAN,**  
**JR./COUNCILPERSON/EFFECTIVE 12-10-2013/PAY PRO-RATED FROM BASE PAY**  
**OF \$9,307.50**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the appointment of William C. Dumian, Jr., to the position of Councilman (newly elected in the November 2013 General Election), effective date of December 10, 2013, to be paid a pro-rated amount from the base pay of \$9,307.50. Payment will be for 22 days in the amount of \$561.24, to be paid in two separate payment of \$280.62 each, account code A1010.1.

Seconded by Mr. Minoia.

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

**MINUTES: NOVEMBER 12, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the November 12, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

**MINUTES: NOVEMBER 26, 2013 REGULAR TOWN BOARD MEETING**

Mr. Finch stated that the November 26, 2013 Regular Town Board Meeting minutes needed a clarification on page 1 in the paragraph under “Correspondence” where it states that CP Rail is hooked into the Town’s sewer system. He stated that this is an assumption, rather than known fact. He stated that the minutes should be corrected on page 2, line 3 from the bottom to read “\$48,000,” rather than “\$48,000,000.” Mr. Francisco stated that the minutes should be corrected on page 7 in the sentence about the Verizon trailer to read, “Mr. Francisco stated that he noticed that Verizon is finished drilling under the railroad tracks and should be moving its trailer soon.” Mr. Francisco clarified that he did not contact Verizon.

Mr. Francisco moved that the November 26, 2013 Regular Town Board Meeting minutes be approved as corrected.

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 legal offices of Pope and Schrader, LLP, regarding negotiations of the contract between the Town and the Binghamton-Johnson City Joint Sewage Treatment Board.

**ASSESSMENTS OF FLOOD-DAMAGED PROPERTIES**

In response to questions raised by Mr. Minoia at the November 26 Town Board meeting regarding the \$101 assessments on properties damaged in the 2011 Flood, Mr. Finch presented a letter of explanation written by Town Assessor John McDonald, adding that Mr. McDonald and Mr. Minoia had met in August 2013 to discuss Mr. Minoia’s concerns. Mr. Finch asked that the entire body of Mr. McDonald’s letter be included in the minutes of this meeting. The letter, dated November 27, 2013, and addressed to Supervisor Finch and copied to Mr. Minoia, reads as follows:

“Dear Jim:

“As per your request of this morning, this letter is to generally detail the tax assessments for flood buy-out properties. Board member Jerry Minoia met with me approximately 6 to 8 weeks ago in my office at the Town, and I explained this to him at that time.

“By New York State law, the owner of a property at the time tax bills are issued is responsible to pay the taxes in full. As a result, if the Town of Conklin took title to any flood buy-out properties prior to July 1, 2014, the Town would be responsible to pay all property taxes to the Susquehanna Valley School District, Broome County, and the Town itself on those properties after the date of acquisition.

“The tax roll, (again by New York State law), must be completed by the assessor and submitted so that it can be presented on May 1 each year. It cannot by law be changed during the fiscal tax

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year. As of May 1, 2013, we had approximately 70+/- properties on the flood buy-out list. Even in their damaged condition, 70+/- properties could have cost the Town well in excess of \$100,000 in property tax expenditures, thus dramatically increasing the Town's budget or creating a huge budget shortfall.

“ To prevent this ridiculously high expense from being incurred by the Town, we reduced the assessments on the flood buy-out list properties to \$101 (\$100 for the land and \$1 for the building). We sent a notice to each of the affected properties telling them that this was solely because the properties were projected to be purchased by the Town, demolished, and the land required to remain ‘forever green’ by deed restriction as part of the buy-out program. We also stated in that notice that should they drop out of the buy-out program, their assessment would be increased for the next tax year. I might add that I discussed this with you as the Town Supervisor at the time, and that this is the same policy we used after the 2006, (saving the Town substantial budget dollars at that time).

“I have been informed, (correctly or otherwise), that Board Member Minoia stated something to the effect that the property located at 772 Conklin Road has been at an assessment of \$101 since the 2006 flood. That is incorrect. Though it was reduced somewhat by the Grievance Board after the 2006 flood, it was then increased again to an assessment of \$150,000 in 2007 and remained at that number until 2012 when it was again reduced by the Grievance Board for flood damage, (to \$76,000). Then it was reduced to \$101 in 2013 when it became part of the buy-out list, (for reasons stated above). If not on the buy-out list when next year's tax roll is issued, it will be increased again.

“If you should have any questions at all I would be happy to discuss this situation with you further. I can only conclude by saying that had we not implemented this type of policy, the Town of Conklin could have incurred substantial and unnecessary costs.

“Respectfully submitted,

“John H. McDonald

“Tax Assessor

“JHM/jm

“Cc: Board Member Minoia”

Mr. Minoia responded that “a property that is used or lived in doesn't deserve a \$101 assessment.” His complete remarks are as follows:

“I believe that any property that is being used or lived in does not deserve a \$101 assessment. Town, County, and School budgets do not decrease after a disaster, therefore it puts extra tax burdens on the rest of the taxpayers.

“I feel as though those tax bills could be taken care of at the closing of each buy-out closing. Otherwise, these owners, if they do not agree to the buy-out price, have been on a free ride at the cost of all other taxpayers in the Town, and this could go into a second year.”

Mr. Finch stated that he will ask Mr. McDonald to be present at the January 14, 2014 meeting to answer any questions regarding this situation.`

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**MORE CORRESPONDENCE**

Mr. Finch acknowledged receipt of correspondence from the New York State DOT (Department of Transportation) stating that vehicles will not be allowed to pass each other, when travelling the same direction, on Conklin Road in the area near the Carlin Road intersection.

Mr. Finch stated that he received correspondence from the Town's attorney regarding the lawsuit by All-Around Excavating vs. the Town of Conklin, stating that the case will not go to trial but will be decided by the Judge. He added that, in a similar case, the City of Binghamton recently dismissed a bid by Gorick Construction because the bid bond was incorrect.

**PUBLIC COMMENTS:**

**DONATION/CONKLIN KIWANIS CLUB/ICE SKATING RINK**

Don Einstein from the Conklin Kiwanis Club presented a check in the amount of \$500 from the Club to the Town Board as a donation toward the ice skating rink to be constructed in Schnurbusch Park.

**CONGRATULATIONS**

Tiffny Dumian congratulated her husband, William Dumian, Jr., on his appointment to the Town Board.

**RESO 2013-166: ACCEPT DONATION/CONKLIN KIWANIS CLUB/\$500/ICE**  
**SKATING RINK/SCHNURBUSCH PARK**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$500 from the Conklin Kiwanis Club to be used toward the purchase/construction of an ice skating rink to be constructed in Schnurbusch Park.

Seconded by Mr. Francisco.

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

**REPORT: SUPERVISOR**

Refer to written report.

**REPORT: TOWN CLERK**

Refer to written report.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that he issued three building permits. He stated that the forms have been submitted to his office for the 2011 Flood Buyout Program. Mr. Jones reported that he has been conducting safety inspections and working with Ardaugh and FedEx with plans for their line expansions and additions. In response to a question

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as to whether the Public Hearing for the proposed FedEx expansion would be held on January 14, 2014, Mr. Jones replied that it will depend upon whether or not Engineers Keystone Associates and Construction Manager TJ Madison get the required information gathered and submitted to his office in a timely manner.

Mr. Minoia asked if the Town has requested an extension on the Buyout Program and Mr. Jones replied that he has discussed this with SEMO (State Emergency Management Office) representative Tom Abatti, who informed him that it is too early to apply for an extension. Mr. Minoia asked if the Town's required quarterly reports to SEMO are up-to-date and Mr. Jones replied that the reports are current, adding that SEMO has added new criteria.

Mr. Minoia stated that the ICC (International Code Council) has stated that if a property owner has flood insurance, those monies can be used toward the 25% of the cost of demolition not covered under FEMA (Federal Emergency Management Agency). Mr. Jones stated that HUD (Housing and Urban Development) will pay the 25% not covered by FEMA, adding "many people do not have flood insurance." Mr. Finch stated that he learned in a recent meeting with New York Rising that FEMA is deeply in debt and will not be offering any more Buyout Programs in the future.

Mr. Jones stated that he has also been working on Code issues. Mr. Bullock asked him about cars on a property located at 600 Powers Road.

Mr. Bullock asked about a residence on Cherry Drive, asking who will clean up the debris. Mr. Jones replied that the property was initially in the Buyout Program but some problems ensued. He stated that the property owner is responsible for the clean-up, adding that the Town has been working on this problem since 2007. Mr. Finch instructed Mr. Jones to determine what steps the Town can take next to resolve this issue. Mr. Dumian asked if the property owner on Cherry Drive is aware of the issues and Mr. Jones confirmed that he is aware, adding that he had to issue a Stop Work Order on a new house being constructed on the site because the property owner was not following the approved plans for the house.

Mr. Finch reported that more debris and tires have appeared on the river bank on Shipman Road. He stated that tires have been dumped on the property on Conklin Road belonging to Larry Soucie, suggesting that a trail camera be installed to catch the perpetrator(s). Mr. Jones will install "No Dumping" signs on December 11, and will contact Mr. Soucie's brother regarding the problem, since Mr. Soucie is currently unavailable.

Mr. Francisco asked what consequences occur if a property owner removes materials or otherwise alters his or her property after the Buyout offer has been made. Mr. Jones stated that he will inspect each property before the closing and, if it is altered afterwards, the offer will be re-evaluated to deduct the value of the materials that were removed.

Mr. Francisco asked if it is correct that Ardaugh is not planning to add to its building, only to expand production lines within the existing structure, and Mr. Jones stated that this is correct.

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that the parks and the pool are closed and winterized, with the phone at the pool shut off and the lights at the lighted field shut off. He reported that the Sheriff's Department assisted with cleaning Shawsville Cemetery. Mr. Delamarter reported that he is awaiting permission from the Joint

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Sewage Board to release the leachate from the Town Landfill. He reported that the water meters have been read and quarterly billing issued, and the hydrants have been flushed and winterized. Mr. Delamarter reported that the block heater at Well 6 has been replaced, and maintenance performed on the sewer system. He stated that a pump at Sewer Station 2 was rebuilt for a cost of approximately \$7,000, adding that the pump's value is \$27,000. Mr. Delamarter reported that a water main break occurred on Tandler Avenue and the Highway Department assisted with digging up and replacing the pipe.

**REPORT: HIGHWAY DEPARTMENT**

In addition to the written report, Highway Superintendent-Elect Brian Coddington reported that the leaf pick-up was completed on December 3. He stated that 37 loads of brush were taken to Boland's Excavating to be ground up. Mr. Coddington reported that the department has been replacing signs, sanding and salting roads as needed, and performing maintenance, inspections, and repairs on the equipment. He stated that the department measured the elevations for the ice skating rink to be constructed in the Little League Field at Schnurbusch Park.

**OLD BUSINESS:**

**GRANTS**

Mr. Finch reported that his office and the Code Officer continue to work on various grant applications for the Town.

**NEW BUSINESS:**

**TOWN INSURANCE**

Mr. Finch stated that he and Mr. Bullock met with a representative from Haylor, Freyer, and Coon Insurance carrier. He stated that the premium offered by this company is less than that offered by The Partners, the Town's current insurance carrier, but noted that the Town is still awaiting a quote on flood insurance. The Town's current policy expires December 31, 2013. Mr. Finch stated that if the Town purchases insurance from Haylor, Freyer, and Coon, the payment will not be due until February 1, 2014. Assistant to the Supervisor Lisa Houston commented that The Partners also does not have a cost for flood insurance for 2014, adding that the National Flood Insurance will be raising its rates approximately 20%. Public Works Superintendent Tom Delamarter commented that coverage provided by The Partners was missing on some of the Town's assets and still being charged on some assets which the Town no longer owns. Ms. Houston stated that the insurance policy should be checked to match the insurance to each building owned by the Town.

**RESO 2013-167: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/HAYLOR,**  
**FREYER & COON INSURANCE CARRIERS/**  
**PENDING REVIEW BY J. FINCH & G. BULLOCK**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with Haylor, Freyer, and Coon insurance carriers, pending review of the proposed policy by James Finch and Gary Bullock.

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Seconded by Mr. Francisco.

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

**RESO 2013-168: RATIFY AUTHORIZATION/SUPERVISOR/ENTER**  
**AGREEMENT/BROOME COUNTY/MEALS ON WHEELS/**  
**USAGE OF COMMUNITY CENTER/2014**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies authorization of the Supervisor to enter an Agreement with Broome County to allow Meals on Wheels to use the Floyd Maines Community Center for the year 2014.

Seconded by Mr. Minoia.

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

**RESO 2013-169: AUTHORIZE SUPERVISOR/MAINTAIN CHECKING & SAVINGS**  
**ACCOUNT/NBT BANK/GENERAL ACCOUNT, PAYROLL, TRUST & AGENCY**  
**ACCOUNT, & WATER & SEWER ACCOUNT/2014**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to maintain checking and savings accounts at NBT Bank for the General Account, Payroll/Trust and Agency Account, and the Water and Sewer Account for the year 2014.

Seconded by Mr. Francisco.

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

**RESO 2013-170: AUTHORIZE/SECRETARY TO THE SUPERVISOR/**  
**L. HOUSTON/TRANSFER FROM VARIOUS TOWN CHECKING ACCOUNTS TO**  
**PAYROLL & TRUST & AGENCY ACCOUNT/**  
**COVER 2014 BI-WEEKLY AMOUNTS ONLY**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Secretary to the Supervisor Lisa Houston to transfer monies from various Town of Conklin checking accounts to the Payroll/Trust and Agency Account to cover 2014 bi-weekly amounts only.

Seconded by Mr. Dumian.

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

**RESO 2013-171: DESIGNATE COUNTRY COURIER/OFFICIAL NEWSPAPER/TOWN**  
**OF CONKLIN/PRESS & SUN BULLETIN/ADDITIONAL NEWSPAPER WHEN**  
**NECESSARY/2014**

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Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates the **Country Courier** as the Official Newspaper of the Town of Conklin and the **Press & Sun Bulletin** as an additional newspaper, when determined necessary by the Town Board, for the year 2014.

Seconded by Mr. Dumian.

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

**RESO 2013-172: AUTHORIZE HIGHWAY SUPERINTENDENT/USE HIGHWAY EQUIPMENT/2014/WATER DISTRICTS, SEWER DISTRICTS, FIRE PROTECTION DISTRICT, SOIL CONSERVATION DISTRICT, & TOWN PARKS/RENTAL FEES SET BY BROOME COUNTY**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to use Highway Equipment in 2014 in the Water Districts, Sewer Districts, Fire Protection District, Soil Conservation District, and the Town Parks, with rental fees set by Broome County.

Seconded by Mr. Francisco.

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

**RESO 2013-173: AUTHORIZE TOWN BOARD MEETINGS/CONTINUE BEING HELD 2<sup>ND</sup> TUESDAY OF MONTH AT 7 P.M. & 4<sup>TH</sup> TUESDAY OF MONTH AT 5:30 P.M. AT TOWN HALL/2014**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Board meetings to continue being held on the 2<sup>nd</sup> Tuesday of the month at 7:00 P.M. and on the 4<sup>th</sup> Tuesday of the month at 5:30 P.M. in the Town Hall for the year 2014.

Seconded by Mr. Dumian.

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

**RESO 2013-174: AUTHORIZE SHUT-OFF DATE FOR RECEIVING VOUCHERS/15<sup>TH</sup> & 30<sup>TH</sup> OF MONTH PRIOR TO FIRST & SECOND MEETING OF FOLLOWING MONTH/2014/EXECPT LAST MONTH OF TOWN'S FISCAL YEAR**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a shut-off date for receiving vouchers as of the 15<sup>th</sup> and 30<sup>th</sup> of the month prior to the first and second meeting of the following month in 2014, with the exception of the last month of the Town of Conklin's fiscal year.



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Seconded by Mr. Francisco.

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

**RESO 2013-175: SET BI-WEEKLY PAY PERIODS/TO RUN CONCURRENTLY FROM SATURDAY THROUGH FRIDAY**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets bi-weekly pay periods to run concurrently from Saturday through Friday in 2014, with checks and direct deposit to be distributed the following Thursday after the end of the pay cycle.

Seconded by Mr. Bullock.

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

**RESO 2013-176: APPROVE PAYMENTS/PRIOR INSPECTED 2014 PARK PERMIT DEPOSIT REFUNDS/PAVILION CLEAN-UP INSPECTIONS PERFORMED BY T. DELAMARTER**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payments of prior-inspected Park Permit deposit refunds in 2014, account code A688, with Park Pavilion rental clean-up inspections to be performed by Thomas Delamarter.

Seconded by Mr. Minoia.

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

**RESO 2013-177: APPROVE PAYMENTS/BANDS/2014 CONCERTS IN THE PARK SERIES/BANDS DESIGNATED BY TOM DELAMARTER**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payments to bands for the 2014 Concerts in the Park series, with bands designated by Tom Delamarter.

Seconded by Mr. Francisco.

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

**RESO 2013-178: AUTHORIZE OFFICERS & EMPLOYEES/RECEIVE REIMBURSEMENT OF MILEAGE/USE OF PERSONAL VEHICLES FOR PERFORMANCE OF DUTIES ON OFFICIAL BUSINESS ONLY**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the officers and employees herein named to receive reimbursement of mileage for use of personal vehicles, at the

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current IRS Standard Mileage Rate per mile, for performance of their duties on official business only: Supervisor, Town Clerk, Highway Superintendent, Zoning Board members, Planning Board members, Town Historian, Town Justice, Secretary to the Supervisor, Town Assessor, Youth Commissioner, Commissioner of Public Works, Town Board members, and Justice Clerks.

Seconded by Mr. Dumian.

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

**RESO 2013-179: AUTHORIZE PAYMENT OF CLAIMS/  
BILL LIST DATED 12-10-2013/\$41,475.45**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following claims on Bill List dated December 10, 2013, in the total amount of \$41,475.45:

General	\$21,341.49
Highway	11,082.40
Sewer Districts	193.43
Water Districts	779.63
Non-Budget	<u>8,078.50</u>
<b>Total</b>	<b>\$41,475.45</b>

Seconded by Mr. Francisco.

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

**WAXING FLOOR/COMMUNITY CENTER**

Mr. Bullock reported that he is obtaining price estimates for waxing the floor at the Community Center.

**CHANGE TO POLICY MANUAL/PAID LEAVE TIME FOR CANCER SCREENINGS**

Mr. Bullock informed the Board that Broome County has adopted a policy that grants paid leave time, at a maximum of four hours per screening, annually for colon, breast, and/or prostate cancer screening. He stated that in 2007, New York State enacted legislation requiring employers to provide employees with paid leave time for breast and prostate cancer screening, and now Broome County is adding colon cancer screening to the previously approved screenings. Written verification of the screening is required.

**RESO 2013-180: CHANGE TOWN EMPLOYEE POLICY MANUAL/PAID LEAVE  
TIME FOR CANCER SCREENINGS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin changes the Town Employee Policy Manual to grant employees up to a maximum of four (4) hours of paid leave time, per screening, annually for colon, breast and/or prostate cancer screening. Employees

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taking advantage of this leave time must inform their supervisor and/or department head in advance of the appointment and shall provide a written statement signed by the employee's healthcare provider indicating that the employee has completed the screening. This leave time should not be charged to any other accrued leave time balances.

Seconded by Mr. Francisco.

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

**COMPREHENSIVE PLAN UPDATE**

Mr. Dumian stated that he attended the last meeting of the Comprehensive Plan Committee and noted that growth of the Town is a major concern. He asked if there are specific plans and a target date for the proposed expansion of the Town's water and sewer systems. Mr. Finch replied that the Town had received a grant for \$37,000 for an engineering study. He stated that the Town is applying for a \$3,000,000 grant through Rising New York, adding that the Chief Planner toured the Town of Conklin earlier today and discussed the Town's goals of expanding its water and sewer systems, creating an evacuation route for the center of Town, and creating a drainage district. The expansion of the water and sewer districts would be to the mobile home parks and up Route 29.

Comprehensive Plan Committee Chairman Hal Cole stated that his committee is working on a vision for the Town of Conklin, noting that it has lost growth by 8%. He stated that expansion of the water and sewer systems would enable housing developments to be constructed, as well as "senior type housing" (smaller homes). Mr. Finch noted that the Town has applied for other grants as well. He stated that the next meeting will be held in January 2014, with applications due by January 31, 2014, and Governor Cuomo to decide which municipalities receive the grants by March 1, 2014. Mr. Finch stated that the evacuation route is the top priority for New York Rising. Mr. Bullock expressed concern that people who live out of the flood zones are unwilling to sell their land, hoping for development of natural gas drilling. Mr. Cole replied that the Town needs to be visionary, and plan for expansion so that it is ready when expansion becomes possible. Mr. Delamarter commented that the water and sewer system expansions are needed in order for the Town to be eligible to apply for future grants.

Mr. Francisco expressed concern about the Joint Sewage Board. Mr. Finch stated that the Joint Board must accept waste from the Town of Conklin, including future amounts. He added that the Joint Board wants a 30-year extension of the contract, but the Town of Conklin has the right to negotiate. Mr. Finch stated that the DEC (New York State Department of Environmental Conservation) has cited the Joint Board for pollutants in its discharge. Mr. Francisco stated that the rates vary widely among outside users. Mr. Finch stated that the other outside users have no negotiating powers because their contracts are subject to automatic renewals.

**GENERATORS**

Mr. Francisco asked about the grant for the installation of the Town generators and Mr. Finch replied that he received more paperwork for the grant application. Mr. Francisco stated that he meet with the Highway Department and added that there are electrical issues at the Highway Garage that need to be addressed when the Town has funding for that project.

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**STREET LIGHTS**

Mr. Francisco stated that many of the non-functioning street lights have been repaired, noting that three were missed. He stated that the emergency light for the Community Center will be delivered soon.

**TOWN COMMUNITY CHRISTMAS PARTY**

Town Clerk Sherrie Jacobs invited those present to the Town Community Christmas Party, sponsored by the Town of Conklin and the Conklin Business Association, to be held December 14, 2013, from 1 to 4 P.M. at the Maines Community Center. Mr. Finch added that the Town Employee Christmas Party will be held December 18 from 1 to 3 P.M.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:07 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

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The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on November 26, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Public Works Superintendent	Tom Delamarter
	Councilman-Elect	William Dumian, Jr.
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Mike Gabello
		Laurie Francisco
		Peter J. Motsavage
		Walter Clark

**MINUTES: NOVEMBER 12, 2013 REGULAR TOWN BOARD MEETING**

The Town Board decided to hold over approval of the November 12, 2013 Regular Town Board Meeting minutes until the December 10, 2013 Town Board meeting.

**PUBLIC HEARING/FEDEX ADDITION/CANCELLED**

The Public Hearing scheduled for 5:35 P.M. regarding a proposed addition to the FedEx building in the Broome Corporate Park was cancelled because FedEx needs to provide more information before a Public Hearing can be held.

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the Binghamton-Johnson City Joint Sewage Treatment Board requesting that the Town of Conklin renew its agreement with the Joint Board for the next 30 years. He stated that he has discussed this agreement with Town Counsel Cheryl Sacco and with Attorney Alan Pope. Ms. Sacco, in turn, has spoken with Corporate Counsel. She explained that her firm, Coughlin and Gerhart, LLP, represents the Village of Johnson City as well as the Town of Conklin, creating a conflict of interest for her firm. Ms. Sacco stated that the Joint Board needs written contracts with the outside users, such as the Town of Conklin, adding that the Town of Conklin is the only outside user with the ability to extend the contract for 30 years or to decline doing so. She stated that the other outside users had no choice but to accept the 30 year extension. Mr. Finch stated that the Town will need a letter from the City of Binghamton, which owns 56% of the Joint Sewage Treatment Plant, guaranteeing the Town that it will be able to use the City's sewage lines to transport waste to the Joint Treatment Plant for the entire period of the agreement. Ms. Sacco suggested that the Town hire an independent counsel, adding that this project would be outside of her retainer, even if it were not a conflict of interest, so it would still be an additional charge to the Town. Mr. Finch stated that CP Rail is hooked into the Town sewer system but the City of Binghamton supplies the water for the railroad, so there is no meter in the Town of Conklin and thus no way to bill the railroad for its usage. Mr. Bullock asked where the tie-in is located and Public Works Superintendent stated that the lines are bored under the railroad tracks. The original agreement with the Joint Sewage Board was entered in 1989.

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 26, 2013**

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

Mr. Bullock moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

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

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

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

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

**PUBLIC COMMENTS:**

None.

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 26, 2013**

**OLD BUSINESS:**

**NEW YORK RISING GRANT/UPDATE**

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

**COMMUNITY FLOOD INSURANCE**

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

**TOWN-WIDE INSURANCE**

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

**UPDATE/ALL AROUND EXCAVATING LAWSUIT**

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

**UPDATE/TOWN OF CONKLIN COMPREHENSIVE PLAN**

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

**NEW BUSINESS:**

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

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 26, 2013**

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

Mr. Bullock moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

Mr. Francisco moved for the following resolution:

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

Seconded by Mr. Minoia.

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

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

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

Mr. Francisco moved for the following resolution:

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

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



**REGULAR TOWN BOARD MEETING**  
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Water District	21,096.38
<b>Total</b>	<b>\$67,603.01</b>

Seconded by Mr. Minoia.

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

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

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

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

**LIGHT AT VETERANS MEMORIAL**

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

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 26, 2013**

**MATS AT COMMUNITY CENTER**

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

**HIGHWAY EQUIPMENT DISCUSSION**

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

**LIGHTS AT SCHNURBUSCH PARK**

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

**DEBRIS PILE/SHIPMAN ROAD**

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

**UNMOWED GRASS/STILLWATER ROAD**

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

**ASSESSMENT ON 2011 POTENTIAL BUYOUT PROPERTIES**

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

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 26, 2013**

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

**STREET LIGHT REPAIRS**

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

**VERIZON TRAILER**

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

**BACK-UP GENERATORS**

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

**LIGHTS AT COMMUNITY CENTER**

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

**CREDIT CARD MACHINES**

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

**FOIL/MAINES PROPERTY/TERRACE DRIVE & CONKLIN ROAD**

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

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

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 12, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on November 12, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Deputy Highway Superintendent	Mike Mott
	Highway Department Foreman	Stan Albrechta
	Zoning Board of Appeals	Hal Cole
	Councilman-Elect	William Dumian, Jr.
	Highway Superintendent-Elect	Brian Coddington

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

**MINUTES: OCTOBER 22, 2013 REGULAR TOWN BOARD MEETING**

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

Seconded by Mr. Francisco.

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

**CORRESPONDENCE:**

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

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

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

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

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

**PUBLIC COMMENTS:**

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

**PERMISSION TO USE WATER TOWER ACCESS ROAD TO ACCESS HUNTING AREAS**

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

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

Mr. Bullock moved for the following resolution:

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

**REGULAR TOWN BOARD MEETING**  
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Seconded by Mr. Francisco.

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

**PROPOSED CHANGES/TOWN OF CONKLIN EMPLOYEE POLICIES**

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

**REPORT: TOWN CLERK**

Refer to written report.

**REPORT: PARKS & WATER DEPARTMENTS**

Refer to written report.

**REPORT: CODE OFFICER**

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

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

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

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

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 12, 2013**

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

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

**REPORT: HIGHWAY DEPARTMENT**

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

**OLD BUSINESS:**

**UPDATE/GRANTS**

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

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

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

**NEW BUSINESS:**

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

Mr. Bullock moved for the following resolution:

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

January 1, 2014 (Wednesday)  
January 20, 2014 (Monday)

New Year’s Day  
Martin Luther King Day

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

Seconded by Mr. Minoia.

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

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

Mr. Francisco moved for the following resolution:

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

Seconded by Mr. Bullock.

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

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

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

Mr. Francisco moved for the following resolution:

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



**REGULAR TOWN BOARD MEETING**  
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Seconded by Mr. Minoia.

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

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

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

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

Mr. Francisco moved for the following resolution:

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

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

Seconded by Mr. Bullock.

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

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

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

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

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

**UPDATE/LITIGATION/ALL-AROUND EXCAVATING**

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

**UNMOWED GRASS/STILLWATER ROAD**

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

**ETHICS POLICY**

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

**NYSEG/LIST OF INOPERATIVE STREET LIGHTS SUBMITTED**

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

**VERIZON/TERRACE DRIVE**

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

**DRAINAGE/TERRACE DRIVE**

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

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**RAILROAD CROSSING**

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

**CIVIL WAR ILLUMINATION**

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

**UPCOMING EVENTS**

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

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

**SWEARING-IN/ELECTED OFFICIALS**

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

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

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**JANUARY 8, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 8, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Superintendent of Public Works	Tom Delamarter
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Broome County Legislature	Kelly Wildoner
		Angelo Tolomei
		Bonnie Tolomei
		Laurie Francisco
		George Frailey
		Dolly Stout
		Peter J. Motsavage
		Michael Gabello

**MINUTES: DECEMBER 11, 2012 REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to approve the December 11, 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:**

Supervisor Finch acknowledged receipt of a letter from Governor Andrew Cuomo informing the Town of Conklin that it has been approved for receipt of a grant from the New York State CWSRF (Clean Water State Revolving Fund) Planning Committee in an amount up to \$30,000.00, with the Town to provide 20% or \$6,000 in required local matching funds, either cash or in-kind services. Mr. Finch also acknowledged receipt of correspondence from BOCES in response to a FOIL (Freedom of Information Law) request.

Mr. Finch thanked Kelly Wildoner, newly elected Broome County Legislator, 6<sup>th</sup> District, for attending tonight's meeting.

Mr. Finch told Mr. and Mrs. Tolomei that Code Officer Robert Jones had hand-delivered a letter to the Tolomeis' neighbor, Randy Silsby, advising him to move his materials off the Town of Conklin right-of-way. The storage of said materials has caused a neighborhood dispute between Mr. and Mrs. Tolomei and Mr. Silsby, as the storage prohibits the Tolomeis' access to their property.

**PUBLIC COMMENTS:**

**REGULAR TOWN BOARD MEETING**  
**JANUARY 8, 2013**

**SUSQUEHANNA VALLEY CENTRAL SCHOOL DISTRICT FINANCES**

Supervisor Finch stated that he met with Superintendent of Schools for the Susquehanna Valley Central School District, Gerardo Tagliaferri, to discuss the increase in the school taxes for Town of Conklin residents and other issues of concern. Mr. Finch stated that the school district is a “golden corral” and part of a “secret society” and is “concerned only with their pensions.” He stated that he was told by BOCES, who is involved with the budgeting process of the school district, that the questions he asked were “none of his business.” Mr. Finch stated that Mr. Tagliaferri conceded that the school taxes increased 7.14% in the Town of Conklin. Mr. Finch stated that the meeting was a “smokescreen,” and added that “88% of the budget goes to administration – including teachers, bus drivers, and other members of the union.” He stated that the school is “not for the students – it’s a big pension plan.”

Mr. Finch asked if it is a conflict of interest to have members of the school board who have family members employed by the District. He stated that Mr. Tagliaferri stated that the school district has a letter from the Commissioner of Education approving this practice, but added that Mr. Tagliaferri later stated that this might be a ruling from the Commissioner rather than a letter. Mr. Finch asked if this ruling or letter specifies that one can be a member of a school board in a school district in which one’s family members are employed by the same school district.

Mr. Finch stated that many people in the Town of Conklin are 55 years of age and older and live on fixed incomes, adding that he has spoken with several residents who must sell their homes because of the increase in school taxes. Mr. Finch also questioned the school board policy that permits non-resident students to attend Susquehanna Valley School District tuition-free if their parent(s) is/are employed by the school district. Mr. Finch stated that he asked Mr. Tagliaferri why the school district doesn’t urge older teachers, who receive higher rates of pay, to retire and make room for young graduates looking for teaching positions, who would receive a lower rate of pay. Mr. Finch stated that Mr. Tagliaferri stated that this retirement would “affect their retirement” and that these teachers “have a right to keep working.”

Bonnie Tolomei stated that she thought there was a 2% tax cap in place and Mr. Finch stated that this is true; however, the 2% tax cap is the total increase. He added that there are five separate municipalities that make up the Susquehanna Valley School District, and each could have a different tax rate. Mr. Finch stated that the Town of Conklin’s school tax rate increased 7.14%, which he stated “did not include pension and health insurance benefits.”

**REPORT: TOWN CLERK**

Refer to written report.

**REPORT: WATER AND SEWER DEPARTMENT**

In addition to his written report, Superintendent of Public Works Tom Delamarter reported that the new motor for Well 6 will be delivered on January 11 and the pump will be repaired, adding that he will submit the claim for the cost of repairs to the Town’s insurance company.

Mr. Delamarter stated that the fire hydrants were all cleaned out after the two snowstorms, to allow access for the fire department. He stated that the new pumps for the sewer stations have been delivered and the first one will be installed in the sewer station near Julius Rogers Park on January 22, 2013. Mr. Delamarter stated that the mitigation on the sewer stations will be completed by A.C. Spear.

**REGULAR TOWN BOARD MEETING**  
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**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Superintendent of Public Works Tom Delamarter reported that the Highway Department truck that has been at Laing Trucking for repairs will be returned by 9:00 A.M. on January 9. He stated that the cost of repairs has been negotiated down from \$22,000 to \$13,000. In response to a question from the Board, Mr. Delamarter stated that the truck has been at Laing Trucking “at least three months.” It is uncertain whether or not the truck is actually fixed.

Mr. Delamarter stated that the Highway Department has done a “good job” with snow removal from the last two snow storms. Mr. Bullock asked about damage to Truck 44, a plow truck, and Mr. Delamarter stated that the driver ran over a snow-covered log in the yard of the Highway Garage, damaging the pan. He added that the truck was repaired by the Town Highway Department.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that he received a letter from Douglas Ritter, owner of a house on Conklin Road that has “many Code violations on the exterior.” He added that these include a “tent-like structure and signs on the building that need to be removed.” Mr. Finch added that there are issues with the outside steps, a propane tank line that runs through a window, and tires stacked against the house. Mr. Jones added that the house also has lead paint and loose siding. Mr. Ritter is scheduled to meet with Mr. Jones next week to discuss these Code violations.

Mr. Jones reported that he and Town Engineer John Mastronardi had worked on the Town’s portion of the Broome County Hazard Mitigation Plan, adding that the Plan, which is required for any participation in grant funding, is now updated.

Mr. Jones reported that he is meeting with a representative from Syracuse Alarm to discuss a design for a fire alarm system in the Maines Warehouse on Terrace Drive. He added that Mr. Maines has agreed to have this system installed to help bring the building up to Code specifications.

Mr. Jones reported that his office issued no building permits in December but added that he issued 85 for the year in 2012. He stated that there were no Planning Board or Zoning Board of Appeals meetings scheduled for December.

Mr. Jones reported that he, the Town Engineer, other Town department heads, and some members of the Town Board all met with a representative from SEMO (State Emergency Management Office) on December 19, 2012, to learn more about the Flood 2011 Buyout Program process. He added that the contract was delivered to the Town on January 7, 2013. Town Counsel Cheryl Sacco reminded the Board that they must adopt the County’s updated Hazard Mitigation Plan as part of the process.

Mr. Jones reported that a new plan has been developed for the Salt Distribution Project located off Hardie Road. He added that Broome County is reviewing the new plan and representatives from the Salt Distribution Project will be in attendance at the Town Planning Board meeting on January 14, 2013. In response to a question from the Board, Mr. Jones stated that the planned hours of operation are “sunrise to sunset, Monday through Saturday.” Mr. Minoia asked, “Do we have that in writing?” Mr. Finch commented that the hours of operation must be stated in the

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site plan. He explained that the new plan increases the acreage by .2 acres, in the event that natural gas drilling is approved in New York State. This increase would allow the salt distribution company to take sand for hydrofracturing from the railroad. Mr. Minoia stated, "Make sure you get the hours in writing." Mr. Jones stated that there will be no hours of operation on Sundays.

Mr. Jones stated to Angelo and Bonnie Tolomei that he had hand-delivered a letter to their neighbor, Randy Silsby, informing him that he must remove his materials that are stored on the Town's right-of-way by January 21, 2013, or the Town will remove them. Mr. Minoia asked if this required that a registered letter be sent to Mr. Silsby and Ms. Sacco stated that she will research this question.

Mr. Francisco asked if there is an anticipated timeline for installation of the fire alarm system in the Maines Warehouse and Mr. Jones replied that it would be installed in "late summer." Mr. Jones stated that one of the events that had prompted his demand that a fire alarm system be installed is the annual book sale that is held in the warehouse, for which he required the Maines Corporation to have the fire department on standby. Mr. Finch stated that the Maines family had stated that their building was "grandfathered in" and they therefore could not be forced to install a fire alarm system, and Mr. Finch stated that he stated that there is "no grandfathering if a situation is unsafe." Mr. Jones stated that he will require that the fire department be on standby if any other large public events are held before the fire alarm system is installed, adding that he has no issue with requiring the installation of the fire alarm system, since the building sustained "over 50% substantial damage in two floods."

**REPORT: SUPERVISOR'S OFFICE**

Refer to written report.

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

**TIME WARNER FRANCHISE AGREEMENT**

Ms. Sacco stated that there is no update yet on the Time Warner Franchise Agreement.

**OLD BUSINESS:**

**DOG CONTROL**

Supervisor Finch stated that the Town of Binghamton Town Board did not approve all of the specifications of the intermunicipal agreement with the Town of Conklin for Dog Control. He stated that the Town of Binghamton Town Board approves of the terms of the contract except that it wants the Town of Conklin to pay Dog Control Officer John Simmons mileage for his travels in the Town of Conklin. The Town of Conklin has agreed to pay Mr. Simmons mileage at the current IRS (Internal Revenue Service) rate. Mr. Finch stated that Mr. Simmons has been offered \$20,000 to cover both towns, but added that Mr. Simmons wants more money. Mr. Finch and Town of Binghamton Supervisor Tim Whitesell will meet to work out the problems with the agreement.

Kathleen Wright from the New York State Department of Agriculture and Markets completed the annual inspection of the Town's Dog Control records and approved the inspection. Mr. Finch commented that Mr. Simmons spent "a day and a half" organizing the Town's Dog

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Control records, which had been returned to the Town by former Dog Control Officer Darlene Weidman. Town Clerk Sherrie Jacobs added that Mr. Simmons also went to the Front Street Dog Shelter to obtain some missing DL-18 records, which are used with the seizure of dogs, and are required for the State inspection.

**PRIDE MANOR MOBILE HOME PARK WATER EXTENSION**

Supervisor Finch stated that the Town received approximately \$800 last week from Mr. Kerns, owner of the Pride Manor Mobile Home Park, adding that the Town had paid the cost of digging the line for the water extension, but has been repaid. He stated that Mr. Kerns still owes money for surveying, engineering, legal fees, sand, and other materials, and added that when everything is paid the Town will turn the water on. Mr. Finch stated that Mr. Kerns installed water meters in 80 homes in the mobile home park. He stated that the Town of Kirkwood, which supplies the water for the southern end of the Town of Conklin, has approved the design of the backflow device. Mr. Finch reiterated that Mr. Kerns is paying all the costs of the water extension, approximately \$7,900.

**NEW BUSINESS:**

**RESO 2013-1: APPROVE ACCEPTANCE/NYS CWSRF PLANNING GRANT #19376/  
“TOWN OF CONKLIN SEWER ENGINEERING STUDY”/\$30,000.00**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the acceptance of New York State CWSRF (Clean Water State Revolving Fund) Planning Grant #19376, “Town of Conklin Sewer Engineering Study,” in the maximum amount of \$30,000.00.

Seconded by Mr. Francisco.

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

**RESO 2013-2: DESIGNATE SUPERVISOR JAMES FINCH & TOWN ENGINEER  
JOHN MASTRONARDI/AUTHORIZED REPRESENTATIVES/TOWN OF  
CONKLIN/NYS CWSRF PLANNING GRANT #19376**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates Town Supervisor James Finch and Town Engineer John Mastronardi as authorized representatives of the Town of Conklin for New York State CWSRF (Clean Water State Revolving Fund) Planning Grant #19376.

Seconded by Mr. Francisco.

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

**RESO 2013-3: AUTHORIZE & OBLIGATE TOWN/REQUIRED LOCAL MATCH OF  
FUNDS/CASH AND/OR IN-KIND SERVICES/NYS CWSRF PLANNING GRANT #19376**

Mr. Francisco moved for the following resolution:



**REGULAR TOWN BOARD MEETING**  
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Be It Resolved: that the Town Board of the Town of Conklin authorizes and obligates the Town of Conklin to provide the required local match of funds, which can include either cash and/or in-kind services, for the New York State CWSRF (Clean Water State Revolving Fund) Planning Grant #19376. Other grants may not be used to provide the required local match of funds for this grant.

Seconded by Mr. Minoia.

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

**RESO 2013-4: RATIFY PAYMENT/LAING INDUSTRIES, INC./PARTIAL  
PAYMENT/REPAIR/2004 GMC HIGHWAY TRUCK**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5183, account code 2-DA-5130.4.447, in the amount of \$5,000.00 to Laing Industries, Inc., for partial payment for the repair of the 2004 GMC Highway truck, Invoice #21214, Purchase Order #12-02087.

Seconded by Mr. Minoia.

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

**RESO 2013-5: RATIFY ACH WIRE PAYMENT/POSTAGE ON CALL/POSTAGE  
METER PURCHASE**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the ACH wire payment, account code 3-A-1674.4.400, in the amount of \$1,000.00 to Postage On Call for postage meter purchase on January 3, 2013.

Seconded by Mr. Minoia.

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

**RESO 2013-6: RATIFY PAYMENT/THE HARTFORD INSURANCE/4<sup>TH</sup> QUARTER  
DISABILITY INSURANCE PAYMENT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5290, account codes 2-A-9055.8, 2-DA-9055.8, and 2-SW-9055.8, in the amount of \$219.51 to The Hartford Insurance for Fourth Quarter Disability Insurance payment.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
**JANUARY 8, 2013**

**RESO 2013-7: SET UP COMMITTEES FOR 2013**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets up the following Committee appointments for the year 2013:

Deputy Supervisor	Gary Bullock
Town Hall Castle	Gary Bullock
Town Community Center	Gary Bullock
Senior Citizen Liaison	Charles Francisco
Town-Wide Insurance	Gary Bullock
Residential Flood Insurance	Jerry Minoia
Buildings & Grounds	Gary Bullock
Town-Wide Drainage Districts	Jerry Minoia
Cemeteries	Charles Francisco
Fire Department Liaison	Charles Francisco
Youth Liaison	Charles Francisco
Fill Oversight/Flood Plain	Jerry Minoia
Planning & Zoning	Jerry Minoia

Seconded by Mr. Minoia.

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

**RESO 2013-8: AUTHORIZE PAYMENT/PRE-APPROVED 2012 BILL LIST/**  
**12-27-2012/\$80,369.82**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved Bill List, paid December 27, 2012, in the total amount of \$80,369.82:

General	\$14,186.85
Highway	10,287.20
2011 Flood	810.19
Light Districts	1,855.54
Sewer District	46,446.29
Water District	1,918.38
Water District 6	790.37
Non-Budget	<u>4,075.00</u>
<b>Total</b>	<b>\$80,369.82</b>

Seconded by Mr. Bullock.

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

**RESO 2013-9: AUTHORIZE PAYMENT/2012 BILL LIST/\$35,893.68**

Mr. Minoia moved for the following resolution:

**REGULAR TOWN BOARD MEETING**  
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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 \$35,893.68:

General	\$19,903.86
Highway	11,725.26
Water District	1,199.32
Water District #6	<u>3,065.24</u>
<b>Total</b>	<b>\$35,893.68</b>

Seconded by Mr. Francisco.

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

**RESO 2013-10: AUTHORIZE PAYMENT/2013 BILL LIST/\$190,652.04**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2013 Bill List in the total amount of \$190,652.04:

General	\$123,938.51
Highway	36,802.03
Sewer District #1	1,505.00
Sewer District #3	21,742.50
Water District	6,411.00
Water District #6	<u>253.00</u>
<b>Total</b>	<b>\$190,652.04</b>

Seconded by Mr. Minoia.

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

Mr. Finch stated that \$82,000 of the \$123,938.51 spent in the General line is a bond payment for costs associated with the 2006 Flood, and added that the payment on the Volvo truck is included in the \$36,802.03 noted in the Highway budget line.

**RESO 2013-11: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET**  
**LINES/AS OF 12-31-2012**

Mr. Bullock 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 December 31, 2012 (see attached).

Seconded by Mr. Francisco.

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

**RESO 2013-12: AUTHORIZE APPROPRIATION/UNANTICIPATED REVENUES/AS**  
**OF 12-31-2012**

**REGULAR TOWN BOARD MEETING**  
**JANUARY 8, 2013**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenues as of December 31, 2012 (see attached).

Seconded by Mr. Minoia.

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

Mr. Finch commented that the \$20,000 received from WPX Energy was added to the Highway Fund to cover the cost of repair of the culvert on Ross Hill Road.

**OFF-LEASH DOG AREA**

Mr. Bullock commented that people are utilizing the Town's off-leash dog area even in the cold weather, adding that the access to the area is being maintained and residents seem appreciative of that effort.

**FILLING IN FLOOD PLAIN AREA**

Mr. Finch stated that Mr. Rusty Luce has indicated that he wants to add more fill dirt near his car wash behind the Sunoco gas station on Conklin Road, adding that he informed Mr. Luce that he cannot do so. Mr. Finch stated that Mr. Luce claims that his property is above the flood plain and is therefore not constricted by flood plain filling laws. Mr. Minoia stated that the Town's "filling laws should be enforced." Mr. Finch stated that Mr. Luce claims his plan is compliant with the New York State SWPPP (Storm Water Pollution Prevention Plan), but added that Mr. Luce's plan is not acceptable to the Town of Conklin Code. Mr. Minoia stated, "When you fill a hole, the water goes elsewhere. There should be a legal limit to filling." Mr. Finch added that everyone pays when the Town experiences flooding because of the loss to the tax base that the flooding creates.

**STREET LIGHTS**

Mr. Francisco reported that some of the street lights that were not working have been repaired.

**LIGHTS AT SCHNURBUSCH PARK**

Mr. Finch stated that the cost of electricity to power the lights at Schnurbusch Park increased significantly in 2012, adding that Mr. Delamarter will meet with Youth Commissioner Fran Bealo to discuss the possibility of scheduling more games during daylight hours in order to save money.

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

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk



**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on October 22, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta
	Highway Laborer	Brian Coddington
	Public Works Superintendent	Tom Delamarter
	Code Officer	Robert Jones
<b>GUESTS:</b>	Broome County Executive	Debra Preston
	<b>Country Courier</b>	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Paul M. Jacobs
	Conklin Vol. Fire Dept.	Bill Gorman
		Bill Dumian, Sr.
		Bill Dumian, Jr.
		Laurie Francisco
		Michael Gabello
		Bob Ronk
		Dolly Stout
		Nancy Coddington

**MINUTES: OCTOBER 8, 2013 REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to approve the October 8, 2013 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 attorney representing Broome Bituminous in the issue of the disputed bill for paving material supplied to the Town of Conklin. He also acknowledged receipt of a letter from William Lausen, owner of The Painted Daisy, regarding the proposed water and sewer rates. Mr. Finch acknowledged receipt of correspondence from Governor Cuomo’s office regarding the \$3,000,000 grant, stating that progress is being made, and the committee dispersing the funds seems to be in approval of the Town of Conklin proposed projects, which include expansion of the water and sewer districts, design of an evacuation route for the center of Town in the event of another catastrophic flood event, and creation of a drainage district behind the lower Carlin Road development.

**PUBLIC COMMENTS:**

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

**MINUTES AND SAMPLE BALLOTS**

Mr. Robert Ronk of 28 Montrose Drive asked if the minutes from the Town Board meetings are posted on the Town's website and Town Clerk Sherrie Jacobs confirmed that they are posted and explained where to find them on the website. Mr. Ronk asked if there are sample ballots available and Mr. Finch replied that he will request one from the Broome County Board of Elections.

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**PUBLIC HEARING/TO RECEIVE INPUT REGARDING PROPOSED 2014 TOWN OF**  
**CONKLIN GENERAL AND HIGHWAY BUDGET**

**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 asked those present to speak either for, or in opposition to, the proposed 2014 Town of Conklin General and Highway Budget.

Broome County Executive Debra Preston, speaking as a Town of Conklin resident and former Town Supervisor, stated, "The biggest asset you have is your employees. They do a wonderful job and you should leave them out of your disagreements." Mr. Bullock called for an Executive Session regarding the salary of a particular person.

There being no further questions or public comments, Mr. Finch declared the Public Hearing closed at 5:40 P.M.

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**OLD BUSINESS:**

**FEMA FLOOD BUYOUT PROGRAM**

Code Officer Robert Jones reported that he is working on the FEMA (Federal Emergency Management Agency) 2011 Flood Buyout Program with residents, and is currently in the process of examining the Duplication of Benefits packets. He stated that HUD (Housing and Urban Development), which is providing the 25% of the cost not covered by FEMA, requires a Household Declaration of Income, although approval for participation in the Buyout Program is not income-sensitive. Mr. Jones stated that a Hazardous Material Survey must also be completed by each participant in the program.

Mr. Jones stated that the first ten packets have been completed and sent to Tom Abatti at SEMO (State Emergency Management Office, which administers the FEMA program for New York State) for approval. He also stated that there is a second Buyout Program, which will provide a "small window of opportunity" to add a few more homes to the Buyout Plan. Mr. Finch added that he met with representatives from the Town of Chenango, who had stated that their town would not participate in the Buyout because it had no money to pay the "up front" costs of demolition, adding that he provided the Town of Chenango with information about this second Buyout Program and the Town of Chenango will join that program.

**NEW BUSINESS:**

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

**RESO 2013-144: APPROVE PAYMENT/BROOME BITUMINOUS/INVOICE #29738**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment in the amount of \$13,840.97, account code DA5110.4, to Broome Bituminous for payment of Invoice #29738, Purchase Order #13-01264.

Seconded by Mr. Francisco.

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

**RESO 2013-145: APPROVE PAYMENT/OCTOBER 22, 2013 BILL LIST/\$51,596.43**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List, dated October 22, 2013, in the total amount of \$51,596.43:

General	\$11,593.69
Highway	8,214.96
Flood Emergency	159.04
Light Districts	319.75
Water District	1,861.48
Non-Budget	<u>29,447.51</u>
<b>Total</b>	<b>\$51,596.43</b>

Seconded by Mr. Minoia.

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

**BROOME BITUMINOUS**

Mr. Finch stated that he attended two meetings with representatives from Broome Bituminous and added that the paving material supply company will not charge the Town interest on the payment it says is due nor legal fees incurred trying to resolve the dispute.

**GRANT FOR WATER & SEWER EXPANSION/DRAINAGE DISTRICT/ &  
EVACUATION ROUTE FROM CENTER OF TOWN**

Mr. Finch stated that he has attended two meetings with the committee charged with the dispersing of the \$3,000,000 in grant monies and added that the decision-making process is “moving fast.” He added that outlying districts, such as Conklin, are being approved for monies. The Town of Conklin would like to use this money to expand its water and sewer systems, create a drainage district near Carlin Road, and create an evacuation route from the center of Town.

**JOINT SEWAGE TREATMENT PLANT**

Mr. Finch stated that he attended a meeting with the Binghamton-Johnson City Joint Sewage Treatment Plant and learned that the rates for City of Binghamton users are decreasing while the cost to outside users, such as the Town of Conklin, will be increasing.



**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

**TOWN EMPLOYEE HEALTH INSURANCE**

Mr. Finch stated that he met with the Town's insurance carrier and found a new PPO insurance plan for employee health insurance which the Town will utilize next year. He stated that the new plan will provide the same or better coverage, but will save the Town more than \$30,000. He stated that there will be some changes for retirees of the Town who live outside of New York State. Mr. Finch stated that the \$15 co-pay will no longer apply and that there will no longer be coverage for acupuncture. He stated that the category of "single with children" will be added to the existing categories of "single," "two-person," and "family."

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**PUBLIC HEARING/TO RECEIVE INPUT REGARDING PROPOSED 2014 WATER**  
**AND SEWER RATES**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 5:45 P.M. and asked those present to speak either for, or in opposition to, the proposed 2014 Municipal Water and Sewer Rates.

Mr. Finch explained that there will be no increase in water usage rates. He explained that the proposed sewer usage rates would be \$8.00 per Thousand Gallons used for residential billing, \$9.95 per Thousand Gallons used for small, non-manufacturing businesses, and \$12.50 per Thousand Gallons used for large manufacturing businesses and those in the Broome Corporate Park.

Town Attorney Cheryl Sacco read the following letter from William Lausen, owner of The Painted Daisy, into the minutes:

"October 7, 2013  
"Town Clerk of the Town of Conklin  
"Conklin Town Hall  
"1271 Conklin Road  
"Conklin, New York 13748

"Dear Sherrie L. Jacobs,

"If this comment/request should be directed elsewhere I would appreciate your forwarding it to that elsewhere.

"I've noticed that my water/sewer bill service location was changed during 2011 from 3 Gee Street (my residence) to Painted Daisy (my seasonal retail plant business on the same property). With the coming new sewer rates, I fear I'll therefore be unfairly charged the small business rate of \$9.95/1,000 gallons instead of the residential rate of \$8.00/1,000 gallons.

"Here is my situation: The one water line to the property enters my residence at 3 Gee Street. All items connected to the one sewer line which exits the property are in the residence – toilet, sinks, tub – and are for residential use.

"The only plumbing in place for the Painted Daisy business is a water line running from the basement of my residence to my store and greenhouse. There are two spigots on that water line

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

from which I water plants during spring and summer. The business has no items hooked into the sewer line – no sink or toilet or shower.

“All of my sewer usage is generated from water used in my residence. In effect, I pay sewage fees for water used in my business although my business puts nothing into the sewer line. So that goes. That’s ok.

“My request is that my billing service location and sewage billing rate reflect the residential nature of my sewer usage. As the water usage rates are to be the same for residences and businesses, that aspect of things doesn’t come into consideration.

“Sincerely,  
“William Lausen”

There being no further questions or public comments, Mr. Finch declared the Public Hearing closed at 5:49 P.M.

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**RESO 2013-146: ADOPT 2014 MUNICIPAL WATER AND SEWER BILLING RATES**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin adopts the 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**

Quarterly Basic Fee:	\$10.00
Unit Charge not to exceed	\$8.00 per Thousand Gallons

**SEWER SMALL BUSINESS (Non-Mfg.)**

Quarterly Basic Fee:	\$10.00
Unit Charge not to exceed	\$9.95 per Thousand Gallons

**SEWER CORP PARK and MFG Companies**

Quarterly Basic Fee:	\$25.00
Unit Charge not to exceed	\$12.50 per Thousand Gallons

**WATER RESIDENTIAL AND SMALL BUSINESS(Non-Mfg)**

Quarterly Basic Fee:	\$5.00
Unit Charge not to exceed	\$2.74 per Thousand Gallons

**WATER CORP PARK and MFG Companies**

Quarterly Basic Fee	\$25.00
Unit charge not to exceed	\$ 2.94 per Thousand Gallons

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

This billing change becomes effective November 1, 2013, and will be billed starting the first billing cycle in 2014; February 2014.

This Resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

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**PUBLIC HEARING/TO RECEIVE INPUT REGARDING PROPOSED 2014 FIRE**  
**PROTECTION CONTRACT**

**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 2014 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

Paul Jacobs, President of the Conklin Volunteer Fire Department, Inc., stated that the Fire Department held a Public Hearing on its proposed Fire Protection Contract on September 5, 2013, and no one other than Fire Department Board of Directors members attended. Mr. Finch stated that the Fire Protection Contract would be 1.7% higher than in 2013.

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

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**RESO 2013-147: AUTHORIZE THE SUPERVISOR OF THE TOWN OF CONKLIN TO**  
**SIGN FIRE PROTECTION AGREEMENT FOR THE YEAR 2014**

Mr. Francisco moved for the following resolution:

Whereas, the Town Board (hereinafter “Town Board”) of the Town of Conklin (hereinafter “Town”), on the 22nd day of October 2013, 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 2014 Fire Protection District costs and

Whereas, the Town Board heard all persons desiring to be heard in the matter, and the matter of the said costs for the Town for such fiscal year was fully discussed and considered by the Town Board,

NOW, THEREFORE, the Town Board of the Town, duly convened in regular session, does hereby resolve as follows:

Section 1. The Supervisor of the Town of Conklin is hereby authorized and empowered to sign and deliver on behalf of the Town of Conklin the Fire Protection Agreement for Fire Protection District for the year 2014 between Town of Conklin and 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.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

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 22, 2013. Said resolution was adopted by the following roll call vote:

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

Dated: October 22, 2013

Town of Conklin Seal

\_\_\_\_\_  
Sherrie L. Jacobs Town Clerk of the Town of Conklin

**GRANT/GENERATOR HOOK-UPS**

Mr. Finch stated that the Town received a grant for \$100,000 which will be used to hook-up the newly purchased generators to the Town buildings. Mr. Francisco presented the plan for hooking up the generators. He stated that hooking up the generator would not create a disruption of NYSEG (New York State Electric and Gas Corporation) service to the Town Hall, adding that the generator will have a transfer switch and will provide a temporary fix if the electrical power goes out. Mr. Francisco stated that a licensed electrician will be required to hook up the generators. He added that a three-phase power system will be used to protect computers, and the electronics controlling the Town's water and sewer pumps. Mr. Francisco stated that importance of "making sure it's done right." He stated that the generators will power electricity in an emergency but will not power heat. Fire Chief Bill Gorman, also a licensed electrician, added that the generator could power a blower for heat but not air conditioning.

Mr. Finch stated that there should be an emergency hook-up at Fire Station #2 on Conklin Forks Road. Mr. Minoia stated that earlier discussions on this topic stated that the generators would be able to be moved to other buildings utilizing one universal hook-up. Mr. Francisco stated that a new electrical panel is needed at both the Highway Garage and at the Julius Rogers Utility Building. Mr. Finch asked if the Community Center could serve as an emergency center in situations other than a major flood. Mr. Francisco stated that the generator could power the heat and security system at the Community Center. Mr. Finch stated that he will discuss the plan with FEMA representatives and with Public Works Superintendent Tom Delamarter.

**BUDGET QUESTIONS**

Mr. Bullock called for an Executive Session to discuss salaries. Upon being informed by Mr. Finch that he cannot discuss salaries across the board in Executive Session but must limit it to a particular employee, Mr. Bullock stated that he could ask a couple of his questions in open meeting. He asked why Youth Commissioner Fran Bealo was given a raise and Mr. Finch replied that he was given only a \$500 increase for all that he does, adding that Mrs. Bealo volunteers her time also to help with the Youth Sports programs. Mr. Bullock asked why Assessor Clerk Phyllis Lake did not receive a raise when other part-time clerks received raises and Mr. Finch replied that Ms. Lake is already making \$1.40 per hour more than the other part-time clerks. Mr. Bullock asked what will happen to the salary of Public Works Superintendent Tom Delamarter if the proposition to abolish the elected position of Highway Superintendent and make the position appointed is defeated, which would mean that the Town would have an elected

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

Highway Superintendent and oversight of the Highway Department would no longer be part of Mr. Delamarter's duties. Mr. Finch replied that Mr. Delamarter's salary would remain the same as last year, noting that he did not receive an increase in salary when he assumed oversight of the Highway Department at the end of 2012. Mr. Bullock then asked for an Executive Session to discuss the salary of a particular employee. "Is that employee present here tonight?" asked Supervisor Finch. "Yes," stated Mr. Bullock, but added that he did not want anyone to attend the Executive Session except the Town Board and the Town Attorney.

**RESO 2013-148: EXECUTIVE SESSION/SALARY OF PARTICULAR EMPLOYEE**

Mr. Minoia moved to close the Regular Town Board Meeting and to move into Executive Session at 6:09 P.M. to discuss the salary of a particular employee.

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 6:09 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, and Town Attorney Cheryl Sacco. Mr. Finch assumed duties of secretary for the meeting. A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding the salary of a particular employee.

**RESO 2013-149: 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 6:28 P.M.

Seconded by Mr. Bullock.

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

**RESO 2013-150: ADOPT ANNUAL BUDGET OF THE TOWN OF CONKLIN FOR  
THE YEAR 2014**

Mr. Bullock moved for the following resolution:

Whereas, the Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), on the 22nd day of October 2013, commencing at 5:35 PM at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, duly held a public hearing on the Town year 2014 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, 2014, and

Whereas, the Town Board heard all persons desiring to be heard in the matter, and the matter of the said budget for the Town for such fiscal year was fully discussed and considered by the Town Board,

NOW, THEREFORE, the Town Board of the Town, duly convened in regular session, does hereby resolve as follows:

Section 1. The said Town year 2014 preliminary budget submitted, approved, and filed, as aforesaid, be and the same is hereby adopted and established as the year 2014 annual budget for

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2013**

the Town for the fiscal year beginning January 1, 2014. 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.

**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 22, 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	NO

Dated: October 22, 2013

Town of Conklin Seal

\_\_\_\_\_  
Sherrie L. Jacobs Town Clerk of the Town of Conklin

Mr. Finch commented that there were no changes made to the Preliminary Budget and instructed anyone wishing more information to see Assistant to the Supervisor Lisa Houston.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 6:30 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 8, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on October 8, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Oliver Blaise III
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		John Colley
		Dolly Stout
		Mike Gabello
		Laurie Francisco
		William Dumian, Jr.
		Joe Zdimal
		David Ferris
		Tom Scanlon
		Peter J. Motsavage

**MINUTES: SEPTEMBER 24, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the September 24, 2013 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 correspondence from Keystone Engineering regarding an addition to the FedEx building in the Broome Corporate Park. He added that this addition was approved at the time the initial building approval was granted, but the Town Board must approve some specific aspects of the addition.

Mr. Finch acknowledged receipt of correspondence from Governor Cuomo’s office regarding the potential grant in the amount of \$3,000,000, adding that “it looks good” that the Town of Conklin will be able to use this money for expansion of the water and sewer system and for construction of an evacuation route from the center of the Town, in the event of another emergency situation such as the catastrophic floods of 2006 and 2011.

Mr. Finch also acknowledged receipt of correspondence from Broome Bituminous over a disputed bill, which was given to the Town Attorney for review, and from All Around Excavating, regarding the bids for demolition of structures in the 2011 Flood Buyout Program.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 8, 2013**

**PUBLIC COMMENTS:**

**HUNTERS TRESPASSING NEAR TOWN WATER TOWER AND RESIDENCES**

Joe Zdimal of Ahern Road stated that he lives near the access road to the Town water tower and added that every year during deer hunting season in October and November, the hunters disregard the “No Trespassing” signs posted on the access road and ignore the law that states that it is illegal to discharge a firearm within 500 feet of a residence. He stated that in fact the signs have been removed and the gate blocking the access road has been damaged. Mr. Zdimal stated that several years ago he did a “fly over” with then Town Supervisor Debra Preston and it was determined that every point on the access road is within 500 feet of a residence.

Public Works Superintendent Tom Delamarter stated that this is a federal offense because it endangers the municipal water supply, adding that gun shots have left bullet holes in the Town water tank located on Stewart Road. He added that the gate blocking the access road is locked and that he can re-post the “No Trespassing” signs. Mr. Finch advised contacting the Broome County Sheriff’s Department and having trespassers arrested, adding that the Town had several students arrested last summer for trespassing at the water tower.

**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 stated that his department has been busy grading and patching roadways and mowing, as well as working on truck repairs. He stated that the Highway Department will be repairing the drop off between paved road and driveways on Coolidge Street, using pavement millings. He stated that his crew will be helping the Town of Kirkwood Highway Department on October 9 with preparing their trucks for snow removal.

**RESO 2013-134: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/LEAF**  
**PICK-UP/OCTOBER 21-NOVEMBER 29, 2013**

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 leaf pick-up that will take place from October 21 through November 29, 2013.

Seconded by Mr. Minoia.

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



**REGULAR TOWN BOARD MEETING**  
**OCTOBER 8, 2013**

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that the Town received a donation of \$50 from the Skylarks Softball Team. He stated that he re-measured the plot at Shawsville Cemetery belonging to Mrs. Freije and her questions were resolved. Mr. Delamarter stated that the fence at the cemetery has been repaired and the cemetery has been mowed and trimmed. He reported that the Buyout properties have also been mowed.

Mr. Delamarter reported that the water testing at Well 6 has been giving a false chemical read, so that well is temporarily shut down and the Town is using Well 5. He stated that the Broome County Health Department inspected the Town's water supply on October 8.

Mr. Delamarter stated that the invoices, totaling approximately \$34,000, for the damage caused by the power surge, will be paid by NYSEG (New York State Electric and Gas Corporation), who in turn will seek reimbursement from the insurance company. He stated that the sewer smoke testing showed 24 sites that need the caps repaired and showed some infiltration at Powers Road.

**RESO 2013-135: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/FLUSH**  
**MUNICIPAL HYDRANTS/10-21 – 10-31-2013**

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 flushing of municipal hydrants from October 21 through October 31, 2013.

Seconded by Mr. Bullock.

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

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that Mr. DeVincentis wants to build a pole barn and small office building at his site at 300 Hardie Road, to house the bridge division of his construction company.

Mr. Jones stated that representatives from FedEx attended the Planning Board meeting on October 7, 2013, adding that the company is seeking to add a "large addition" to its building in the Broome Corporate Park and noting that the Town of Conklin is Lead Agency on this decision. He added that this addition was approved when the initial building was approved but the Town must approve some additional work not included in the original request. A Public Hearing will be required and Mr. Jones will send letters to residents who live within 1,000 feet of the Corporate Park, as required by law. Mr. Jones stated that this is approximately 115 people. Mr. Finch asked about the lights, which had been an issue with the original building, and Mr. Jones replied that one light pole will need to be moved. He added that the addition is on the Carlin Road side of the building, on the back of the existing structure. Town Attorney Oliver Blaise III asked if the Form 239 had been sent to the Broome County Planning Department for input, and Mr. Jones stated that he will be mailing it on October 9.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 8, 2013**

**RESO 2013-136: SCHEDULE PUBLIC HEARING/NOVEMBER 26, 2013/5:35**  
**P.M./FEDEX ADDITION**

Mr. Bullock 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 November 26, 2013, to receive input regarding the proposed addition to the FedEx building in the Broome Corporate Park.

Seconded by Mr. Francisco.

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

Mr. Jones reported that he has issued building permits for three new houses in the past month, and has been conducting safety inspections. He stated that he has been working with participants in the 2011 Flood Buyout Program regarding Duplication of Benefits. Mr. Jones stated that the Hazardous Materials Property Surveys have been sent to participants and need to be completed and returned, along with Household Income Declarations. He added that the Income Declarations are needed for HUD (Housing and Urban Development) but added that acceptance into the Buyout Program is NOT income sensitive.

Mr. Jones reported that the site of the former SportsPlex will be mowed in the next two weeks, adding that he spoke with owner Rob Warholic. Mr. Finch asked Mr. Jones to remind the property owner to cover the two manholes on the property to prevent anyone from falling into them.

**OLD BUSINESS:**

**CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT)**

Mr. Finch stated that three meetings have been held by the committee deciding the distribution of the Governor's Community Development Block Grant (CDBG), adding that the Town of Conklin should receive approximately \$3,000,000 of the money. He added that members of the committee visited the proposed Town of Conklin project sites and agree to the Town's use of the monies. He stated that the next meeting will be held on October 15.

**BROOME BITUMINOUS**

This issue will be discussed in Executive Session.

**ALL AROUND EXCAVATING**

Mr. Blaise stated that the legal representative for All Around Excavating has sent a FOIL (Freedom of Information Law) request to the Town, the response to which the Town Clerk prepared and he reviewed. The response will be mailed on October 9, 2013. Mr. Blaise stated that the Town also received an Article 78 petition, which he explained is a lawsuit filed against the Town by All Around Excavating. He stated that he and Attorney Robert McKertich will be representing the Town, adding that they have gotten the response deadline rescheduled for the first week in December. Mr. Blaise stated that the case will be tried in the Norwich Court under Judge Kevin Dowd.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 8, 2013**

**TIME WARNER CABLE FRANCHISE AGREEMENT**

Mr. Blaise stated that the Public Service Commission is mediating the agreement between Time Warner Cable and the Town of Conklin, adding that a meeting has been scheduled with David Whalen of Time Warner Cable.

**LITTLE LEAGUE FIELD & BUILDING FEMA CLOSEOUT AUDIT**

Assistant to the Supervisor Lisa Houston stated that FEMA (Federal Emergency Management Agency) has approved reimbursement to the Town for repairs of damages done to the Little League field and building by the 2011 flood, adding that she has requested that the Town receive the funds by November 15, 2013, the date when the bond taken out to cover the cost of repairs is due.

**2011 FLOOD BUYOUT PROGRAM**

Mr. Finch reported that meetings will be scheduled for groups of ten participants per meeting to discuss the final stages of the 2011 Flood Buyout Program. He stated that Thomas Abatti at SEMO (State Emergency Management Office) must review all of the documents. Demolitions of buildings will begin after January 1, 2014.

**NEW BUSINESS:**

**2014 BUDGET**

Mr. Finch stated that the tax rate for 2014 will be .1% less than the 2013 rate, but added that if property owners have made improvements to their properties in the last year, their taxes will be increased as the assessment will have increased. Mr. Bullock asked for an Executive Session “to discuss salaries.”

**2013 HALLOWEEN CURFEW**

The Halloween Curfew will be in effect October 30 and 31 and November 1, 2013, as provided by local law. The curfew is in effect from 8 P.M. until 6 A.M. on those dates.

**RESO 2013-137: RATIFY ACH PAYMENT/PITNEY BOWES/POSTAGE MACHINE**  
**POSTAGE PURCHASE**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an ACH payment, account codes A1670.4 and SW8310.4, in the amount of \$515.00 to Pitney Bowes for purchase of postage for the postage machine.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
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**RESO 2013-138: ACCEPT DONATION/NORMAN PRITCHARD/SENIOR SOFTBALL LEAGUE**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation, account code A2705, in the amount of \$50.00 from Norman Pritchard on behalf of the Senior Softball League.

Seconded by Mr. Bullock.

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

**RESO 2013-139: APPROVE PAYMENT/OCTOBER 8, 2013 BILL LIST/\$36,010.81**

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 8, 2013 Bill List in the total amount of \$36,010.81:

General	\$ 9,566.93
Highway	21,502.38
2011 Flood Emergency	328.23
Light Districts	1,787.92
Sewer District	662.27
Water District	<u>2,163.08</u>
<b>Total</b>	<b>\$36,010.81</b>

Seconded by Mr. Bullock.

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

**RESO 2013-140: AUTHORIZE MODIFICATION/STATED BUDGET LINES**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the modification of the stated from and to Budget lines, as of October 8, 2013 (see attached).

Seconded by Mr. Francisco.

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

**RESO 2013-141: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUES**

Mr. Bullock moved for the following resolution:

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

Seconded by Mr. Francisco.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 8, 2013**

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

**COMMUNITY CENTER**

Mr. Bullock reported that he sealed the cracks in the cinder blocks at the Maines Community Center, adding that the building will still need to be sprayed. He asked if the alarm system at the Community Center had been fixed and Mr. Delamarter replied that Time Warner had repaired it.

**FLOOD INSURANCE**

Mr. Bullock stated that he contacted Southern Tier Surveying Company and was told that elevation studies and certificates will cost \$500 per study. Mr. Finch stated that he should call other surveyors and acquire Town-wide quotes. Mr. Jones suggested contacting Gary Whistle on Powers Road.

Mr. Finch asked Mr. Minoia about his research into Town-wide flood insurance and Mr. Minoia stated that since Hurricane Sandy in 2012 the federal government has “halted” and is “re-writing the rules.”

**DEBRIS ON KEITH LANE**

Mr. Finch asked for an update on the issue of debris on Keith Lane and Mr. Jones stated that the person who had been depositing the debris moved all of it the day after the last Board meeting.

**WALKABLE COMMUNITY**

Mr. Finch reported that he received communication from Broome County regarding the proposed “Walkable Community” project on Powers Road.

**RESO 2013-142: EXECUTIVE SESSION/POSSIBLE LITIGATION &  
PERSONNEL/BUDGET/SALARY DISCUSSION**

Mr. Bullock moved to close the Regular Town Board meeting and to move into Executive Session at 7:40 P.M. to discuss possible litigation and the 2014 Budget in terms of personnel and salaries.

Seconded by Mr. Minoia.

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 7:40 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, Attorney Oliver Blaise III, Town Clerk Sherrie Jacobs (part of meeting), Public Works Superintendent Tom Delamarter (part of meeting), Assistant to Supervisor Lisa Houston (part of meeting). Town Clerk Jacobs assumed duties of secretary for part of the meeting, and Supervisor Finch assumed duties of secretary for the remainder of the meeting.

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A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding “proposed, pending, or current litigation.” A discussion was also held regarding the 2014 Budget with regard to personnel and salaries.

**RESO 2013-143: RE-OPEN REGULAR TOWN BOARD MEETING**

After these discussions, Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 9:43 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. Bullock moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 9:48 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 24, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on September 24, 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
Public Works Superintendent	Tom Delamarter

**GUESTS:**                      **Country Courier**                      Elizabeth Einstein  
Michael Gabello  
William Dumian, Jr.  
Laurie Francisco  
Dolly Stout  
Bonnie Tolomei  
Angelo Tolomei

**MINUTES: AUGUST 27, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the August 27, 2013 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 10, 2013 REGULAR TOWN BOARD MEETING**

Mr. Finch stated that the September 10, 2013 Regular Town Board Meeting minutes should be corrected on page 2, line 19 from the top, to read “\$100,000 assessed value” rather than “\$100 assessed value.” Mr. Francisco stated that these minutes should be corrected on page 5, line3 from the bottom, to read “the light” rather than “the two lights.”

Mr. Bullock moved to approve the September 10, 2013 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from NYMIR (New York Municipal Insurance Reciprocal) regarding proposed rate adjustments to the Town’s insurance for 2014.

He also acknowledged receipt of correspondence from NYSEG (New York State Electric and Gas Corporation) seeking permission from the Town to replace a steel main on Gee Street and Victory Avenue, with the project planned for January 2014.

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 24, 2013**

**UPDATE/TAX CAP & FINANCIAL STRESS STUDY**

Assistant to the Supervisor Lisa Houston reported on a meeting she attended with the New York State Comptroller regarding the 2014 tax cap and a Financial Stress Study, sponsored by the new Upstate Association of Towns. She stated that the financial score for the Town of Conklin was rated at 5%, which she added is “very good,” with anything below 45% considered to be good. Ms. Houston stated that the Town’s financial environmental score is “not as good,” with the Town ranked at 39.2%. She stated that one of the things indicated by this score is the need for growth in the Town, to recover some of the losses sustained during two major floods. Ms. Houston stated that there has been a decrease of 1.2% in the number of jobs in the Town of Conklin.

**PUBLIC COMMENTS:**

**FINANCIAL REPORT**

William Dumian, Jr., asked how the Town can be in good financial shape after two major floods. Mr. Finch replied that the Town is financially “in great shape” and “solvent,” even after two major floods, adding that the Town has brought expenses in “under budget,” and has worked hard to find ways to save money. Mr. Finch stated that the Town’s economy has been impacted by the loss of homes. Mr. Dumian stated that growth potential seems limited because “people are not willing to sell their properties,” citing natural gas leases as one reason. Mr. Finch replied that the Town needs to be able to extend its water and sewer systems to facilitate growth. He added, “This area needs gas drilling.”

**DEBRIS ON PUBLIC PROPERTY**

Bonnie Tolomei of Corbettsville asked about the legality of an individual leaving debris on public property in front of other people’s property, adding that this is part of an ongoing problem with her neighbor on Keith Lane. She added that this same neighbor also dug a ditch on property belonging to the Town of Conklin along the roadway. Code Officer Robert Jones will write a letter to the neighbor and Public Works Superintendent Tom Delamarter and Deputy Highway Superintendent Mike Mott will make a visit to assess the situation on September 25.

**OLD BUSINESS:**

**UPDATE/FEMA PROJECT/COMMUNITY CENTER & FLOOD DOORS**

Mr. Finch reported that the installation of the flood doors at the Maines Community Center has been completed except in an area near the water meter, adding that the PW (Project Worksheet) will be sent to FEMA (Federal Emergency Management Agency) this week to request reimbursement. Mr. Finch added that the Town will need to repair or re-point the cinder block walls, or perhaps spray them.

**UPDATE/2011 FLOOD BUYOUT PROGRAM**

Mr. Finch reported that several Town officials and employees met with Town Attorney Cheryl Sacco to update the status of the 2011 FEMA Flood Buyout Program, adding that the Town is “in good shape” and is “making progress” on the Buyout process. He added that New York State has agreed to pay the 25% of the Buyout costs not covered by FEMA. Mr. Finch stated that the Town plans to pay 75% at closing with the remaining 25% to be paid when it is received from



**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 24, 2013**

New York State. Ms. Sacco asked if there will be money available to obtain a clear title on the properties, and will send a letter to SEMO (State Environmental Management Office) asking for advanced funds for the closings. Code Officer Jones has been working with property owners on the duplication of benefits portion of the Buyout process, with the next steps including making an offer to the property owners and scheduling closings on the properties. These will be scheduled in groups of ten.

**UPDATE/BROOME BITUMINOUS BLACKTOPPING**

Mr. Finch stated that the roads blacktopped by Broome Bituminous have been surveyed and core-bored, with results of 1 and 1/15 inches, 1 and 7/8 inches, and 1 and 15/16 inches thickness being discovered. The signed contract between the Town and Broome Bituminous specifies 1 inch compressed blacktop. Mr. Finch stated that the Town was overbilled \$13,000 by Broome Bituminous and will not pay for the overage. He added that Broome Bituminous has engaged Levene, Gould, and Thompson to represent them legally. Town Attorney Cheryl Sacco stated that she sent a letter with the core-boring report to Levene, Gould, and Thompson, asking how their client wishes to proceed and has to date received no response from the legal firm.

**UPDATE/2014 BUDGET**

Ms. Houston distributed copies of proposed changes to the Town Water and Sewer rates and other changes to the proposed Budget to the Town Board members. Mr. Finch stated that if the Board members have questions about the Budget, they should come to the Town Hall and discuss them with Ms. Houston. He stated that there will be an increase of 1.7% in the Fire Protection Budget for 2014, but that it is offset by the Fund Balance. Mr. Bullock asked for a clarification regarding the Deputy Town Clerk salary line. He also stated that he thought money should be included in the Code Department budget for a new truck, adding that the Code Officer needs to replace the existing truck.

**NEW BUSINESS:**

**2014 WATER AND SEWER RATES**

Mr. Finch stated that the Binghamton-Johnson City Joint Sewage Board has increased its rates that it charges outside users, yet discovered a \$3,000,000 “mistake” in its 2011 Budget, which resulted in a refund to these outside users, such as Conklin. He stated that more recently a mistake of \$900,000 was found.

Public Works Superintendent Tom Delamarter discussed the cost breakdown sheet that had been distributed by Ms. Houston and discussed the proposed 2014 rates. Proposed rates for residential sewer users will be a quarterly basic fee of \$10, with a unit charge not to exceed \$8.00 per 1,000 gallons; small business (non-manufacturing) business sewer users will be a quarterly basic fee of \$10 plus a unit charge not to exceed \$9.95 per 1,000 gallons; and for sewer users in the Broome Corporate Park and manufacturing companies, a quarterly basic fee of \$25, plus a unit charge not to exceed \$12.50 per 1,000 gallons. Water rates for residential and small (non-manufacturing) business users will be a quarterly basic fee of \$5.00 plus a unit charge not to exceed \$2.74 per 1,000 gallons; and for Corporate Park and manufacturing companies that use municipal water, the charge will be a quarterly basic fee of \$25 plus a unit charge not to exceed \$2.94 per 1,000 gallons. The analysis shows that the Broome Corporate Park sewer users make up 43% of the usage in the Town. “The residents and small businesses come first,” stated Mr. Delamarter, explaining why it is proposed to charge the Corporate Park users more. Ms. Sacco asked if

**REGULAR TOWN BOARD MEETING**  
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Engineer Ron Lake had been consulted about this rate structure and Mr. Finch stated that Mr. Lake had been contacted.

**RESO 2013-130: SCHEDULE PUBLIC HEARING/2014 GENERAL AND HIGHWAY BUDGET/OCTOBER 22, 2013/5:35 P.M.**

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 October 22, 2013, to receive input regarding the proposed 2014 General and Highway Budget of the Town of Conklin.

Seconded by Mr. Finch.

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

**RESO 2013-131: SCHEDULE PUBLIC HEARING/2014 WATER & SEWER RATES/OCTOBER 22, 2013/5:45 P.M.**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:45 P.M. on October 22, 2013, to receive input regarding the proposed 2014 Municipal Water and Sewer billing rates.

Seconded by Mr. Francisco.

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

**RESO 2013-132: SCHEDULE PUBLIC HEARING/2014 FIRE PROTECTION BUDGET/OCTOBER 22, 2013/5:50 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 5:50 P.M. on October 22, 2013, to receive input regarding the proposed 2014 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

Seconded by Mr. Francisco.

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

**2014 TAX CAP**

Mr. Finch stated that the 2014 Tax Cap will be set at 1.67%.

**GRANT MEETING/SEPTEMBER 25, 2013**

Mr. Finch stated that he and several Town officials and employees, including Town Engineer John Mastronardi, will meet with Julie Sweet, New York State grant administrator, on September

**REGULAR TOWN BOARD MEETING**  
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25, 2013, at 10 A.M. to discuss possible projects for the Town of Conklin's share of the \$3,000,000 grant awarded to several municipalities in Broome County.

**RESO 2013-133: APPROVE PAYMENT/SEPTEMBER 24, 2013 BILL LIST/\$89,034.07**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following Bill List dated September 24, 2013, in the total amount of \$89,034.07:

General	\$14,481.18
Highway	4,975.30
2011 Flood Emergency	16,526.99
Water District	1,342.48
Sewer Districts	46,877.72
Light Districts	280.40
Non-Budget	<u>4,550.00</u>
<b>Total</b>	<b>\$89,034.07</b>

Seconded by Mr. Minoia.

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

**UPDATE/TAX CERTIORARI/INTERNATIONAL PAPER**

Ms. Sacco reported that the pre-trial conference in the tax certiorari case of International Paper vs. the Town of Conklin was adjourned, adding that International Paper (Inpeak) wants a preliminary appraisal of the property. Mr. Finch added that the Town is also facing tax certioraris filed by Johnson Outdoor and by Maines Paper and Food Service, Inc.

**MOWING AT SPORTS PARK**

Mr. Francisco asked what the Town plans to do regarding the unmowed grass at the site of the former Conklin Sports Park, adding that the property owners have promised to mow it and have not followed through with this promise. Mr. Finch stated that the Town could have the property mowed and bill it to the property owners on their property tax bill, but added that it will cost \$600-700 and the Town would have to cover the cost up front and wait for reimbursement. Code Officer Jones will call Rob Warholic, representative from the group that owns the property in question, to follow up with this issue.

**STREET LIGHT BY FORMER DINO'S BAR & GRILLE**

Mr. Francisco stated that he was finally able to reach someone at NYSEG to be able to discuss the street light which is continually lit on Colesville Road Extension near the former site of Dino's Bar & Grille. Mr. Francisco was told by the NYSEG representative that the Town is charged for 4,250 hours per year for unmetered sites such as this one, and that the lights are on an average of 11.25 hours per day.

Mr. Francisco stated that if a street light is not working properly, the address and/or pole number on which the light is located should be obtained and Mr. Francisco should be notified. He will then contact NYSEG. He added that the Town should be reimbursed if a light is left on

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 24, 2013**

continually during the daylight hours. Mr. Bullock stated that it is a matter of “fixing something that is broken.”

**TOWN FAIR COMMITTEE SIGN**

Town Clerk Sherrie Jacobs stated that, in response to complaints regarding the Conklin Fair sign which is still up over Conklin Road even though the Fair dates have passed, she has contacted members of the Conklin Fair Committee, who have stated that the poles on which the sign is hung belong to NYSEG and only a NYSEG employee can take the sign down. Mr. Finch stated that when NYSEG has a bucket truck in this area, they will take the sign down.

**NEW QUARRY/MONTROSE DRIVE**

Mr. Finch stated that a new stone quarry will be opening on Montrose Drive, adding that the owner is awaiting approval from the DEC (New York State Department of Environmental Conservation).

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 6:20 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 10, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on September 10, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Public Works Superintendent	Tom Delamarter
	Planning Board	Dell Boyle
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		John Colley
		Michael Gabello
		Laurie Francisco
		Tony Marascia

**MINUTES: AUGUST 27, 2013 REGULAR TOWN BOARD MEETING**

The Town Board decided to hold over approval of the August 27, 2013 Regular Town Board Meeting minutes until the September 24, 2013 Town Board meeting.

**CORRESPONDENCE:**

Supervisor Finch acknowledged receipt of correspondence from Broome County seeking to acquire vacant Town of Conklin properties for a Land Bank. The Town Board noted that it had rejected this proposal last spring and voted a second time to send a resolution rejecting this proposal.

**RESO 2013-125: CONTINUE TO REJECT BROOME COUNTY'S APPLICATION TO**  
**ACQUIRE TOWN OF CONKLIN LANDS FOR A LAND BANK**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin continues to reject Broome County's application to acquire Town of Conklin lands for a Land Bank, as verified in RESO 2013-22 at the February 12, 2013 Town Board meeting.

Seconded by Mr. Minoia.

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

Mr. Finch acknowledged receipt of correspondence from the law firm of Hinman, Howard, and Kattell regarding the bid for demolition of flood buyout structures made by All Around Excavating, which was rejected by the Town Board because the bid bond was insufficient and unclear. Town Counsel Cheryl Sacco stated that she sent a letter to the manager of All Around Excavating explaining the guidelines for making a protest under Article 78 of the Town Board's decision, adding that the company had contacted her asking the Town Board to reconsider its decision. Ms. Sacco stated that the bid was already awarded, adding that the Board's decision was an "appropriate action under the law."

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 10, 2013**

Mr. Finch acknowledged receipt of correspondence regarding an opportunity to meet with Governor Andrew Cuomo regarding a grant for \$3,000,000 which the Town of Conklin will receive. Mr. Finch attended the meeting with the Governor on September 10. He stated that these monies could be used for developments in the Town's water and sewer systems. Mr. Francisco asked if there is a time limit for developing proposals to utilize these funds and Mr. Finch replied that there is a limit of eight months. Mr. Finch stated that an Executive Committee of representatives from the municipalities which are receiving funds from this grant will decide the distribution of funds. He added that some of the Town of Conklin's share could also be used to alleviate flood damage, adding that these monies are in addition to the grant for drainage development that the Town is pursuing.

**PUBLIC COMMENTS:**

**ASSESSMENTS ON FLOODED PROPERTIES**

Tony Marascia of Conklin Road stated that the assessments on properties that were flooded in 2011 have been lowered to \$100 and asked where the money is coming from to make up for the loss of tax revenue on these properties. Mr. Finch stated that the Town has been operating on a tight budget and that there will be no increase in taxes in the 2014 Town Budget, adding that he hopes to bring taxes down \$5 per \$100 assessed value. Mr. Minoia stated that the assessments have been down since 2011. Mr. Finch commented that the school tax increased 2.4% this year.

**REPORT: TOWN CLERK**

Refer to written report.

**OLD BUSINESS:**

**FEMA BUYOUT**

Code Officer Robert Jones stated that he has been researching grants from the EPA (Environmental Protection Agency) for a small wastewater treatment plant.

Mr. Jones stated that he has been working with property owners who are enrolled in the 2011 Flood Buyout Program through FEMA (Federal Emergency Management Agency) on their duplication of benefits packets. He noted that he sent out 46 packets for potential Buyout participation, plus the five vacant lots that are also potentially part of the Buyout. Mr. Jones stated that he has received back 35 out of those 46 packets, adding that three property owners have dropped out of the Buyout Program, but one of these wants to re-apply to participate. He stated that he will be sending the paperwork to Tom Abatti in Albany at SEMO (State Emergency Management Agency, which administers the FEMA Buyout Program in New York State) by the end of the week. Ms. Sacco asked if the appraisals have been approved by SEMO and Mr. Jones confirmed that they have been approved.

Mr. Jones stated that income forms are needed from the participants in order for HUD (Office of Housing and Urban Development) to pay the 25% of the cost of the Buyout Program not covered by FEMA. He stated that the Town has a new signed contract which states that HUD will pay the 25%, meaning that 100% of the cost will be paid. Mr. Jones stated that the next step will be to meet with the attorneys and property owners to give an offer to purchase the properties. He stated that 75% is guaranteed at the time of closing. Ms. Sacco asked if the remaining 25% will be in place by closing and Mr. Jones replied that he is "99.9% sure it will be." Mr. Bullock

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 10, 2013**

asked if HUD's involvement means that the Buyout offers will be income sensitive. Mr. Minoia stated that the purchase offers should be made based on 75%.

**BIGGER WATERS FLOOD REFORM ACT**

Mr. Jones stated that he met with Pamela Harris from FEMA to discuss the Bigger Waters Flood Reform Act. He stated that, effective October 1, 2013, there will be changes to the cost of flood insurance, part of which has been subsidized in the past. He stated that the rates will increase, with many factors impacting them, and that all property owners seeking flood insurance will need to obtain an elevation certificate. Mr. Bullock asked if this would be based on the 100-year flood plain or the 500-year flood plain. Mr. Jones stated that it would need to be above the 100-year flood plain. Mr. Bullock asked if that was not the purpose of the recently completed flood mapping. Mr. Jones replied that an elevation certificate can help to get a more accurate rate. Mr. Bullock stated that this means that all property owners living in the flood areas must get an engineer's certificate of elevation. Mr. Jones commented that some property owners have split their lots into two lots – one higher, and one lower in elevation. Mr. Minoia commented that flood insurance covers only the dwelling, not property. Mr. Jones commented that the new cost of flood insurance will be twice, perhaps even three times as much, as the current cost. He stated that it could cost as much as property tax. Mr. Jones stated that there are 136 properties at high risk in the Town of Conklin, adding that FEMA "wants to prevent a third Buyout of flooded areas."

Mr. Jones stated that not all insurance policies will have the subsidies removed, adding that for structures that have sustained severe damage, the cost will increase 25% per year until it reaches the full cost. Some properties will be able to keep the subsidy until the owner sells the property, or the policy lapses, or it receives severe damage and the owner refuses to move.

Mr. Jones stated that one thing that could be helpful would be for the Town to rejoin the Community Rating System, as well as to seek grants from New York State. He referred to the grant he is researching through the EPA, adding that a wastewater treatment plant would be beneficial to the development of the southern end of Town and to the existing mobile home parks in that area. He stated that the Town "needs to be able to expand and rebuild the tax base." Mr. Jones stated that the Town needs a grant writer. He stated that he has spoken to Kevin McLoughlin, the new chairman of the BCIDA (Broome County Industrial Development Agency), adding that the Town may be able to take some land from the Corporate Park on which to build homes. Mr. Minoia stated that "FEMA is pushing people toward the Buyout." Mr. Jones stated that the Town "needs to be aggressive." Mr. Marascia asked if there is a deadline for completion of the Buyout process and Mr. Jones replied that everything must be completed by the end of 2014.

**NEW BUSINESS:**

**CLOSEOUT AUDIT/COMMUNITY CENTER**

Mr. Finch reported that the final audit to close out the books on the Community Center flood mitigation had been completed, adding that the new flood doors on the building must be installed by the September 30, 2013 deadline. Assistant to the Supervisor Lisa Houston stated that the audit went well, adding that the Town will receive the reimbursement from FEMA in about six months, as well as reimbursement money for the upgrades and flood mitigation completed on the water and sewer system.

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 10, 2013**

**RESO 2013-126: APPOINT A.C. SPEAR ELECTRIC, INC./CONTINUE AS TOWN'S**  
**OFFICIAL ELECTRICAL REPAIR COMPANY/TOWN OF CONKLIN/AS HAS BEEN**  
**IN PAST**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints A.C. Spear Electric, Inc., to continue as the Town's official electrical repair company for the Town of Conklin, as it has been in the past.

Seconded by Mr. Francisco.

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

**RESO 2013-127: RATIFY REIMBURSEMENT/TOM DELAMARTER/PURCHASE OF**  
**AUTUMN PARK FLOWERS**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies reimbursement payment in the amount of \$74.77, account code A7110.4, to Tom Delamarter for the purchase of autumn flowers for the Town parks.

Seconded by Mr. Francisco.

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

**RESO 2013-128: APPROVE PAYMENT/9-10-2013 BILL LIST/\$23,223.10**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following September 10, 2013 Bill List in the total amount of \$23,223.10:

General	\$ 7,454.63
Highway	3,797.56
2011 Flood Emergency	150.00
Sewer District	5,400.00
Water District	1,798.79
Water District 6	<u>4,622.12</u>
<b>Total</b>	<b>\$23,223.10</b>

Seconded by Mr. Bullock.

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

**RESO 2013-129: ACCEPT DONATION/\$100/WILLIAM WELKER/SENIOR**  
**SOFTBALL LEAGUE GAMES**

Mr. Minoia moved for the following resolution:



**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 10, 2013**

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$100.00, account code A2750, from William Welker of the Senior Softball League for use of the Town's fields for League games.

Seconded by Mr. Francisco.

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

**2014 BUDGET DISCUSSION WITH DEPARTMENT HEADS**

Assistant to the Supervisor Houston stated that she would have to make adjustments to the projected Flood Insurance line in light of the increases projected from Mr. Jones' discussion with Pamela Harris from FEMA, discussed earlier at this meeting. Mr. Finch added that the Town will obtain a quote from a second insurance carrier, noting that the Board is not happy with the cost charged by The Partners Insurance. Mr. Minoia stated that the Town should look at exactly what the Town is insuring.

The Town Board had no questions for the department heads regarding their 2014 Budget requests.

**FLOOD PROPERTY ASSESSMENTS**

Mr. Finch asked Mr. Minoia if he had compiled a list of flood properties about which Mr. Minoia had expressed concern at the last Board meeting. Mr. Minoia stated that he had not yet compiled the list but he knew personally of at least ten such properties. He also stated that he had met with Town Assessor John McDonald and learned that all of the flooded properties have been re-assessed upwards and are no longer at the \$100 set immediately after the 2011 Flood.

**CODE ISSUES**

Mr. Minoia reported that there are two unlicensed cars parked at the abandoned property at 560 Conklin Road. Mr. Bullock stated that Mr. Landers should be told to clean up the tires on his property on Conklin Road. Code Officer Jones replied that this issue is being addressed by the property owner.

Mr. Francisco stated that the property at 9 Cherry Drive, in a residential neighborhood, has construction debris. Mr. Minoia commented that this area is not zoned for storage of materials.

Mr. Francisco asked about the mowing at the former Sports Park. Mr. Jones stated that he has sent a letter to Legends Golf, which leases the property, and has not yet received a response.

**NYSEG**

Mr. Francisco stated that he has not yet received a response from NYSEG (New York State Electric and Gas Corporation) regarding the two lights on the Colesville Extension that are turned on all the time. He stated that the Town should ask from a rate reduction in that Light District.

**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 10, 2013**

**560 CONKLIN ROAD**

Ms. Sacco stated that she has received no response to correspondence sent to Mr. Ray Knapp, who owns the structure located at 560 Conklin Road. Mr. Bullock stated that someone should just go and talk to Mr. Knapp, who sells cars in Johnson City.

**TIME WARNER CABLE**

Mr. Finch asked Ms. Sacco if she had received a response from Time Warner Cable regarding the new franchise agreement between the Town and Time Warner Cable and she stated that she has received no response.

**TAX CERTIORARI/INLAND PAPER COMPANY**

Ms. Sacco stated that Judge Lebus is presiding over the tax certiorari case filed by Inland Paper Company/International Paper Company against the Town of Conklin. She stated that a pre-trial meeting will be occurring soon and stated that they may be able to reach a settlement at this meeting. She added that if it goes to trial, an appraisal of the property may be required. Ms. Sacco stated that the assessments in question are for 2009-2013.

**VOUCHER/BILL BACK ENGINEERING COSTS**

Mr. Bullock asked if the voucher for Dan Griffiths Engineering costs will be billed back to Giammarino Construction, and Mr. Finch confirmed that this is the case, adding to Mr. Bullock, "You signed the voucher."

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

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on July 23, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Public Works Superintendent	Tom Delamarter
	Highway Foreman	Stanley Albrechta
	Highway Laborer	Brian Coddington
	Planning Board	Chris Ostrowsky
	Planning Board	Dell Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Mike Gabello
		William Dumian, Jr.
		Lois H. James
		Laurie Francisco
		Nancy Coddington
		Daniel Fitzsimmons
		Cathie Russell
		Cathy Minoia
		Bob Muckey

**MINUTES: JUNE 25, 2013 REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to approve the June 25, 2013 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 correspondence from Assemblyman Clifford Crouch regarding “Agenda 21” and the Town Board’s stance against it.

Mr. Finch acknowledged receipt of a letter of resignation from his position of Water and Sewer and Parks Department Laborer from James Gates.

Mr. Finch acknowledged receipt of correspondence from the DEC (New York State Department of Environmental Conservation) approving a mining permit for Roberts’ Stone Quarry on State Line Road.

**PUBLIC COMMENTS:**

None.

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 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, Public Works Superintendent Tom Delamarter reported that the Highway Department has been busy with ditch and shoulder work, and has used 130 tons of blacktop for paving projects, including Carol Court. He stated that the crew had been doing maintenance work on the equipment, adding that there is a problem with Truck 34. Mr. Delamarter stated that his crew removed eight loads of brush from the Highway Garage and has used 50 loads of crusher stone.

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**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 2, 2013**  
**“ABOLISH THE POSITION OF ELECTED TOWN HIGHWAY SUPERINTENDENT**  
**AND CREATE AN APPOINTED TOWN HIGHWAY SUPERINTENDENT POSITION,**  
**SUBJECT TO MANDATORY REFERENDUM”**

**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 asked those present to speak either for, or in opposition to, proposed Local Law 2, 2013, “Abolish the Position of Elected Town Highway Superintendent and Create an Appointed Town Highway Superintendent Position, Subject to Mandatory Referendum.”

Mr. Finch stated that approving this local law would “give the voters a chance to vote on this” issue. He stated that there is not currently a Highway Superintendent, so it would not create a hardship of someone losing his or her job. Mr. Finch stated that this is the same procedure that was used to abolish both the position of Tax Collector and the position of the second of two Town Justices in the past, adding that the move will “save taxpayers money.”

Mr. Finch listed a number of long-term debts and extra expenses the Town is facing, including \$80,000 that must be paid in 2014 and 2015 for debts incurred during the 2006 Flood; \$60,000 that must be paid to Broome County for the Town Landfill, which is a portion of the \$135,000 that was owed from the past ten years; \$16,000 for a new monitoring well for the Town Landfill, to be overseen by Shumaker Surveying and Consulting, and which has been required by the EPA (Environmental Protection Agency); \$16,000 per year on the municipal water and sewer bond which the Town must pay on the lots bought out by FEMA (Federal Emergency Management Agency) in the northern end of Town following the 2006 Flood; and \$300,000 for which the Town must bond to pay the initial cost of the potential 2011 Flood Buyout Program. He added that New York State may pay the 25% of the cost of the Buyout Program not covered by FEMA, but that is not yet a certainty. Mr. Finch added that the tipping fee charged by Broome County to take debris to the County Landfill has increased from \$40 per ton to \$60 per ton.

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

Mr. Finch stated that the position of the Highway Superintendent pays approximately \$77,658 per year (\$53,000 in salary plus approximately \$24,000 in benefits), which he stated adds up to \$310,000 over a four-year elected term of office. He stated that the Town will save this amount of money if the elected position of Highway Superintendent is eliminated, adding that there will be no increase in salary for the additional responsibilities of Highway Superintendent if the position becomes an appointed one and becomes part of the position of Superintendent of Public Works, a position currently held by Thomas Delamarter. Mr. Finch stated that if this proposed local law fails, “drastic cuts” will need to be made and taxes will need to be increased. He added that the Town lost \$7,000,000 in real estate taxes, and has faced a 7.1% increase in Susquehanna Valley school taxes in the past year. “We need to run this Town as a business, not a political entity,” stated Mr. Finch.

Michael Gabello of Leslie Avenue stated that this proposed local law was discussed at the May 14, 2013 Town Board meeting and defeated, making this discussion “a moot point.” “Will this set a precedent,” asked Mr. Gabello, “bringing up a proposal until it is passed?” He stated that an appointed person answers only to the Town Board, whereas an elected person answers to the voters. “Nepotism is possible,” stated Mr. Gabello. “The best person should be elected.” This proposal “should not be on the ballot.”

Mr. Finch replied that nepotism cannot happen because, although the Town Board can appoint someone to the position of Highway Superintendent, if the proposed change is made, New York State requires licensing for water and sewer oversight. He presented a petition with “over 100 signatures” requesting that the decision between an appointed and elected Highway Superintendent be put on the November 2013 ballot in the General Election. Dell Boyle presented additional names for the petition. Mr. Minoia stated that if all of the people who signed the petition wanted it to be on the ballot, “they should be here in person” to express their viewpoint. Mr. Finch asked Mr. Minoia if, when he took his Oath of Office as a Councilman, he had not at that time agreed to look out for the best financial interest of the people of the Town of Conklin when making decisions. Mr. Minoia replied that there is a difference in opinion among members of the Board regarding this proposed decision.

Daniel Fitzsimmons of Roxbury Street stated that if the position of Highway Superintendent is elected, “money is wasted. People want favors and the Highway Department does them.” He stated that the position should be appointed. “The Town cannot afford an elected Highway Superintendent,” stated Mr. Fitzsimmons. “We need to downsize government. Let the voters speak.”

Robert Muckey stated that his father was a former Highway Superintendent for the Town of Conklin and added that there were no favors done under his father’s oversight of the position. “If it was not in the Budget, it didn’t get done,” stated Mr. Muckey. He added that the Town needs strong integrity in whoever is elected to the position.

Nancy Coddington asked for clarification of the proposed resolution. Town Attorney Cheryl Sacco stated that New York State law requires that the municipality have a Highway Superintendent, but not necessarily one that is elected. She added that the plan, if the proposed Local Law is approved by the voters in November, is to keep the appointed Highway Superintendent, and, in January 2014, add the responsibilities of that position to the Department of Public Works, the Superintendent of which has oversight of parks, pool, landfill, water, sewer, and Shawsville Cemetery. Mrs. Coddington questioned the legality of this plan, adding that the Board is “misleading the public.” Ms. Sacco stated that these **must** be two separate actions – one is subject to mandatory referendum and the other is not.

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

Mrs. Coddington asked, if the position of Highway Superintendent is a 40+ hour per week job, how the current Public Works Superintendent, Tom Delamarter, could take on that added responsibility for no increase in salary. Mr. Finch explained that New York State law states that an elected official can work whatever hours they choose, so there is no guarantee with an elected Highway Superintendent that he or she would be working 40 hours per week. He added that there has been no overtime paid to the Deputy Highway Superintendent. Mr. Delamarter confirmed that there has been no overtime paid in 2013. Mrs. Coddington stated, "It is confusing to have both [the proposition to abolish the elected position of Highway Superintendent and a candidate running for the position of Highway Superintendent] on the ballot."

Lois James stated, "I hate to lose the right to vote on this," adding that the Town has good roads and has had good Highway Superintendents. Mr. Finch stated, "It is a money issue. By doing this, we can co-mingle equipment and personnel from both departments [Highway and Public Works] and save money. Where would you cut?" Ms. James stated, "You could cut services and everyone could take a cut in pay."

Mr. Muckey stated that in the 1960's and 1970's, "all the departments – Highway, Parks, and Water and Sewer – worked together." He added that costs would be charged back to individual departments' budgets. Adding that he understands that the Water Superintendent must be licensed, Mr. Muckey suggested that the Public Works Superintendent should be an elected position, with the Town appointing licensed workers to run the Water and Sewer Department. He also stated that he understands that the money saved by the resignation of former Highway Superintendent Patrick Latting was used to give an increase in salary to the current Highway Department workers. Mr. Finch replied that the workers' pay rate was increased to \$12.00 per hour. Mr. Muckey stated that he has heard that some of the Highway Department personnel were hired without having a CDL (Commercial Driver's License) and Mr. Finch replied that these people were hired as laborers.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 6:08 P.M.

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Ms. Sacco stated that the election of a Highway Superintendent and the referendum to abolish the position of elected Highway Superintendent will both be on the November 2013 ballot if the proposed local law is approved. She added that this approval must be done more than 60 days before the November election. When the local law was first proposed, a Special Election was scheduled to be held in July 2013.

Mr. Bullock stated that he felt it would be "unfair to vote in July. I'm not necessarily in favor of abolishing the position but I think the people should be allowed to vote."

Mr. Minoia stated that he felt that the five people who spoke at the May 14 meeting represented the feelings of the taxpayers, adding that he "is not in favor."

Mr. Francisco stated that he feels the taxpayers should have the option to vote, adding that the idea of a Special Election in July was a "bad situation," but that he is in favor of it being on the ballot in November.

Mr. Finch stated, "I want the taxpayers to be able to vote."

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

Mr. Francisco stated that another unknown charge to the Town is the increase requested by the Binghamton-Johnson City Joint Sewage Board. Mr. Finch stated that he met with the Joint Board on July 18, and learned that the Joint Board had been billing on 2010 rates and had thus overbilled the outside users, who will get a rebate. However, he stated, the Joint Board requested an increase of \$13,000 per quarter from its outside users, adding that it may end up being an increase of \$5,000 per quarter, but the increase is still being negotiated. Mr. Finch added that the cost is based on amount of flow. Mr. Francisco stated that if there is an increase in amount of flow, there is an increase in cost to the Town.

**RESO 2013-98: APPROVE LOCAL LAW 2, 2013**  
**“ABOLISH POSITION OF ELECTED TOWN HIGHWAY SUPERINTENDENT AND**  
**CREATE AN APPOINTED TOWN HIGHWAY SUPERINTENDENT POSITION,**  
**SUBJECT TO MANDATORY REFERENDUM”**

**PRESENT:**

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

**ABSENT:**

**Offered By:** Mr. Finch                      **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 July 23, 2013, commencing at 5:35 P.M. to hear all interested parties on proposed Local Law “Abolishing the Position of an Elected Town Highway Superintendent and Creating an Appointed Town Highway Superintendent Position, Subject to Mandatory Referendum,” and

**WHEREAS,** notice of said Public Hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on July 10, 2013, 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 July 23, 2013, 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”), adoption of this local law does not constitute an Action as defined and can be considered without further regard to SEQR; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board hereby makes a determination that this local law is not an Action which requires environmental review; and further

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

**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, 2013, entitled, 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

**RESOLVED**, that upon the approval of the Local Law at a Regular Election by the Electors, that 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** that 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 July 23, 2013. Said resolution was adopted by the following roll call vote:

Supervisor James E. Finch	<b>YES</b>
Councilman Gary D. Bullock	<b>YES</b>
Councilman Charles Francisco	<b>YES</b>
Councilman Jerry Minoia	<b>NO</b>
Councilman – vacant	

Motion carried: 3 – Yes, 1 – No.

Dated: July 23, 2013

Town of Conklin Seal

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

Ms. Sacco stated that she will bring the referendum with the proper language that will be on the ballot to the August 27 Town Board meeting.

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that NYSEG (New York State Electric & Gas Corporation) had experienced a power surge in the lines which damaged Sewer Station 2 and the drive at Well 6. Mr. Bullock asked if there are surge protectors on the lines at these facilities and Mr. Delamarter replied that there are surge protectors in place. He added that he has submitted the bills for the repairs to the Town’s insurance companies, adding that it cost \$27,000 for parts and labor to replace the pump. Mr. Francisco stated that there is a “wild leg,” in which the voltage varies, which runs down Conklin Avenue, adding that he will address the problem with NYSEG. Mr. Delamarter stated that he has been told by A.C. Spear and two other companies that there is “nothing that can be done to prevent this from happening.”



**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

Mr. Delamarter reported that the new sewer pumps have been installed and the mitigation completed, the cost of which will be paid by FEMA, because the pumps were damaged in the 2011 Flood. Assistant to the Supervisor Lisa Houston stated that the Town is awaiting the final FEMA audit of this project and then the Town will be reimbursed.

Mr. Delamarter reported that the Buyout properties and Shawsville Cemetery have been mowed and trimmed, and that the Five-Year Plan for mitigation of the Town Landfill is progressing. He reported that the New York State Rural Water Association will conduct a smoke test of the Town's water lines in September, adding that the Town must advertise to advise the public that this will occur. Mr. Delamarter stated that the Association will provide the equipment and the testing is free of charge to the Town. The Hold Harmless Agreement has been revised. Mr. Delamarter reported that the Joint Sewage Board will conduct camera testing of the lines in October.

**RESO 2013-99: AUTHORIZE SUPERVISOR/ENTER AGREEMENT & REVISED**  
**HOLD HARMLESS AGREEMENT/NYS RURAL WATER ASSOCIATION/SMOKE**  
**TESTING OF TOWN OF CONKLIN WATER LINES**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to enter an agreement and a revised Hold Harmless Agreement with the New York State Rural Water Association to conduct smoke testing of the lines in the Town of Conklin.

Seconded by Mr. Bullock.

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

**SOLAR ENERGY/TOWN LANDFILL**

Mr. Bullock asked about the status of the solar energy project proposed at the Town Landfill and Mr. Delamarter replied that he has not been able to receive any answers from the company which had proposed the project, and which is now re-located to Pennsylvania.

**SUMMER HELPERS/PARKS DEPARTMENT**

Mr. Bullock asked if the teens/young adults that are hired as temporary summer helpers in the Parks Department “shadow” permanent employees or if they receive instruction, adding that they “can’t go alone.” He mentioned several instances of dissatisfaction with mowing and trimming work done by these temporary employees. Mr. Delamarter replied that they are “kids” and “they make mistakes,” adding that they are given “complete instructions” as to what they are to do and how to do it. Mr. Minoia added that Code Officer Robert Jones had been asked to make a map of the properties obtained by the Town through the 2006 Flood Buyout Program, adding that he has not yet seen such a map and that “the kids don’t realize which is which.”

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that he issued 12 permits last month, including two for new houses on Leslie Avenue and on Millburn Drive. He stated he also issued a permit for the demolition of the barn on the former Lawrence property near the Community Center. Mr. Jones reported that three new businesses were represented at the

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

Planning Board meeting for sketch plan reviews. He stated that he has been performing job site inspections and dealing with complaints. Mr. Jones reported that he filed the Second Quarter report for the FEMA 2011 Flood Buyout Program, and has been working with bids for demolition and with provision for asbestos monitoring.

Mr. Jones reported that eight bids were received for demolition of structures damaged in the 2011 Flood, ranging from \$383,248 to \$2,407,000 for demolition of 46 structures. Ms. Sacco stated that there are irregularities in the bid bond for the \$383,248 bid, which provided 5% instead of the required 10%, which she stated could allow the Board to reject this bid for “irresponsibility,” adding that the bid should not be awarded “as is.” She stated that the bid must be awarded within 45 days of the bid opening, which was held on July 19. The Board plans to award the bids at the August 27 meeting and has reserved the right to award the bids for the individual properties, rather than as a total package.

**OLD BUSINESS:**

**TIME WARNER CABLE FRANCHISE AGREEMENT**

Ms. Sacco stated that the proposed Time Warner Cable Franchise Agreement does not include the addition of service to Gratsinger Road, the security provision, nor high-speed Internet provision. She stated that it also was set for a ten-year term instead of the eight years which the Town had requested. Ms. Sacco stated that the Hold Harmless language in the Agreement is “not good for the Town of Conklin.” She stated that she will contact Time Warner about the Town’s requests. The Board agreed that the Town will agree to a ten-year contract if the Gratsinger Road addition is approved by Time Warner. She will request that security, high speed modem, and telephone be included for the Town Hall and Highway Garage.

**NEW BUSINESS:**

**2014 BUDGET**

The Town Board received the worksheets for the 2014 Budget.

**BACKUP POWER & ACQUISITION GRANTS**

Mr. Finch stated that on June 25, 2013, the Town applied for Backup Power and Acquisition Grants within the Hazard Mitigation Community Grant Program from New York State. The grants would reimburse the Town for the cost of the used federal generators which it purchased and for the installation of these generators at different buildings within the Town.

**ASSOCIATION OF TOWNS & UPSTATE TOWN ASSOCIATION**

Mr. Finch stated that the Upstate Town Association would be in addition to, not “breaking off from” the Association of Towns. He stated that it would cost \$300 to join but would provide educational opportunities that are closer to this area and less expensive than the training traditionally held in New York City. Mr. Finch added that the Town has been using NYMIR (New York Municipal Insurance Reciprocal) through the Association of Towns for all of its insurance needs and this was recently discovered to be more expensive. He stated that the Town should look for three bids on insurance instead.

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

**RESO 2013-100: AUTHORIZE TOWN TO JOIN UPSTATE TOWN ASSOCIATION &  
EXPEND NOT MORE THAN \$450 FOR MEMBERSHIP FEE**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town to join the Upstate Town Association and expend not more than \$450 for a membership fee.

Seconded by Mr. Francisco.

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

**KLEIN SCHMIDT ENVIRONMENTAL CONSULTANTS & WETLANDS**

Mr. Finch stated that the federal government gave \$5,000,000 in grant monies to the Towns of Union, Vestal, and Conklin. Part of the purpose of this grant was to construct flood walls, although none will be built in Conklin. Julie Sweet, from the Broome County Planning Department, suggested that the monies be used to “redirect water in the Town of Conklin.” Mr. Finch stated that Town Engineers Dan Griffiths and John Mastronardi are studying ways to redevelop the wetlands in the Town, adding that one area they are studying is the Carol Court area. He stated that the water level in that area could be lowered and a ditch constructed to the southern end of the Town. Mr. Finch stated that there is no charge to the Town for this study.

**RESO 2013-101: ACCEPT RESIGNATION/JAMES GATES/WATER & SEWER &  
PARKS LABORER/EFFECTIVE JULY 26, 2013**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of James Gates from the position of Water and Sewer and Parks Laborer, effective July 26, 2013.

Seconded by Mr. Francisco.

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

**RESO 2013-102: RATIFY PAYMENT/MLD BUILDERS/FINAL  
PAYMENT/COMPLETION OF BULLETPROOF WINDOW & NEW  
COUNTERS/JUSTICE CLERK OFFICE**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6085, account code A1110-2-201 (grant monies), in the amount of \$9,164.00 to MLD Builders for final payment for the completion of bulletproof window and new counters in the Justice Clerk office, Purchase Order #13-00685.

Seconded by Mr. Minoia.

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

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

**RESO 2013-103: RATIFY PRE-AUTHORIZED PAYMENT/BILL LIST/\$58,706.15**

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 \$58,706.15:

General	\$14,810.53
Highway	12,411.78
Flood Emergency	22,776.08
Light Districts	2,020.71
Water District	2,578.65
Sewer District	<u>4,108.40</u>
<b>Total</b>	<b>\$58,706.15</b>

Seconded by Mr. Francisco.

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

**RESO 2013-104: AUTHORIZE PAYMENT/BILL LIST/\$60,261.75**

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 \$60,261.75:

General	\$ 7,839.14
Highway	2,316.93
Flood Emergency	357.56
Water District	910.40
Sewer District	45,101.72
Non-Budget	<u>3,736.00</u>
<b>Total</b>	<b>\$60,261.75</b>

Seconded by Mr. Minoia.

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

**RESO 2013-105: APPROVE HOURLY PAY RATE ADJUSTMENT/OLIVIA**  
**MORGAN/ASSISTANT POOL MANAGER/FROM \$7.75 PER HOUR TO \$8.25 PER**  
**HOURLY/EFFECTIVE MAY 28, 2013**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves an hourly pay rate adjustment from \$7.75 per hour to \$8.25 per hour, effective May 28, 2013, for Olivia Morgan, Assistant Pool Manager.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

**RESO 2013-106: APPROVE CREATION OF POSITION/SUPERINTENDENT OF**  
**PUBLIC WORKS/RETROACTIVE TO JANUARY 1, 2013**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the creation of the position of Superintendent of Public Works, retroactive to January 1, 2013. This position is vested with authority as outlined in attached list of duties and also has the authority to hire and fire Town employees under his/her position after consultation and approval of the Town Board of the Town of Conklin.

Seconded by Mr. Francisco.

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

Ms. Sacco explained that the creation of this position is a requirement from New York State which protects it from the requirement of Civil Service testing, since it is not a competitive position. She further explained that this is not related to the discussion regarding the position of Highway Superintendent.

**RESO 2013-107: EXECUTIVE SESSION/HIRING & PAY INCREASE/PARTICULAR**  
**EMPLOYEES**

Mr. Francisco moved to close the Regular Town Board Meeting and move into Executive Session at 7:10 P.M. to discuss the hiring and/or pay increase of particular employees.

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 7:10 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Francisco, and Attorney Cheryl Sacco. Supervisor Finch 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 hiring and/or pay rate increase of particular employees.

**RESO 2013-108: 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 7:25 P.M.

Seconded by Mr. Francisco.

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

**RESO 2013-109: APPROVE HIRE/COLIN CASEY/LABORER/PAY RATE OF \$11.50**  
**PER HOUR/EFFECTIVE JULY 22, 2013**

Mr. Bullock moved for the following resolution:

**REGULAR TOWN BOARD MEETING**  
**JULY 23, 2013**

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of Colin Casey to the position of Laborer with a pay rate of \$11.50 per hour, effective July 22, 2013.

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. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:26 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**JUNE 25, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on June 25, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Code Officer	Robert Jones
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Mike Mott
	Highway Foreman	Stan Albrechta
	Highway Department Worker	Brian Coddington
	Planning Board	Dell Boyle
	Planning Board	Christopher Ostrowsky

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Mike Gabello
		Laurie Francisco
		Judy Kelly
		Tom Kelly
		Nancy Coddington
		Gail Kumpan

**MINUTES: MAY 14, 2013 REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to approve the May 14, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

**MINUTES: MAY 28, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the May 28, 2013 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 Little White Church inviting the Town Board members, Zoning Board of Appeals members, and Planning Board members to an appreciation breakfast at 10 A.M. on September 21, 2013.

Mr. Finch acknowledged receipt of a letter from the City of Binghamton regarding the sewer system. The City stated that it has been billing CP Rail for water and sewer usage for the building at 959 Conklin Road for the past 20 years, adding that it has a dedicated line to Holmes Crossing and the building in question is not part of the Town of Conklin. However, the City also accused the Town of Conklin of infiltration of pollutants into the sewer line. The Town states

**REGULAR TOWN BOARD MEETING**  
**JUNE 25, 2013**

that this is caused by CP Rail. Mr. Finch pointed out that the City of Binghamton owns 56% of the Joint Sewage Treatment Plant. A meeting will be held on July 13 with drawings of the disputed area to be presented.

Mr. Finch acknowledged receipt of a letter from Shumaker Consulting and Engineering regarding the Environmental Protection Agency (EPA)'s requirement that a new test well be drilled at the Town Landfill, which will cost the Town an additional \$16,000 per year. Public Works Superintendent Tom Delamarter stated that the Town is requesting that the EPA let it use an already existing second, currently unused, test well on the site.

Mr. Finch acknowledged receipt of a letter from the Association of Towns scheduling a meeting for the second week in July to discuss the increase in rates being demanded of outside users by the Binghamton-Johnson City Joint Sewage Board.

Mr. Finch acknowledged receipt of a letter from Chuck Francisco, President of the Conklin Cemetery Association, offering to donate fencing from the Conklin Cemetery to be used to repair the fence at Shawsville Cemetery. Mr. Finch stated that this will save the Town money and he asked who will remove the fence. Mr. Francisco replied that the Town of Conklin will remove the fence, adding that it is a Legacy fence worth approximately \$1,500, which would be a gift for the Town. Town Attorney Cheryl Sacco read excerpts from Mr. Francisco's letter, including, "Scope of work, remove the fencing needed and the posts, fill in the holes in that area. It is not the responsibility of the Town of Conklin to repair any vegetation, trees, or shrubs from the area of the existing fence. The Conklin Cemetery Association does not expect any reimbursement from the Town of Conklin nor will there be any fee towards the Conklin Cemetery Association."

**RESO 2013-82: ACCEPT GIFT/LEGACY FENCING VALUED AT APPROXIMATELY  
\$1,500/CONKLIN CEMETERY ASSOCIATION**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts as a gift Legacy fencing valued at approximately \$1,500 from the Conklin Cemetery Association.

Seconded by Mr. Bullock.

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

Mr. Finch thanked Mr. Francisco on behalf of the Town.

Mr. Finch acknowledged receipt of correspondence stating that "the Town of Conklin was recently voted the best-tasting water in Broome County, in a contest hosted at a Binghamton Mets Baseball Game at NYSEG Stadium." The letter went on to say that "Conklin's water will now be judged at the regional level, with hopes to be selected as one of ten finalists to compete in the New York State Drinking Water Taste Test at the New York State Fair."

**PUBLIC COMMENTS:**

**PROPERTY RIGHTS DAY**

Christopher Ostrowsky and Dell Boyle presented a petition with 24 names requesting that the Town of Conklin proclaim July 22, 2013 as "Property Rights Day" to celebrate property ownership and its attendant rights. Mr. Finch explained that property owners must abide by Town Code and Planning laws, but otherwise are entitled to do what they wish on their



**REGULAR TOWN BOARD MEETING**  
**JUNE 25, 2013**

properties. A proclamation was presented for Mr. Finch to sign if the Board chooses to establish "Property Rights Day."

**RESO 2013-83: PROCLAIM JULY 22, 2013 "PROPERTY RIGHTS DAY" IN TOWN**  
**OF CONKLIN**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin proclaims July 22, 2013, as "Property Rights Day" in the Town of Conklin, and "encourages all men and women in the Town of Conklin to celebrate their right to own property."

Seconded by Mr. Bullock.

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

**REPORT: TOWN CLERK**

Refer to written report.

**REPORT: HIGHWAY DEPARTMENT**

Refer to written report.

**REPORT: WATER AND SEWER DEPARTMENT**

Refer to written report. Mr. Minoia asked about the water meter at the property on Conklin Road owned by CP Rail (959 Conklin Road). Mr. Finch stated that the water meter is not turned on. Mr. Minoia commented, "It's not fair." Mr. Finch stated, "You can't fight the railroad. We 9th the Town) can't get them to tear down the building." He added that CP Rail "put up a signal tower in spite of a Stop Work Order" from the Town. Attorney Sacco stated that the railroad is federally exempted, although she stated that there is a procedure for filing a complaint, which she will research.

**REPORT: CODE OFFICER**

Refer to written report. Mr. Finch asked Code Officer Robert Jones if there is any news of a rumored second 2011 Flood Buyout from FEMA (Federal Emergency Management Agency) and Mr. Jones replied, "Nothing concrete." He added that three more people want to be added to the Buyout. Mr. Finch stated that FEMA may say "no more buyouts" if the Town floods severely again. He stated that there is "nothing in writing" that assures that New York State will pay the 25% of the costs not covered by FEMA. Ms. Sacco stated that she had heard that "the 25% will not be available until after closings."

Mr. Bullock stated that he has received numerous complaints about unmowed grass in the Town, adding that it is a Town-wide situation.

**GRANTS AND WATER BILLS**

Mr. Finch stated that the Town is owed \$39,000 in delinquent water bills and added that a letter was sent to property owners with delinquent bills advising them that unless the bills were paid within 30 days, their water would be shut off. He stated that many property owners are paying the delinquent bills as a result.

**REGULAR TOWN BOARD MEETING**  
**JUNE 25, 2013**

Mr. Finch stated that the Town is working on grants for the generators at the Highway Department and Sewer Station, and on two other grants. He stated that he inquired into the status of the \$5,000,000 grant to be given to upstate municipalities to balance the amount given to victims of Hurricane Sandy and was informed that “the state and federal governments are working on it.”

**RESO 2013-84: RATIFY AUTHORIZATION/LETTER OF INTENT/HAZARD**  
**MITIGATION GRANT PROGRAM/SEMO/HMGP-4085/2011 FLOOD BUYOUT**  
**PROGRAM**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin was severely affected by Hurricane Irene and other severe weather events;

WHEREAS, the Town of Conklin desires to, among other things, (1) ensure the continuity of critical services by reducing the risk of damage and loss of function from flooding and other hazards, (2) protect and enhance the reliability and resilience of transportation, communications or energy infrastructure through traditional and innovative mitigation measures, and (3) implement permanent back-up power systems to ensure continuity of power during and after a disaster;

WHEREAS, the Federal Emergency Management Agency and New York State are making funds available to communities through the Hazard Mitigation Grant Program to develop and update Hazard Mitigation Plans and to carry out Hazard Mitigation Projects;

WHEREAS, interested applicants must use the letter-of-intents available online at <http://www.nysandyhelp.ny.gov/content/hazard-mitigation-grant-program-hmgp-0> to register for the current grant cycle, and must apply before July 5, 2013;

WHEREAS, application to the grant program is neither binding upon the Town of Conklin, nor a guarantee of funds from FEMA or New York State; and

WHEREAS, if the Town of Conklin receives funding through the Hazard Mitigation Grant Program, it may be responsible for up to twenty-five percent (25%) of the total cost of any approved project or plan;

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

1. The Supervisor is hereby authorized to apply for funds from FEMA and New York State relating to the Hazard Mitigation Grant Program.
2. 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 the 25th day of June, 2013. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 25<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Sherrie L. Jacobs, Town Clerk

**REGULAR TOWN BOARD MEETING**  
**JUNE 25, 2013**

**OLD BUSINESS:**

**TIME WARNER CABLE FRANCHISE AGREEMENT UPDATE**

Attorney Sacco stated that she has contacted Time Warner Cable again and has received a draft Cable Franchise Agreement, which she will bring to the July 23 Town Board meeting. Mr. Finch stated that Gratsinger Road residents want to be included in the Cable Agreement, adding that if Time Warner agrees to provide service to Gratsinger Road, the Town will add two years to the length of the agreement. Time Warner Cable wants a 15-year agreement, which the Town is not willing to accept. Ms. Sacco stated that the Town wants “gross revenue” defined and the extra services it has requested.

**NEW BUSINESS:**

**RESO 2013-85: AUTHORIZE ADOPTION/BROOME COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN**

Mr. Francisco moved for the following resolution:

**WHEREAS**, all of Broome County has exposure to natural hazards that increase the risk to life, property, environment and the County’s economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Broome County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Broome County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the **Town of Conklin**:

- 1) Adopts in its entirety, the Broome County Multi-Jurisdictional All-Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Seconded by Mr. Minoia.

PASSED AND ADOPTED on this 25<sup>th</sup> day of June, 2013, by the following vote:

AYES: Bullock, Minoia, Francisco, Finch

**REGULAR TOWN BOARD MEETING**

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NOES:      ABSENT: ABSTAIN:

ATTEST                      Sherrie L. Jacobs, Conklin Town Clerk

James E. Finch, Town Supervisor

**RESO 2013-86: AUTHORIZE TOWN SUPERVISOR/ENTER  
CONTRACT/SHUMAKER ENGINEERING/TASK ORDER #4/US EPA/FOURTH FIVE-  
YEAR CORRECTIVE ACTION PLAN**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to enter into a contract with Shumaker Engineering for Task Order #4, U. S. EPA (Environmental Protection Agency) Fourth Five-Year Review Corrective Action Plan, Section II, A-C, for \$6,420.00, Paragraph 2.D and Attachment A for \$9,670.00, and time and material costs for any additional costs, estimated total cost of \$16,090.00, account code A8160.4.

Seconded by Mr. Francisco.

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

**RESO 2013-87: AUTHORIZE RE-APPOINTMENT /JOHN H. MCDONALD/TOWN OF  
CONKLIN TAX ASSESSOR/6 YEAR TERM/10-01-2013 – 09-30-2019**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the re-appointment of John H. McDonald to the position of Town of Conklin Tax Assessor for a six-year term beginning October 1, 2013, and ending September 30, 2019.

Seconded by Mr. Bullock.

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

**RESO 2013-88: AUTHORIZE TOWN SUPERVISOR/ENTER NEW  
CONTRACT/ASSESSMENT AND APPRAISAL ASSOCIATES, INC./THREE YEAR  
TERM/10-01-2013 – 9-30-2016/\$29,400 ANNUALLY**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to enter into a new contract with Assessment and Appraisal Associates, Inc., to cover the three-year term from October 1, 2013, through September 30, 2016, for the cost of \$29,400.00 annually, account code A1355-4-403.

Seconded by Mr. Minoia.

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

**RESO 2013-89: RATIFY AUTHORIZATION/TOWN SUPERVISOR/ENTER AGREEMENT/2013 CONKLIN-KIRKWOOD SUMMER FUN PROGRAM**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies authorization for the Town Supervisor to enter an agreement with the Town of Kirkwood for the 2013 Conklin-Kirkwood Summer Fun Program.

Seconded by Mr. Francisco.

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

**BACK-UP POWER GRANT**

Mr. Finch stated that the Hazard Mitigation Grant Program under SEMO, with which the Board approved the Town's participation earlier in this meeting, also includes implementation of permanent back-up power systems to ensure continuity of power during and after a disaster, with permanent back-up wiring to be with the Town's generators.

**RESO 2013-90: RATIFY ACH PAYMENT/PITNEY BOWES/\$1,000/METERED POSTAGE**

Mr. Francisco 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 Pitney Bowes for metered postage.

Seconded by Mr. Bullock.

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

**RESO 2013-91: RATIFY PAYMENT/STEVE SHIMER/EQUINOX BROADCASTING/\$100/COMMUNITY DAY CELEBRATION**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5957, account code A7550.4, in the amount of \$100.00 to Steve Shimer/Equinox Broadcasting for the Community Day Celebration.

Seconded by Mr. Bullock.

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

**RESO 2013-92: RATIFY PAYMENT/MLD BUILDERS/PARTIAL PAYMENT/JUSTICE SECURITY CONSTRUCTION GRANT PROJECT**

Mr. Minoia moved for the following resolution:

**REGULAR TOWN BOARD MEETING**  
**JUEN 25, 2013**

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5941, account code A1110-2-201, in the amount of \$9,000.00 to MLD Builders for a partial payment for the Justice Security Construction Grant Project.

Seconded by Mr. Francisco.

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

**RESO 2013-93: RATIFY PAYMENT/ASSESSMENT REVIEW BOARD SERVICES**

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 A1355.4-401, to the members of the Board of Assessment Review for services rendered:

William Brodsky	Check #5942	\$175.00
Harold Cole	Check #5943	\$175.00
Mark Dedrick	Check #5944	\$225.00
Karen Twining	Check #5945	\$150.00

Seconded by Mr. Francisco.

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

**RESO 2013-94: AUTHORIZE HIRE/JOSEPH A. PETROSKI/TEMPORARY  
LABORER/EFFECTIVE 6-3-2013/PAY RATE \$7.25 PER HOUR**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the hiring of Joseph A. Petroski to the position of Temporary Laborer, effective June 3, 2013, at a pay rate of \$7.25 per hour.

Seconded by Mr. Minoia.

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

Public Works Superintendent Tom Delamarter commented that Mr. Petroski's last day of work will be July 2, 2013.

**RESO 2013-95: AUTHORIZE PAYMENT/PRE-APPROVED BILL LIST/\$114,429.12**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved Bill List in the total amount of \$114,429.12:

General	\$ 10,164.13
Highway	5,383.53
Fire Protection	77.25
Flood Emergency	53,287.36

**REGULAR TOWN BOARD MEETING**  
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Sewer District	45,101.72
Water District	365.13
Non-Budget	<u>50.00</u>
<b>Total</b>	<b>\$114,429.12</b>

Seconded by Mr. Francisco.

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

**RESO 2013-96: AUTHORIZE PAYMENT/BILL LIST/\$56,209.80**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$56,209.80:

General	\$15,635.09
Highway	4,845.94
Flood Emergency	28,906.88
Sewer District	626.73
Water District	2,461.16
Non-Budget	<u>3,734.00</u>
<b>Total</b>	<b>\$56,209.80</b>

Seconded by Mr. Bullock.

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

**PROPOSED LOCAL LAW 2, 2013/ “ABOLISH POSITION OF ELECTED TOWN HIGHWAY SUPERINTENDENT AND CREATE AN APPOINTED TOWN HIGHWAY SUPERINTENDENT POSITION, SUBJECT TO MANDATORY REFERENDUM”**

Ms. Sacco introduced proposed Local Law 2, 2013, “Abolish the Position of Elected Town Highway Superintendent and Create an Appointed Town Highway Superintendent Position, Subject to Mandatory Referendum.” She stated that, if approved by the Board, this referendum would appear on the ballot in the November 2013 General Election. Mr. Bullock commented that he received many complaints from residents after a similar proposal was stopped by some members of the Town Board from being allowed to go to referendum earlier this year. Ms. Sacco stated that a Public Hearing would need to be held on July 23.

Mr. Minoia stated that he was told by someone at the Broome County Board of Elections that the Town Board was appointing a Town Board member to fill the seat left vacant when Mr. Finch was elected to the position of Town Supervisor, adding that he was unaware of any such move by the Board. Mr. Finch stated that there are no such plans for an appointment.

**RESO 2013-97: SCHEDULE PUBLIC HEARING/PROPOSED LOCAL LAW 2, 2013/JULY 23, 2013/5:35 P.M.**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 5:35 P.M. on July 23, 2013, to receive input regarding proposed Local Law 2, 2013, “Abolish the Position of Elected Town Highway Superintendent and Create an Appointed Town Highway Superintendent Position, Subject to Mandatory Referendum.”

**REGULAR TOWN BOARD MEETING**  
**JUNE 25, 2013**

Superintendent Position, Subject to Mandatory Referendum.”

Seconded by Mr. Bullock.

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

**SLATER’S TAXI SERVICE**

Mr. Minoia stated that Mr. William Slater is running a taxi service from his property, even though it has not yet been approved by the Town Planning Board. Code Officer Robert Jones stated that Mr. Slater will appear before the Planning Board at its July meeting. Mr. Bullock directed Mr. Jones to issue a Stop Work Order until Mr. Slater has appeared before the Planning Board and had his business approved, adding that he has no approval from Broome County Planning Board Form 239.

**CONKLIN KIWANIS/THE FIRST TO SAY THANK YOU**

Mr. Francisco stated that he attended The First To Say Thank You program honoring high school graduates who are entering military service. The program was sponsored by the Conklin Kiwanis Club and held at Susquehanna Valley High School. Mr. Francisco stated that it was a wonderful program. Mr. Finch stated that a letter should be sent from the Town Board to the Conklin Kiwanis Club thanking them for organizing this program.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:29 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk









**REGULAR TOWN BOARD MEETING**  
**MAY 28, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on May 28, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Public Works Superintendent	Tom Delamarter
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Laurie Francisco
		Mike Gabello

**MINUTES: MAY 14, 2013 REGULAR TOWN BOARD MEETING**

The Town Board decided to hold over approval of the May 14, 2013 Regular Town Board Meeting minutes until the June 25 meeting.

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the Binghamton-Johnson City Joint Sewage Board, from Broome County regarding the potential Road Use Agreement, from a resident regarding grass and building repairs issues, and from Robert Page regarding the Veterans Memorial.

**OLD BUSINESS:**

**TOWN HALL BOND UPDATE**

Mr. Finch stated that the Town will save more than \$14,000 per year with the new bond for the Town Hall construction. The new rate is 1.69%, compared with the original rate in 2002 of 4.65%.

**WILCOX ROAD PROJECT**

Mr. Finch reported that the Town saved \$72,345 of the budgeted amount on the Wilcox Road culvert replacement project. He stated that a similar project on State Line Road cost only \$45,000 instead of the projected \$137,000.

**VETERANS MEMORIAL**

Mr. Finch reported that the Veterans Memorial project has its foundation installed to crusher run level. He stated that he is very pleased with the progress, adding that Robert Page, chief proponent and fundraiser for the Memorial, has raised \$14,200 through sale of candy bars and 50-50 raffles. Mr. Finch stated that Broome County Executive Debra Preston was able to procure an additional \$14,900 from a County Veterans Fund to put toward the Veterans Memorial.

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**PRESENT:** Same as on page one.

Town Attorney Cheryl Sacco explained that the Town of Conklin currently holds its Grievance Day for property assessment on the third Wednesday of May, but New York State Law states that Grievance Day can be held “no sooner than the third Tuesday” of May, which this year fell after the third Wednesday of the month. She explained that the change to Section 8-2 will schedule the Town of Conklin’s Grievance Day for the fourth Tuesday of May. She stated that corrected notices of Grievance Day date and times have been sent to the media twice. Ms. Sacco stated that this proposed law is a Non-Action under SEQR (State Environmental Quality Review).

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**PRESENT:**

**ABSENT:**

**Offered By: Mr. Bullock**

**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 28, 2013, commencing at 5:35 P.M. to hear all interested parties on a proposed Local Law “Amending Section 8-2 and Setting the Date for the Board of Assessment Review to Meet”, and

**WHEREAS**, notice of said public hearing was duly advertised in the Country Courier, the official newspaper of the Town, on May 15, 2013, and posted on the Town Clerk's sign board, and

**REGULAR TOWN BOARD MEETING**  
**MAY 28, 2013**

**WHEREAS**, said public hearing was duly held at the Conklin Town Hall at 5:35 o'clock P.M. on May 28, 2013, 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"), adoption of this local law does not constitute an action as defined and can be considered without further regard to SEQR; and

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby makes a determination that this local law is not an action which requires environmental review; 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. 1-2013 entitled a Local Law "Amending Section 8-2 and Setting the Date for the Board of Assessment Review to Meet," a copy of which is attached hereto and made a part hereof, and

**RESOLVED**, that upon the approval of the Local Law, that 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 28, 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: May 28, 2013

Town of Conklin Seal

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

**PUBLIC COMMENTS:**

**REGULAR TOWNBOARD MEETING**  
**MAY 28, 2013**

**TOWN BOARD MINUTES & AGENDA**

Mr. Michael Gabello asked that the Town Board meeting minutes and agenda be posted to the Town website “in a more timely manner.” Town Clerk Sherrie Jacobs informed Mr. Gabello that she is meeting all of the legal requirements for posting. The Open Meetings Law requires that minutes be available in the Town Clerk’s office 14 days after a meeting is held. There is no requirement to post minutes to the website; this is merely “a courtesy which Ms. Jacobs offers her constituents.” Likewise, the minutes are not required by law to be approved by the Town Board nor to include more detail than the basic information of who moved and seconded motions and what motions were approved, as stated by Attorney Cheryl Sacco. Mr. Gabello stated that the agenda must be posted 24 hours before the meeting, and Ms. Jacobs informed him that the wording of the law is “as is practicable” to post, also verified by the Town Attorney. The Town is in full compliance with the law.

**REPORTS:** None.

**NEW BUSINESS:**

**ROAD USE AGREEMENT OFFER FROM BROOME COUNTY**

Mr. Finch stated that the Town received an offer from Broome County to participate with its Road Preservation Agreement. He stated that the Town already has a Road Use Agreement which is better than the one being offered by Broome County, but felt that the Town would benefit from “using the best of both agreements.” Broome County will pay the \$7,800 in engineering fees for Delta Engineering, which is developing the County’s Road Use Agreement. The Town will send a letter to Broome County Executive Debra Preston stating that the Town is interested in the “Delta concept” and accepting the payment of \$7,800 in fees, then a draft of a local law will be created and a Public Hearing will be held. Mr. Minoia asked who will police the Road Use Agreement for the Town and Mr. Finch replied that it will be the job of the Code Officer. Mr. Bullock stated that Broome County should have had this in place for the Hardie Road Salt Distribution Project. He asked if the Town would be locked in to the County’s Road Use Agreement and Mr. Finch stated that the Town’s current agreement can supersede the County agreement.

**RESO 2013-73: ACKNOWLEDGE INTEREST IN DELTA CONCEPT FOR BROOME COUNTY ROAD PRESERVATION AGREEMENT AND ACCEPT \$7,800 FROM THE COUNTY FOR ENGINEERING COSTS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin acknowledges interest in the “Delta concept” for the Broome County Road Preservation Agreement and accepts \$7,800 from Broome County for engineering costs associated with the development of said agreement.

Seconded by Mr. Francisco.

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

Mr. Minoia asked if a weight limit would be imposed on the roads to protect them. Ms. Sacco stated that in Pennsylvania, there is a 10-ton weight limit, but the New York State limit is higher than the weight of the water trucks that would be used if hydrofracturing for natural gas is permitted.

**REGULAR TOWN BOARD MEETING**  
**MAY 28, 2013**

**CONCERTS IN THE PARK**

Mr. Finch stated that Concerts in the Park will begin on June 19 at 6:30 P.M. with “The Shambles.” He added that the Conklin Fair Committee will be present to sell refreshments.

**MAY 24, 2013 MEETING/BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD**

Mr. Finch reported on the May 24, 2013 meeting with representatives from the Binghamton-Johnson City Joint Sewage Board. He stated that the Joint Board wants an increase in payments of 32.7% from outside users, which would mean an increase of \$14,000 per quarter for the Town of Conklin. Mr. Finch stated that he is working with the Joint Board, asking if there is FEMA (Federal Emergency Management Agency) money available to the Joint Board for repairs to the sewer treatment plant. He stated that the Joint Board is trying to pass the remainder of costs of repairs to the treatment plant on to outside users. Mr. Finch stated that the Town should not sign a 30 year agreement, as requested by the Joint Board. Mr. Francisco agreed that 30 years is “too long.”

Mr. Finch stated that the City of Binghamton has agreed to accept additional flow from the Town of Conklin but states that there is an infiltration of contaminants, which the Board speculated could be diesel fuel from CP Rail. Mr. Finch stated that the Town Board will need to raise the sewer rates \$2 per 1,000 gallons for residential, small business, and commercial users. He added that there are 600 jobs at Frito-Lay which will leave the area if the sewer rates become too high and the company re-locates out of the area.

Mr. Finch stated that the next meeting will be held in two weeks, adding that the Joint Board is making some changes and wants a representative for the outside users. Mr. Bullock asked if there is money for a sewer treatment plant in Conklin and Mr. Finch replied that “everyone is looking.” Mr. Finch added that he has a meeting scheduled with the Association of Towns, which wants to work together with Senator Thomas Libous to try to address this issue.

Mr. Finch stated that there are 242 residential sewer users in the Town of Conklin (approximately 25%), with another 10% comprised of small businesses, and 60% comprised of Corporate Park businesses. Mr. Minoia asked if CP Rail pays the Town for water usage and Mr. Finch replied that CP Rail does not pay for water usage. Mr. Bullock stated that the railroad may get its water from the City of Binghamton.

**RESO 2013-74: HIRE LIFEGUARDS/CONKLIN POOL/2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin hires the following lifeguards at the listed hourly rates for the summer 2013 season at the Conklin Pool:

Bensley, Meaghan M.	\$7.25
Blackman, Madelyn	\$7.25
Brown, Alicia A.	\$7.25
Eldred, Melanie A.	\$7.25
Lyke, Jennifer E.	\$7.50
Lyke, Tyler F.	\$7.25
Morgan, Olivia C. (Assistant Manager)	\$7.75
Mullins, Kelsey E. (Manage)	\$10.00
Petroski, Andrew R.	\$7.25
Robinson, Troy M.	\$7.25
Storti, Adam	\$7.25



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Beiber, Rebekka	\$7.25
Cavanaugh, Matthew	\$7.25
Gregory, Lindsay	\$7.25
Steinbrecher Lindsey	\$7.25
Stroman, Kashawn	\$7.25
Lehtonen, Ryan	\$7.25
Yezzi, Sarah	\$7.25
Morgan, Gregory P.	\$7.25
Auguste, Rasheed	\$7.25

Seconded by Mr. Francisco.

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

Mr. Finch stated that no raises were given except to the new Assistant Manager. The pool will open June 8, 2013, and will be open only weekends until school is recessed for the summer.

**RESO 2013-75: RATIFY PAYMENT/U.S. POSTAL SERVICE/2<sup>ND</sup> 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 #5890, account code SW8310.4, in the amount of \$303.60 to the U.S. Postal Service for postage for 2<sup>nd</sup> Quarter Water and Sewer billing.

Seconded by Mr. Bullock.

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

**RESO 2013-76: RATIFY PAYMENT/UNIVERSAL PARTS/MISCELLANEOUS  
EQUIPMENT PART**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5826, account code DA5130.4, in the amount of \$28.00 to Universal Parts for a miscellaneous equipment part.

Seconded by Mr. Francisco.

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

**RESO 2013-77: RATIFY PAYMENT/JOSEPH ROBERTS/DBA  
ROBERTSTONE/STONE/WILCOX ROAD PROJECT & INVENTORY**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5902, account codes DA5112-2-203 and DA5110-4, in the amount of \$1,220.00 to Joseph

**REGULAR TOWN BOARD MEETING**  
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Roberts, d/b/a/ Robertstone, for a miscellaneous lot of stone for the Wilcox Road project and for inventory.

Seconded by Mr. Francisco.

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

**RESO 2013-78: RESCIND RESO 2013-31/AWARD BOB CONGDON/COMMERCIAL APPRAISAL/FEMA FLOOD BUYOUT PROPERTIES/\$1,250 PER PARCEL**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rescinds RESO 2013-31, “Award Bob Congdon/Commercial Appraisal/FEMA Flood Buyout Properties/\$1,250 Per Parcel.”

Seconded by Mr. Francisco.

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

Mr. Finch stated that these appraisals are on three properties which are potentially part of the FEMA Buyout Program.

**RESO 2013-79: AWARD BID/BOB CONGDON/APPRAISAL/FEMA FLOOD BUYOUT COMMERCIAL PROPERTIES/\$1,750 PER PARCEL**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the bid to Bob Congdon for appraisal of the FEMA Flood Buyout commercial properties at a cost of \$1,750.00 per parcel.

Seconded by Mr. Francisco.

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

Ms. Sacco stated that the bid documents were misread originally and that the price contained in these documents was \$1,750 per parcel. Mr. Finch stated that this will be an additional cost of \$1,500.

**RESO 2013-80: ACCEPT RECEIPT OF \$15,000 FROM NYSEFC DPG PROJECT 19376/SEWER ENGINEERING STUDY**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the receipt of \$15,000.00, account code A3089, from NYSEFC DPG Project 19376, Sewer Engineering Study.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
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**RESO 2013-81: AUTHORIZE PAYMENT/BILL LIST/\$47,855.69**

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 \$47,855.69:

General	\$33,187.38
Highway	3,679.14
2011 Flood Emergency	1,209.04
Light Districts	1,763.13
Sewer District	737.32
Water District	1,531.68
Non-Budget	<u>5,748.00</u>
<b>Total</b>	<b>\$47,855.69</b>

Seconded by Mr. Francisco.

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

**TIME WARNER CABLE AGREEMENT**

Mr. Finch asked Ms. Sacco if the tentative agreement from Time Warner Cable has been received and she replied that no agreement has been received, adding that the Public Service Commission (PSC) can be asked to arbitrate if necessary. Mr. Finch stated that he will e-mail David Whalen at Time Warner Cable to see if he can get any information about the status of the agreement.

**FLOOD DOORS/COMMUNITY CENTER**

Mr. Bullock asked for an update on the flood doors for the Maines Community Center and Mr. Finch replied that the doors have been ordered. Mr. Finch stated that the flood doors will cost \$15,000 installed and are four feet high, which was the height the flood water reached at the Community Center in the 2006 Flood.

**FENCE AT SHAWSVILLE CEMETERY**

Mr. Bullock asked what will be done with the fence at Shawsville Cemetery, which was damaged when a tree owned by Broome County fell on the fence. Mr. Finch stated that the County has refused to pay for the damages, so it is a matter of how much money to spend on repairs and where to get the money to make the repairs. Public Works Superintendent Tom Delamarter stated that the Town Highway Department could tear down the damaged fence, adding that it will cost \$15,000 to replace it with used fencing, so that it would blend in with the existing undamaged fencing. Mr. Francisco, who is also President of the Conklin Cemetery Association, stated that some fencing is to be removed at the Conklin Cemetery and could be given to the Town of Conklin for repairs at the Shawsville Cemetery. Mr. Bullock asked if it would be legal to do so. Mr. Finch stated that Mr. Francisco would have to write a letter, as President of the Conklin Cemetery Association, donating the fencing to the Town of Conklin. Ms. Sacco stated that the value of the manpower used to remove the fence would also have to be calculated, adding that the Town can legally accept this as a gift.

## **REGULAR TOWN BOARD MEETING**

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### **CODE ISSUES**

Mr. Bullock asked about a property at the intersection of Carlin Road and Rosewood Drive, which he states is in violation of the Town grass law, adding that the owners do not mow the back yard. He asked that Code Officer Robert Jones enforce the grass law with these property owners.

Mr. Bullock also asked about the grass at the house on Shaw Road owned by Christine Macan. Mr. Jones stated that he has sent Ms. Macan a letter giving her five days in which to get the grass mowed to be in compliance with the law. If it is not mowed, he will get three price estimates, have the grass mowed, and it will be billed back on the property taxes at the end of the year, which means the Town has to wait eight months to recoup the cost of the mowing. He stated that he has received no response to his letter from Ms. Macan.

Mr. Bullock also asked about a property on June Street owned by Steve Muscolo. Mr. Jones stated that this property has been mowed. Mr. Bullock also mentioned that there has been dumping of garbage on Shipman Road again. Mr. Jones will look into this problem.

Mr. Minoia asked Mr. Jones about Slater's Taxi Company and Mr. Jones replied that this business will come before the Town Planning Board at its June meeting. Mr. Minoia also asked about the glass company on Kabanek Road, which he added is "not zoned Commercial." The question was raised as to whether or not this is a home business.

Mr. Bullock asked about the "daily garage sale" at the property on Conklin Road owned by the Coniglios. Mr. Jones stated that he will "watch it for two more weeks" then discuss the law with the property owners.

Mr. Francisco asked about the green space on Conklin Road at the site of the former Conklin Sports Park. Mr. Finch stated that Mr. Jones is working with the owners on bringing this property into compliance. He added that it is now back on the tax rolls, as it is being leased by Legends as a driving range.

Mr. Minoia stated that he gets "complaints every week" regarding the property at 560 Conklin Road, owned by CP Rail. Mr. Finch stated that the railroad company has been contacted but does not respond.

### **FLAGPOLE LIGHT AT COMMUNITY CENTER**

Mr. Francisco asked about the light for the new flagpole at the Community Center and Mr. Finch replied that a solar light has been ordered.

### **REPAIRS TO CONCRETE AT CASTLE**

Mr. Francisco asked about the repairs needed in the concrete on the front of the Castle and Mr. Finch stated that he is looking into this issue. It was noted that the Castle needs to be repainted and Mr. Finch commented that the paint contains lead and must be sandblasted. Mr. Bullock stated that it should be power-washed.

**REGULAR TOWN BOARD MEETING**

**MAY 28, 2013**

**CAR SHOW/COMMUNITY CENTER FEES**

Mr. Finch stated that the Iroquois Car Club will hold its car show at the Maines Community Center on June 16, 2013. He stated that he met with Ed Shelp from the Car Club and added that the Club's demands "keep increasing." Mr. Finch stated that it cost \$200 to mow the grass on the property still owned by Maines Paper and Food Service in preparation for the car show. He stated that the Car Club had asked the Town to close the commonly used entrance to the dog park for the day, because it was too close to the Car Club's chicken barbecue to be held the day of the car show. The Town refused to do so, and so the chicken barbecue was cancelled. Mr. Finch stated that the rental contract is for the building and the grounds. Mr. Bullock stated that the contract should be revised so that the building and the grounds are rented separately. Ms. Sacco stated that the Town could charge a second security deposit for the dumpsters and could take the cost of cleaning the building following an event out of the amount of the deposit that is refunded. Mr. Francisco stated that there should be an extra fee if an event exceeds the legal number of people allowed in the building.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 6:40 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**MAY 14, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on May 14, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Public Works Superintendent	Tom Delamarter
	Code Officer	Robert Jones
	Deputy Highway Superintendent	Mike Mott
	Highway Department Foreman	Stan Albrechta
	Planning Board	Dell Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Girl Scout Troop 964	Rebecca Mayglothling
	Vieira & Associates, CPAs	Nicole Mayer
		Laurie Francisco
		Dolly Stout
		Bonnie Tolomei
		Angelo Tolomei
		Ron Miner
		Mike Gabello
		John Colley
		Tom Edmister
		Bob Ronk
		Pat Ronk
		Gary F. Blaisure
		Dennis Harder
		Louis Rosenberg
		Gail Kumpan
		Peter J. Motsavage

**MINUTES: APRIL 9, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the April 9, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

**MINUTES: APRIL 23, 2013 REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to approve the April 23, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

**REGULAR TOWN BOARD MEETING**  
**MAY 14, 2013**

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

**NEW BUSINESS:**

**2012 ANNUAL AUDIT REPORT**

Nicole Mayer of Vieira and Associates, CPAs, P.C., reported on the 2012 Annual Audit of the Town of Conklin. She stated that the Management Letter had “no findings, no audit adjustment, and no difficulties in obtaining the necessary information,” adding that the Town received an “unmodified” or clean audit and that the Town had “a good year.”

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**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW, 2013/**  
**“ABOLISH POSITION OF ELECTED TOWN HIGHWAY SUPERINTENDENT &**  
**CREATE APPOINTED TOWN HIGHWAY SUPERINTENDENT, SUBJECT TO**  
**MANDATORY REFERENDUM”**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Finch opened the Public Hearing and asked those present to speak either for, or in opposition to, the proposed local law, “Abolish the Position of Elected Town Highway Superintendent and Create Appointed Town Highway Superintendent, Subject to Mandatory Referendum.” Mr. Finch stated that the Towns of Union, Chenango, the Village of Johnson City, and the City of Binghamton have all moved from elected to appointed Highway Superintendents. He stated that the Town Board took the money from the former elected Highway Superintendent’s salary and used it to improve the pay scale for remaining Town employees, whom he stated made “fast food wages.” (The elected Highway Superintendent resigned just after the November 2012 Election to take another position with Broome County.) Mr. Finch stated that one advantage to having an appointed Highway Superintendent, which could become a Public Works Superintendent, with oversight of Highway, Parks, Water, Sewer, Cemetery, and Landfill, is the ability to trade workers and equipment between departments with ease. Town Counsel Cheryl Sacco stated that the mandatory referendum vote would take place on Tuesday, July 23, 2013, if the Town Board votes tonight to approve the proposed law going to referendum.

John Colley of Millburn Drive asked if a Public Works Superintendent would be an elected position. Mr. Finch explained that the Public Works Superintendent would be an appointed position. Mr. Colley stated, “I am not comfortable with losing the right to vote.” Mr. Finch replied, “You still elect the Town Board” (which would appoint the Highway Superintendent or a Public Works Superintendent). Mr. Finch added that this move “is better financially for the Town.” Mr. Colley stated the position should be “elected not appointed.” Mr. Finch stated that there are no requirements for an elected official in terms of training, education, qualifications, or work schedule (every elected official by law determines his or her own work hours). Mr. Colley stated that he fears a “snowball effect,” asking, “What’s next? Will the Town Clerk be appointed instead of elected?” Mr. Finch stated that the Board is trying to “run the Town as a business not a political machine.”

**REGULAR TOWN BOARD MEETING**  
**MAY 14, 2013**

Louis Rosenberg stated that he is “in favor of saving money, but the position should be elected.” He added that the Town of Kirkwood has a Public Works Superintendent which is an elected position. He stated that the Town residents should have input.

Tom Edmister stated that he is “not for an appointed Highway Superintendent,” adding that “the taxpayers/residents elect the Highway Superintendent, Town Board members, and Town Supervisor and there might be too much or too little turnover and it may be hard for the Town Supervisor to be responsible for the Highway Department,” because he or she may not know Highway Law. Mr. Finch stated that the “Board does what’s best for the Town.” He added that the current Public Works Superintendent is costing the Town “no more money than before.” Mr. Finch reiterated that currently the Public Works Superintendent is responsible for the Highway Department, Water and Sewer Departments, Parks, Landfill, Shawsville Cemetery, and FEMA work. He stated that the authority is “not given to any one individual,” but is split between Public Works Superintendent Tom Delamarter and Deputy Highway Superintendent Mike Mott.

Ms. Sacco stated that “elected officials do not have to hold specific hours of work.” Mr. Edmister asked about the vacant seat of the fourth Councilperson. Mr. Finch stated that no one was appointed to fill the vacant seat in order to “save the Town money,” adding that the Town is “still paying \$100,000 per year for the 2006 Flood.” He added that New York State has recently agreed to pay the 25% of the FEMA (Federal Emergency Management Agency) costs for the 2011 Flood which are not covered under the federal payout. Mr. Finch went on to explain that the 2010 Census showed the Town of Conklin having 493 less people than in 2000, which he explained will cut the Town’s share of sales tax revenue for the next ten years, a loss estimated to be \$103,000 per year for ten years. Mr. Edmister stated, “Don’t wait for the sales tax.” Mr. Finch stated that the Town Board was able to increase the hourly wage of the Highway Department from \$12 per hour to \$15-\$16 per hour. He added that the Town has been paying the Binghamton-Johnson City Joint Sewage Treatment Board \$43,000 per quarter, but the Joint Board has recently demanded \$59,000 per quarter, leaving the Town short \$15,000 per quarter in its budget for this expense. Mr. Finch stated that 50% of the residents of the Town of Conklin are over age 50, many with limited income. Mr. Edmister stated that he would “still prefer to vote.”

Mr. Bob Ronk of Corbettsville stated that he is opposed to the proposed law, adding that the residents are “losing too many voting rights.” He added that if the Town Board has given out the money budgeted for the Highway Superintendent, the Board will have to find this money for the 2014 Budget, adding he “would rather pay a little more in taxes and be able to vote.”

There being no more questions or public comments, Mr. Finch declared the Public Hearing closed at 7:30 P.M.

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Mr. Bullock stated that he is not in favor of the proposed local law, adding that he has heard talk of the Board becoming a “dictatorship,” which is “taking away the rights of the people.” He added that “no one is for this.” Mr. Minoia stated that he believes the same way Mr. Bullock does, adding that “the people should decide.” Mr. Francisco stated that he can “see good on both viewpoints,” adding that “if no one is for this, we should respect the wishes of the people.” Mr. Finch stated that he believes this change to an appointed position to be a good decision and added that approving the proposed resolution would “take the decision to the people” through the mandatory referendum.



**REGULAR TOWN BOARD MEETING**  
**MAY 14, 2013**

Ms. Sacco explained that since there was no motion or second on the proposed resolution, it was declared No Action and the position of Highway Superintendent will appear on the ballot in the November 2013 Election.

**PUBLIC COMMENTS:**

**OPEN COUNCIL SEAT AND HIGHWAY SUPERINTENDENT**

Mr. Edmister asked if the vacant Council seat will remain open until the November Election, and Mr. Finch replied, "The Board has no obligation to fill the Town Board seat."

Mr. Rosenberg stated that he "wants to see the cost savings of an appointed Highway Superintendent." Mr. Bullock asked if "the money is still there for the Highway Superintendent" (in the 2013 Budget), adding that Assistant to the Supervisor Lisa Houston had told him that it was still there. Mr. Finch stated that this money is not available for 2013, but reminded Mr. Bullock that the Town Board will fashion a new budget for 2014. "How long have you served on the Board?" Mr. Finch asked Mr. Bullock.

Mr. Colley asked if all the Towns previously mentioned have appointed rather than elected Highway Supervisors, and Mr. Finch replied "Yes, they are Public Works Superintendents."

**CORRESPONDENCE;**

Mr. Finch acknowledged receipt of a letter from the Joint Sewage Board requiring the increase in the quarterly payment to \$59,000 from \$43,000. "What happens if we don't pay the extra charge?" asked Mr. Bullock. "We won't," replied Mr. Finch. Mr. Finch added that the Town is looking at a new 30-year contract with the Joint Board wants the Town to sign. He added that the Town cannot use the Joint Sewage Treatment Plant if the City of Binghamton will not accept more waste from the Town of Conklin, which it has not agreed to do. Mr. Finch stated that the Towns of Dickinson, Kirkwood, and Conklin have refused to pay the increase. He added that the Town has received an engineering grant to study the possibility of building a treatment plant in the southern end of the Town of Conklin. Mr. Francisco asked, "Are the numbers true?" Mr. Finch replied that the contract allows the Joint Board to "raise the price at their discretion." Mr. Finch stated that it will cost \$60 million to repair the sewage treatment plant from damage caused by the 2011 Flood, adding that "they want the outside users to fund the repairs."

**RESO 2013-67: RATIFY SCHEDULING PUBLIC HEARING/MAY 28, 2013/5:35**  
**P.M./TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW/ "AMEND**  
**SECTION 8-2 AND SET DATE FOR THE BOARD OF ASSESSMENT REVIEW TO**  
**MEET"**

Mr. Bullock moved for the following resolution:

Be It Resolved: the Town Board of the Town of Conklin ratifies the scheduling of a Public Hearing at 5:35 P.M. on May 28, 2013, to receive input regarding a proposed local law, "Amend Section 8-2 and Set Date for the Board of Assessment Review to Meet."

Seconded by Mr. Francisco.

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

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**APPRAISAL PRICES**

Ms. Sacco asked if the appraisal on the FEMA properties was awarded to Mr. Congdon at \$1250 per parcel or \$1750, and Mr. Finch replied, "Not more than \$1250."

**REPORT: SUPERVISOR'S OFFICE**

Refer to written report.

**REPORT: TOWN CLERK**

Refer to written report.

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter stated that the Highway Department is ready for summer and that the plows have been winterized. He stated that his crew has been working on grounds for the Veterans Memorial. Mr. Delamarter stated that Wilcox Road will be closed May 15 and 16 so that the culvert pipe can be replaced. He stated that \$4,600 was gained from recycling of old metal water meters. Mr. Delamarter noted that there has been less theft with the new security cameras in place, and one person was caught dumping illegally and will be prosecuted.

**REPORT: WATER AND SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that the Annual Water Quality Report for the Towns of Conklin and Kirkwood (which supplies water for District 6) will now be on the website instead of being mailed, which will save the Town \$500. He stated that the Susquehanna River Basin Report has been completed and the DEC (New York State Department of Environmental Conservation) Report has been approved.

Mr. Delamarter stated that the flanges made for the sewer pumps needed to be reworked and the new version will be here on May 16. He stated that there is an ongoing problem at Sewer Station 5, in the Julius Rogers area, which was recently pumped out and revealed a rake, mops, and other debris. He stated that another notice to residents of what can and cannot be put in the sewer lines is needed. Mr. Delamarter stated that it is not an issue from the Corporate Park, but from the neighborhood near the Julius Rogers Park.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that he has been working on the demolition contract with Town Engineer John Mastronardi. He stated that New York State has issued a variance so that there will be no asbestos abatement fee, which he stated will save \$4,000 per house. Mr. Jones explained that each site constructed prior to 1974 will be considered as the whole site being contaminated, and air monitoring will take place and demolition workers will wear protective gear. He stated that it will cost \$400 per house to bury all of the contaminated debris. Mr. Jones stated that the First Quarter Report has been submitted to SEMO (State Emergency Management Office).

Mr. Jones reported that he has been overseeing three large projects: the Conklin Forks United Methodist Church expansion, the Salt Distribution facility, and construction of a modular home

**REGULAR TOWN BOARD MEETING**  
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on Murphy Road. He stated that he has also been conducting safety inspections and has issued five building permits last month.

**OLD BUSINESS:**

**RE-BONDING TOWN HALL**

Mr. Finch stated that the re-bonding the Town Hall will be finalized on May 28, adding that the Town will be paying 2% less in interest, which provides a savings of \$52,668. The Town still owes \$700,000 on the construction of the new Town Hall, which was built in 2002.

**AGENDA 21**

Mr. Finch explained that Agenda 21 is a bid by the New York State government to grab land away from residents and create one World Government and One Bank, with only appointed officials. He stated that he is in favor of home rule, which he stated Agenda 21 would override. Mr. Francisco read excerpts from the proposed resolution, which Mr. Finch stated would stop the forward motion of Agenda 21. Mr. Francisco stated that the Agenda 21 had “no defined ideas, just a bunch of words.”

**RESO 2013-68: OPPOSE AGENDA 21**

Mr. Francisco moved for the following resolution:

WHEREAS, the United Nations held an earth summit in 1992, created a program known as Agenda 21, and coined a term called “sustainable development;” and

WHEREAS, Governor Cuomo has developed Regional Sustainability plans designed to implement “Agenda 21” concepts and undermine local authority; and

WHEREAS, these regional sustainability plans undermine the property rights of Town of Conklin residents by exposing our town to regulation mandated by unelected regional administrations; and

WHEREAS, “Agenda 21” was not designed to help the environment but to utilize environmental issues as a rule to undermine the authority of the United States Constitution and our state and local governments; and

WHEREAS, these regional sustainability plans have characterized towns like Conklin as “urban sprawl” and desire us to abandon our rural lifestyle and property for densely populated urban center; and

WHEREAS, these regional sustainability plans promote “environmental justice” where rural residents are criticized for ownership of rural lands and for their use of water, energy, and resources; and

NOW, BE IT RESOLVED that the Town Board of the Town of Conklin adopts this resolution in full support of protecting the environment of our Town including our river, streams, and air by conserving resources, recycling and local land use laws; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Conklin is not willing to have unelected officials infringe on our liberties and weaken the property rights of residents of the Town of Conklin; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Conklin believes in “home rule” and the autonomy of town government; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Conklin rejects the concept of “regional government” and the implementation of Agenda 21 principles; and

BE IT FURTHER RESOLVED that we call on Governor Cuomo to abandon these regional plans which bypass the state, county, city, and town governments and work all

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environmental issues through our duly elected State, County, City, and Town elected officials;  
and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Broome County Planning Department and Legislature, our elected State officials and Governor Cuomo.

Seconded by Mr. Bullock.

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

**GRADING AT SCHNURBUSCH PARK**

Mr. Finch stated that the grading to improve drainage in Schnurbusch Park has been completed except for the area behind Berota Court. He added that Mrs. Corey will not sign the necessary right-of-way, so progress on the project has been halted.

**NEW BUSINESS:**

**TIME WARNER CABLE AGREEMENT**

Mr. Finch stated that no contract agreement has been reached yet with Time Warner Cable, and it may need to go to arbitration.

**TRAFFIC ON ROUTE 7A**

Mr. Finch stated that he has received many complaints regarding the traffic on Route 7A caused by JiMay's Flea Market. He stated that the owner of JiMay's has agreed to move the ticket booth further into the lot to get more cars off the road, and to rent space from the neighboring farm for 50 to 100 cars to park.

**PARK PAVILION RENTAL FEES**

The Town Board is discussing the possibility to raise the fees to rent pavilions in Schnurbusch Park and Conklin Forks Park to cover the rising cost of septic and garbage. There was also discussion of creating resident and non-resident pricing structure. Town Clerk Sherrie Jacobs, who handles park pavilion rentals, suggested that people may be angry if the Board changes pricing mid-season. The Board will hold over further discussion of this item until the May 28 Town Board meeting.

**THE "CLOUD" DATA STORAGE**

Mr. Finch stated that the Town Board is discussing the possibility of using "Cloud" computing and data storage with the Town's technology provider, BlueStorm. More research will be done on this issue.

**RESO 2013-69: CANCEL REGULAR TOWN BOARD MEETINGS/6-11-2013, 7-9-2013,  
AND 8-13-2013**

Mr. Minoia 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 June 11, July 9, and August 13, 2013.

**REGULAR TOWN BOARD MEETING**  
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Seconded by Mr. Francisco.

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

Mr. Finch stated that there will be only one Regular Town Board Meeting per month for June, July, and August, held at 5:30 P.M. on the fourth Tuesday of the month.

**RESO 2013-70: RATIFY PAYMENT/COMMISSIONER OF LABOR/FLOOD BUYOUT PROGRAM PETITION FOR ASBESTOS VARIANCE**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5815, account code HA8760.4, in the amount of \$350.00 to the Commissioner of Labor for Flood Buyout Program petition for an Asbestos Variance.

Seconded by Mr. Francisco.

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

**RESO 2013-71: AUTHORIZE PAYMENT/BILL LIST/\$160,368.38**

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 \$160,368.38:

General	\$ 17,376.46
Highway	2,218.30
Flood Emergency	97,167.58
Light Districts	313.99
Sewer Districts	35,893.26
Water District	<u>7,398.79</u>
<b>TOTAL</b>	<b>\$160,368.38</b>

Seconded by Mr. Francisco.

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

**FLOOD INSURANCE**

Mr. Finch asked Mr. Minoia if there is any update on the Town-wide flood insurance and Mr. Minoia stated that there is no update.

**BIRDHOUSES DONATED BY GIRL SCOUT TROOP 964**

Mr. Finch stated that Girl Scout Troop 964 has donated birdhouses to the Town to use in the various Town parks and properties and he thanked the Girl Scouts for their efforts. He stated that he would like to get the names of the Scouts so that he can have Certificates of Appreciation prepared.

**REGULAR TOWN BOARD MEETING**  
**MAY 14, 2013**

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 8:29 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**APRIL 23, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on April 23, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Public Works Superintendent	Tom Delamarter
	Highway Foreman	Stan Albrechta
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Bonnie Tolomei
		Angelo Tolomei
		Laurie Francisco
		Mike Gabello

**MINUTES: APRIL 9, 2013 REGULAR TOWN BOARD MEETING**

The Town Board decided to hold approval of the April 9, 2013 Regular Town Board Meeting minutes until the May 14, 2013 Town Board meeting.

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the Broome County Clerk's office advertising the Passport Fair to be held at the Conklin Town Hall from 1 to 3 P.M. on May 7, 2013. He also acknowledged receipt of a letter from Coughlin & Gerhart, LLP, certifying that there are no outstanding claims against the Town except tax certiorari.

Mr. Finch acknowledged receipt of a letter from NYMIR (New York Municipal Insurance Reciprocal) stating the Town will receive \$7,000 less on payouts for the sewer pumps. He acknowledged receipt of a letter from Frank Evangelisti of the Broome County Planning Department regarding partnering with the County to try to obtain the 25% not covered by FEMA (Federal Emergency Management Agency) for the Flood Buyout Program. A request will be sent to Albany, asking why, if the damage caused by Hurricane Sandy downstate was covered 100%, the upstate area cannot receive the 25% needed for flood recovery.

Mr. Finch acknowledged receipt of a letter from the New York State Labor Department stating that the requirement for asbestos abatement in the flood demolition process has been removed. Town Attorney Cheryl Sacco stated that she has been in contact with Tom Abatti, our contact at SEMO (State Emergency Management Office), who stated that the agreement between the Town of Conklin and New York State has not yet been signed by the State representative. She stated that the Town is "on track" with the Buyout process.

**PUBLIC COMMENTS:**

None.

**REPORTS:**

**REGULAR TOWN BOARD MEETING**  
**APRIL 23, 2013**

None.

**OLD BUSINESS:**

**UPDATE/PROPOSED LOCAL LAW 1, 2013/ “ABOLISH POSITION OF ELECTED  
TOWN HIGHWAY SUPERINTENDENT AND CREATE POSITION OF APPOINTED  
TOWN HIGHWAY SUPERINTENDENT, SUBJECT TO MANDATORY  
REFERENDUM”**

Ms. Sacco stated that the proposed Local Law 1, 2013, “Abolish the Position of Elected Town Highway Superintendent and Create the Position of Appointed Town Highway Superintendent, Subject to Mandatory Referendum,” has been legally posted and published. She added that she contacted the Broome County Board of Elections and a Special Election will be held in July. Mr. Finch commented that this change, if approved, will save the Town money.

**UPDATE/GRADING OF LOW-LYING AREAS TO PREVENT MOSQUITOES**

Mr. Finch stated that the Town has received two bids on grading the area between Berota Court and the Susquehanna River to help drain the area and prevent creating breeding grounds for mosquito infestations. A pipe will be installed to empty into the river behind the old pump house at Schnurbusch Park and a flapper valve will be installed.

**NEW BUSINESS:**

**WILCOX ROAD PROJECT**

Wilcox Road will be closed May 15 and 16, 2013, so that repairs can be made to the culvert on the steep part of the hill. Town Clerk Sherrie Jacobs will draft a letter to send to the residents of Wilcox Road, the Susquehanna Valley Central School District, and to Broome County Emergency Services. Mr. Minoia commented that the Town Highway Department will do the work, taking out the old pipe and installing the new one.

**HIGHWAY PAVING PROJECTS**

Public Works Superintendent Tom Delamarter stated that Broome Bituminous will provide the blacktop material, hauling it in and laying it, for repaving the Carlin Road area and some of the streets behind the Little White Church, covered by the “CHIPS” (Consolidated Highway Improvement Program) funds. Woodcrest Way, Morris Boulevard, Leslie Avenue, and Carlin Road are not included in the repaving plans this year. Town of Conklin Highway Department workers will serve as flagmen for the project. Mr. Bullock commented that the intersection of Morris Boulevard and Woodcrest Way needs work. Highway Foreman Stan Albrechta stated that the Highway crew will be patching that area.

**COMMUNITY CENTER & GROUNDS**

Mr. Delamarter reported that there will be a meeting of the Veterans Memorial Committee on April 25, adding that the fill dirt has been delivered to the Memorial site. Mr. Bullock commented that the renters of the Community Center have been very happy with the venue. Ms. Jacobs commented that she has been receiving more inquiries regarding renting the facility.



**REGULAR TOWN BOARD MEETING**  
**APRIL 23, 2013**

**RITTER PROPERTY/CONKLIN ROAD**

Code Officer Robert Jones reported that he has received several complaints and has written letters to Mr. Douglas Ritter regarding his property on Conklin Road, adding that he has been working with Mr. Ritter to try to get him to address these Code violations. Mr. Jones reported that the back steps have been rebuilt at the house on Conklin Road and the temporary tent/garage structure has been removed.

**POOL & PARKS**

Mr. Delamarter reported that the Conklin Town Pool will be open from 1 to 7 P.M., adding that the pool will open on June 8 and will only be open weekends until school is out for the summer vacation. Youth Commissioner Fran Bealo will close the park bathrooms in the evening.

Mr. Delamarter stated that it is costing the Town extra money to pay Park employees to dump the garbage from the garbage cans into the dumpsters after pavilion rental events on holidays and weekends. He suggested, moving forward from tonight's meeting, that the Town issue garbage bags along with pavilion rental permits and require renters to put their trash in the dumpsters. The Board agreed that this will be the new policy. Mr. Delamarter stated that the Water Department workers will open the bathrooms on the weekends, since one person from that department is always on call each weekend.

Mr. Delamarter stated that the Kiwanis-sponsored "Pitch, Hit, and Run" Tournament will be held on Opening Day, April 27. He stated that there will be no Opening Ceremony, but baseball and softball players will be introduced before each game begins. Mr. Delamarter stated that the fields will be lined on Friday, April 26.

**RESO 2013-62: RATIFY PAYMENT/JEFF BUMP (NYCE TRUCKING)/PURCHASE/MISCELLANEOUS TOOLS/HIGHWAY GARAGE**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5761, account code A5132.4, in the amount of \$340.00 to Jeff Bump of NYCE Trucking for the purchase of miscellaneous tools to be used in the Highway Garage.

Seconded by Mr. Bullock.

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

Mr. Finch stated that the Town was able to purchase \$2,000 worth of tools for \$340.

**RESO 2013-63: AUTHORIZE PAYMENT/BILL LIST/\$44,162.50**

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 \$44,162.50:

General	\$22,677.99
Highway	2,455.92

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2011 Flood Emergency	205.00
Light Districts	2,581.47
Sewer District	1,785.04
Water District	4,069.08
Non-Budget	<u>6,388.00</u>
<b>Total</b>	<b>\$44,162.50</b>

Seconded by Mr. Minoia.

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

**RESO 2013-64: AUTHORIZE MODIFICATION OF STATED FROM AND TO BUDGET**  
**LINES/AS OF APRIL 23, 2013**

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 April 23, 2013 (see attached).

Seconded by Mr. Francisco.

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

**RESO 2013-65: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUES**

Mr. Bullock moved for the following resolution:

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

Seconded by Mr. Francisco.

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

Mr. Finch commented that the owner of Pride Manor Mobile Home Park has completely reimbursed the Town for the water service that was installed.

**RESO 2013-66: AUTHORIZE THE FILING OF A CERTIFICATE WITH  
THE SECRETARY OF STATE, DESIGNATING THE SECRETARY OF  
STATE AS AGENT FOR SERVICE OF A NOTICE OF CLAIM**

PRESENT: Mr. Bullock, Mr. Minoia, Mr. Francisco, Mr. Finch

ABSENT: NONE

Offered By: **Mr. Bullock**

Seconded By: **Mr. Francisco**

The Town Board of the Town of Conklin, duly convened in regular session, does hereby resolve as follows:

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**WHEREAS**, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the “Act”).

**WHEREAS**, Section Six (§6) of the Act amends the General Municipal Law by adding a new Section Fifty-Three (§53), effective June 15, 2013.

**WHEREAS**, New York General Municipal Law Section Fifty-Three, Subsection Two (§53(2)) requires that all public corporations, who are entitled to service of notice of claim as a condition precedent to commencement of an action or proceeding shall, file a certificate with the Secretary of State designating the Secretary as agent for service of a notice of claim.

**WHEREAS**, the Town of Conklin must file such certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law, Section Fifty-Three (53) took effect.

**NOW, THEREFORE**, the Town Board of the Town of Conklin, duly convened in regular session, does hereby resolve as follows:

Section 1. The Clerk of the Town of Conklin be and she hereby is directed and empowered to forward to the New York State Secretary of State a Certificate, pursuant to General Municipal Law section fifty-three (GML §53), designating the Secretary of State as agent for service of a notice of claim where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Town of Conklin, or any officer, appointee or employee.

Section 2. This Resolution shall take effect immediately.

Resolution Adopted: April 23, 2013

**CERTIFICATION**

I, Sherrie L. Jacobs, do hereby certify that I am the Town of Conklin Clerk 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 Town of Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on April 23, 2013. Said resolution was adopted by the following roll call vote:

Mr. Bullock	YES
Mr. Minoia	YES
Mr. Francisco	YES
Mr. Finch	YES

Dated: April 23, 2013

\_\_\_\_\_  
Sherrie L. Jacobs  
Clerk of the Town of Conklin

Seal

Ms. Sacco explained that this allows a Notice of Claim to be filed with either the Secretary of State, who would notify the Town of Conklin of any such Claims, or with the Town Clerk. She explained that a Notice of Claim is a precursor to a lawsuit and must be filed within 90 days.

**JOINT SEWER TREATMENT BOARD**

Mr. Finch stated that he received a letter from the Binghamton-Johnson City Joint Sewage Treatment Board requesting a 30-year extension on the agreement between the Joint Board and the Town of Conklin. He stated that the Town must find out whether or not the City of

**REGULAR TOWN BOARD MEETING**  
**APRIL 23, 2013**

Binghamton sewer system will be able to accept any more waste from the Town of Conklin before an agreement is reached. Ms. Sacco stated that Attorney Alan Pope is working with other outside users, such as the Town of Conklin, to present a united front in dealing with renegotiation of contracts with the Joint Board.

**GENERATORS**

Mr. Francisco asked if the Town received documentation regarding the controls on the newly acquired federal surplus generators and Mr. Delamarter replied that the information is in the instruction manuals. Mr. Francisco stated that the generators should have a similar plug for all sites/facilities. Mr. Delamarter stated that the 30 KW generator is used only at the sewer station near Julius Rogers Park.

Mr. Francisco stated that sample lights have been ordered for the Community Center.

**SHARED SERVICES/JUSTICE OFFICE**

Mr. Finch stated that the Town Justice in the Town of Binghamton is leaving office in June and added that he and Town of Binghamton Supervisor Tim Whitesell have been discussing the possibility of combining the Justice Offices of the two Towns in a shared services agreement. He stated that there is a difference between the two Courts in the way in which Dog Control appearance tickets are handled. Mr. Finch stated that the new Dog Control Officer, also a shared services position, is “doing a great job.”

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 6:15 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**APRIL 9, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on April 9, 2013, at the Conklin Town Hall. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Michael Mott
	Highway Department Foreman	Stan Albrechta
	Planning Board	Dell Boyle
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Laurie Francisco
		Michael Gabello
		Peter J. Motsavage

**MINUTES: MARCH 12, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the March 12, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

**MINUTES: MARCH 26, 2013 REGULAR TOWN BOARD MEETING**

Mr. Francisco stated that the March 26, 2013 Regular Town Board Meeting minutes should be corrected on page 2, line 9 from the top, to replace the words “Town Code” with the words “National Electric Code.”

Mr. Bullock moved to approve the March 26, 2013 Regular Town Board Meeting minutes as corrected.

Seconded by Mr. Francisco.

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

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of a letter from the Conklin Seniors Club and a check for \$300 as a donation to the Town of Conklin for the use by the Club of the Maines Community Center.

**RESO 2013-54; ACCEPT \$300.00 DONATION/CONKLIN SENIOR CITIZENS/USE OF FLOYD MAINES COMMUNITIY CENTER**

Mr. Bullock moved for the following resolution:

**REGULAR TOWN BOARD MEETING**  
**APRIL 9, 2013**

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$300.00 from the Conklin Seniors Club for the use of the Floyd Maines Community Center.

Seconded by Mr. Francisco.

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

Mr. Finch also acknowledged receipt of a letter from Attorney Wendy DeWind, representing former Dog Control Officer Darlene Weidman, in response to a letter sent by Mr. Finch to Ms. Weidman regarding potential removal of any materials from the Community Center.

**PUBLIC COMMENTS:**

None.

**REPORT: SUPERVISOR'S OFFICE**

Refer to written report.

**REPORT: TOWN CLERK**

In addition to her written report, Town Clerk Sherrie Jacobs asked the Town Board to consider replacing the current Neopost postage machine with a new machine from Pittney Bowes. The Pittney Bowes machine would have a five pound scale, instead of the current two pound scale, at no extra cost, and would save the Town money in both the monthly lease fee and in the cost of ink cartridges.

**RESO 2013-55: REPLACE NEOPOST POSTAGE MACHINE POSTAGE PROS PLUS**  
**WITH PITTNEY BOWES POSTAGE MACHINE DM400**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves replacing the current Neopost postage machine, Postage Pros Plus, with Pittney Bowes postage machine DM400.

Seconded by Mr. Minoia.

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

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Deputy Highway Superintendent Michael Mott reported that the Highway Department had cleaned the yard at the Highway Garage and has made a sweep of roads throughout the Town. He stated that an inventory of signs was conducted and noted that the three new generators are all up and running. Mr. Mott reported that beacon lights were installed on some of the Town trucks and trailer lights were installed for 12 volt systems. He stated that the Highway Department worked with the Parks Department to repair the slide at the park. Mr. Finch commented that the Town may be able to repave more roads than previously estimated with the "CHIPS" (Consolidated Highway Improvement System) monies.

**REGULAR TOWN BOARD MEETING**  
**APRIL 9, 2013**

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that 150 letters had been sent advising residents that the Neptune water meters in their residences would need to be replaced with Sensus meters, adding that the project is “going well,” with 50% of the meters already replaced.

Mr. Delamarter reported that the fence at the dog off-leash area has been lowered and that the gate at Conklin Forks Park has been replaced. He stated that the Town parks are all open now, including bathroom facilities. He added that these facilities will be closed at night. Mr. Minoia asked if the park gates will be shut and locked at night to prevent damage in the parks. Mr. Delamarter stated that the law enforcement officers do not want the park gates locked because of the pool at Schnurbusch Park and the difficulty that emergency responders would have in gaining access in the event of a mishap after hours at the pool. Mr. Finch stated that he will look at the situation, adding that Youth Commissioner Fran Bealo has agreed to be responsible for locking the bathrooms.

Mr. Delamarter reported that he sold two cemetery plots for cremains to Jean Terry at Shawsville Cemetery.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that the fire alarm system has been installed at the Maines facility on Terrace Drive. He stated that two businesses, Evelyn Deeley’s Physical Therapy business and Ma’s Flowers, have been approved by the Planning Board. Mr. Jones stated that he has been conducting safety inspections and completed the MS4 (Municipal Stormwater Sewer Systems) audit has been completed.

Mr. Jones stated that the Town is applying for a reduction of \$4,000 per unit for a waiver of friable and non-friable asbestos abatement in the bid specifications for demolition of the Buyout properties. He stated that 52 buildings remain on the potential Buyout list. Attorney Cheryl Sacco asked if the appraisers have been updated with the new number of buildings and Mr. Jones confirmed that they have been updated. He stated that the appraisals are currently taking place. Mr. Finch noted that the cost of taking debris from the demolitions to the Broome County Landfill has been negotiated down from \$70 per ton to \$40 per ton.

Mr. Jones stated that he has issued six building permits this month, including a new house on Murphy Road and a large renovation of the Conklin Forks United Methodist Church.

Mr. Jones stated that he has investigated the complaints regarding the stone and debris piled near the former Dino’s Bar and Grill site, on property belonging to Hobart Stone, adding that the DEC (New York State Department of Environmental Conservation) has also investigated the site. Mr. Jones stated that the height of the stored material is in compliance, noting that Hobart Stone stores its product and some of its vehicles on this property, and adding that the company moves material out of the storage area as it is needed. Mr. Francisco asked about the tires on the property and Mr. Jones stated that the tires and some other debris were deposited by the 2011 flood. Mr. Finch stated that the Hobart Stone facility on JR Boulevard creates a lot of dust on the road and added that Mr. Hobart needs to use the water truck daily to clean the road. Mr. Mott stated that the road needs to be swept also. Mr. Jones will follow up on this situation.

**OLD BUSINESS:**

**REGULAR TOWN BOARD MEETING**  
**APRIL 9, 2013**

**UPDATE/REMAINING OPEN 2011 FEMA PROJECTS**

Mr. Delamarter presented an update on the remaining open projects covered by FEMA (Federal Emergency Management Agency) from the 2011 flood. Of the work in PW 1777223, the Little League Fields and Building, only replacement of the window in the Little League concession stand remains to be completed. For PW 1777215, the Community Center, the placement of flood barriers at the door needs to be completed. Mr. Jones has two bids for this project. For PW 1777221, the five Sewer Stations, Mr. Delamarter reported that Stations 2, 3, and 5 have been completed, and #4 will be completed this week. He stated that new flanges are being fabricated for Sewer Station 1. Mr. Delamarter reported that A.C. Spear is raising the electrical boxes as part of the flood mitigation.

**NEW BUSINESS:**

**DISCUSSION/9 BARBARA AVENUE**

Mr. Finch stated that Douglas Ritter owns 9 Barbara Avenue and wants to obtain a building permit to repair the building. Mr. Finch stated that he does not want another building in Town “like 1529 Conklin Road” (also owned by Mr. Ritter and subject to several Code violations). He added that the Town water will not be turned on until 1529 Conklin Road is cleaned up and brought into compliance and the plumbing at 9 Barbara Avenue has been inspected. It was noted that the garage-type tent structure at 1529 Conklin Road has been “up and down,” and that Mr. Ritter is fixing the steps. Mr. Jones stated that the building “needs a lot of renovation, adding that he, Mr. Finch, and Mr. Ritter will do a “walk through” on April 15.

**UNSAFE STRUCTURE/WOODSIDE AVENUE**

Mr. Jones reported that a contractor has expressed interest in demolishing the unsafe structure on Woodside Avenue in exchange for the land.

**RESO 2013-56: RATIFY ACH PAYMENT/POSTAGE ON CALL/POSTAGE METER PURCHASE**

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Francisco.

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

**RESO 2013-57: AUTHORIZE PAYMENT/BILL LIST/\$39,898.99**

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 \$39,898.99:

General

\$ 9,075.62



**REGULAR TOWN BOARD MEETING**  
**APRIL 9, 2013**

Highway	\$10,492.20
Fire Protection	16,002.25
2011 Flood Emergency	3,901.18
Water District	<u>427.74</u>
<b>Total</b>	<b>\$39,898.99</b>

Seconded by Mr. Minoia.

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

Mr. Finch noted that the payment to the Fire Company is the final payment for the fire protection contract for 2013.

**RESO 2013-58: APPROVE SUPERVISOR/SIGN CONTRACT/LAKE ENGINEERING**  
**& GRIFFITHS ENGINEERING/MANDATED ENGINEERING STUDY/JOINT**  
**SEWAGE TREATMENT PLANT**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the Town Supervisor, James Finch, to enter into and sign a contract with Lake Engineering and Griffiths Engineering for an Engineering Study mandated by the Binghamton-Johnson City Joint Sewage Treatment Plant. The base amount of the contract of \$18,000 will be paid for six months, in payments of \$3,000 each month, account code SS1-8110.4.

Seconded by Mr. Francisco.

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

Mr. Delamarter explained that this study includes a smoke test with a camera in the sewer lines to insure that there is no infiltration into the lines.

**RESO 2013-59: APPROVE ADVERTISING/COUNTRY COURIER/WHITE GOODS &**  
**BRUSH PICKUP/MAY 6-17, 2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves advertisement in the **Country Courier** for white goods and brush pickup for the period May 6 through May 17, 2013.

Seconded by Mr. Francisco.

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

**RESO 2013-60: APPROVE SPECIAL PAY/LISA HOUSTON/EXTRA SERVICES/2013**  
**PHYSICAL INVENTORY AUDIT**

Mr. Bullock moved for the following resolution:

**REGULAR TOWN BOARD MEETING**  
**APRIL 9, 2013**

Be It Resolved: that the Town Board of the Town of Conklin approves special pay for Lisa Houston in the amount of \$400.00 for extra services (20-30 hours) in regards to the 2013 Physical Inventory Audit.

Seconded by Mr. Minoia.

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

Ms. Houston explained that there was a \$500,000 discrepancy between what the Town stated are its physical assets and what the inventory company stated. She explained that the inventory company missed items in the inventory, including the gazebo, water lines, pump stations, parking lots, Well 5, a generator, tools, and water meters. Mr. Francisco asked if it would be helpful if the department heads were to generate quarterly inventory reports and Ms. Houston stated that this practice is already in place.

**RESO 2013-61: SCHEDULE PUBLIC HEARING/MAY 14, 2013/7:05 P.M./LOCAL**  
**LAW 1, 2013/ “ABOLISH POSITION OF ELECTED TOWN HIGHWAY**  
**SUPERINTENDENT & CREATE APPOINTED TOWN HIGHWAY**  
**SUPERINTENDENT, SUBJECT TO MANDATORY REFERENDUM”**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 7:05 P.M. on May 14, 2013, to receive input regarding proposed Local Law 1, 2013, “ABOLISH THE POSITION OF AN ELECTED TOWN HIGHWAY SUPERINTENDENT AND CREATE AN APPOINTED TOWN HIGHWAY SUPERINTENDENT, SUBJECT TO MANDATORY REFERENDUM.”

Seconded by Mr. Minoia.

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

Mr. Finch stated that the mandatory referendum vote would take place on July 23, 2013.

**BEAUTIFICATION COMMITTEE/FLAGS & BANNERS**

Mr. Finch stated that the Conklin Beautification Corps needs to meet soon to plan a Town clean-up day and added that the American flags and Town banners need to be put up soon.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:40 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk



**REGULAR TOWN BOARD MEETING**  
**MARCH 26, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on March 26, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Mike Gabello
		Laurie Francisco
		Kathy Minoia

**MINUTES: MARCH 12, 2013 REGULAR TOWN BOARD MEETING**

The approval of the March 12, 2013 Regular Town Board Meeting minutes will be held over until the April 9, 2013 Town Board meeting.

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of a letter from a local Girl Scout troop offering to build birdhouses to beautify the Town parks and grounds. He also acknowledged receipt of a letter from the Binghamton-Johnson City Joint Sewage Board regarding an audit of the Town's water and sewer billing system.

**PUBLIC COMMENTS:**

None.

**REPORTS:**

None.

**OLD BUSINESS:**

**SEWER EXTENSION GRANT UPDATE**

Mr. Finch stated that he met with the Broome County Economic Development Office and the New York State Department of Environmental Conservation (DEC) to discuss ways of applying for and obtaining more grants, to either increase flow to the Binghamton-Johnson City Joint Sewage Treatment Plant or to build a small treatment plant in the southern end of Conklin. The DEC representative stated that "we need to find a way to help Frito-Lay (located on the Colesville Road Extension) to stay here" and resolve its waste removal issues.

**TIME WARNER CABLE/GRATSINGER ROAD UPDATE**

Mr. Finch stated that the residents of Gratsinger Road petitioned to have Time Warner Cable extend its franchise services to Gratsinger Road. He stated that Time Warner Cable conducted a cost survey and sent a questionnaire to the residents asking what services they would want and

**REGULAR TOWN BOARD MEETING**  
**MARCH 26, 2013**

what amount they would be willing to pay for these services. Time Warner Cable agreed to extend its services from Conklin Forks Road to the Whitmore household on Gratsinger Road.

**SURPLUS GENERATOR UPDATE**

Mr. Finch stated that the Federal surplus generators purchased by the Town have arrived and are at the Highway Garage. He added that one generator only has three hours use on it. Mr. Francisco will look at the generators and see what is needed to hook them up. Mr. Francisco stated that in order to be in compliance with Town Code, circuit protection may be required in order to hook up the generators. He added that 60 kilowatts would run the Town Hall but without supporting heat or air conditioning. Mr. Francisco stated that the cable would need to be sized to the service in whatever building the generator was to run. Mr. Minoia stated that the service should be standardized on all of the generators, so that they are interchangeable at different sites, such as the four sewer stations. Mr. Finch commented that the Town already owns a generator that is used in emergencies at the Julius Rogers sewer station. Mr. Finch stated that the Federal government paid \$64,000 each for the generators, and then sold them to the Town for \$800 each.

**UPDATE/DECKER QUARRY/FARNHAM ROAD**

Mr. Finch stated that he met with the owner of the Decker Quarry on Farnham Road and the owner has agreed to sweep the dust off the road each night.

**NEW BUSINESS:**

**MEETING WITH BROOME COUNTY ECONOMIC DEVELOPMENT & DEC**

As was noted earlier, Mr. Finch met with representatives from the Broome County Economic Development Office and the DEC on March 21, 2013. Mr. Finch stated that he has also met with Town Engineers Dan Griffiths and John Mastronardi, who will send a letter to the Joint Sewage Board asking whether or not the Board will accept more sewage from the Town of Conklin if the Town were to extend the sewer lines. Mr. Finch explained that a response of either yes or no is needed from the Joint Board before the Town can proceed with seeking more grants for this project.

**MEETING & AUDIT/JOINT SEWAGE TREATMENT BOARD**

Mr. Finch stated that an auditor from the Joint Sewage Treatment Board met with him, Water Budget Director Lisa Houston, and Public Works Superintendent Tom Delamarter on March 25 to examine the Town's water and sewer billing system. He stated that the auditor was "checking billing and meters – nitpicking." Mr. Finch stated that the auditor was not pleased that the Town does not charge the Susquehanna Valley School District for filling its pool or watering the football field. The Joint Board therefore wanted \$1,000 from the school district. Ms. Houston will create a form to document each water usage for filling pools, watering fields, etc. Mr. Minoia asked about the flow meter in the sewer line and why that reading wasn't used. Mr. Finch stated that the water in question doesn't go through the flow meter and therefore, in the eyes of the Joint Board, the Town is "giving water away."

**REGULAR TOWN BOARD MEETING**  
**MARCH 26, 2013**

**AGRICULTURAL ZONING/TAX I.D. #194.01-2-11.1/UPPER POWERS ROAD**

Town Attorney Cheryl Sacco stated that the owners of tax parcel #194.01-2-11.1, which is located on upper Powers Road, wish to own horses, and so have petitioned to be included in the Agricultural Zone in that area. She explained that this is not a re-zoning of the parcel or changing any zoning, merely Broome County adding parcels to the Agricultural Zone, which it can do under the Agriculture and Markets Law of New York State. The Town Board had no objections to this change.

**GIRL SCOUTS/BIRD HOUSE PROJECT**

Mr. Finch explained that a local Girl Scout troop has offered to build bird houses to beautify Town parks and grounds as part of the work toward a merit badge. They are willing to build 10 or 12 bird houses. It was suggested that the bird houses be located at Conklin Forks Park, Schnurbusch Park, Sullivan Park, the Town Hall, and at the Community Center.

**RESO 2013-51: SUPPORT SUSQUEHANNA RAIN AND STREAM GAUGES**

Mr. Bullock moved for the following resolution:

**Be It Resolved: that the Town Board (hereinafter “Board”) of the Town of Conklin (hereinafter “Town”), duly convened in regular session at Town Hall, does hereby resolve as follows:**

**WHEREAS**, the Town of Conklin is located within Broome County;

**WHEREAS**, there are currently a series of sixteen rain gauges and eighteen stream gauges in the Susquehanna River Basin, all of which are federally funded;

**WHEREAS**, one of the rain gauges and three of the stream gauges are in Broome County;

**WHEREAS**, the stream and river gauges are maintained and operated by the U. S. Geological Survey and generate real-time data needed by the National Weather Service to forecast river levels and to issue timely, accurate early flood warnings;

**WHEREAS**, this information is used by emergency managers, local officials, and citizens to make critical decisions to protect life and property;

**WHEREAS**, the Susquehanna River is one of the most flood prone portions of the country, with more than 80 percent of the over 1,400 municipalities in the region including areas that are flood prone;

**WHEREAS**, Broome County was subject to a devastating record flood in 2006;

**WHEREAS**, the 2006 record flood was exceeded by a more damaging flood in 2011;

**WHEREAS**, the 2011 flood event alone caused hundreds of millions in damage due to property loss, economic impacts, and infrastructure damage;

**WHEREAS**, the community is still recovering from the 2011 flood;

**REGULAR TOWN BOARD MEETING**  
**MARCH 26, 2013**

**WHEREAS**, we were fortunate not to have experienced loss of life during the 2011 flooding, due in substantial part to having sufficient advance warning to allow for orderly evacuations;

**WHEREAS**, according to our recently drafted Hazard Mitigation Plan, there is the potential for \$1 billion in damage in Broome County alone from a future flood event;

**WHEREAS**, the annual cost to the Federal government to maintain this vital gauge system for the entire Susquehanna River is approximately \$215,000;

**WHEREAS**, the funding of these vital gauges is uncertain from year to year;

**NOW, THEREFORE, BE IT RESOLVED**, that we, the undersigned, urgently call for the Federal government to make a firm, long-term commitment to funding this critical rain and stream gauge system.

**BE IT FURTHER RESOLVED**, that it is requested that the Clerk send a certified copy of this resolution to:

Frank Evangelisti, Chief Planner  
Broome County Department of Planning  
P.O. Box 1766  
Binghamton, New York 13902

**LASTLY, IT BE RESOLVED** that this resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

**RESO 2013-52: RATIFY PAYMENT/JE KOCAC TRUCKING & TRANSPORT/PICK  
UP CHARGE/3 GENERATORS/RICHAMOND, VIRGINIA**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5675, account code HA-8760-4M, in the amount of \$1,750.00 to JE Kocak Trucking & Transport, LLC, for the pick-up charge for three generators located in Richmond, Virginia.

Seconded by Mr. Minoia.

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

**RESO 2013-53: AUTHORIZE PAYMENT/BILL LIST/\$64,782.76**

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 \$64,782.76:

General	\$15,431.99
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**REGULAR TOWN BOARD MEETING**  
**MARCH 26, 2013**

Highway	18,037.38
Flood Emergency	18,513.00
Light Districts	1,820.72
Sewer District	446.81
Water District	4,547.86
Non-Budget	<u>5,985.00</u>
<b>Total</b>	<b>\$64,782.76</b>

Seconded by Mr. Francisco.

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

**“CHIPS” MONEY FOR ROAD REPAIR**

Mr. Minoia commented that the “CHIPS” (Consolidated Highway Improvement Fund) money is based on center-line miles and determined by the New York State Thruway Authority, stressing that it is important to keep track of road inventory per mile.

**BEROTA COURT DRAINAGE**

Mr. Bullock asked about the drainage issues on Berota Court, which the Town would like to address, and Mr. Finch explained that the Town is still waiting for one signature from a property owner, whose house is in the Buyout Program, to grant the Town the right-of-way needed to address the problem.

**FIRE ALARM SYSTEM/HIGHWAY GARAGE**

Mr. Bullock stated that a fire alarm system is needed at the Town Highway Garage. Mr. Finch asked Mr. Bullock to determine what is needed for this project.

**VETERANS MEMORIAL**

Mr. Finch stated that Bob Page, who is spearheading the Veterans Memorial Project, requested that the site of the proposed memorial be moved and Mr. Finch told Mr. Page this would not be possible because it would then interfere with the operation of the annual fair. He stated that the memorial site will be shifted slightly left to alter the sidewalk angle. Mr. Finch stated that he met with Mr. Joe Roberts, who has agreed to sell crusher run and base material for the memorial at \$3 per ton, instead of the \$12 per ton the Veterans Memorial Committee had been quoted. The Committee currently has approximately \$14,000 to begin the memorial. When it is completed, the Town of Conklin will accept the memorial as part of its grounds and will maintain it. Mr. Bullock asked if it will be lit with solar lights and Mr. Finch stated that those will be used. Mr. Francisco stated that it would be possible to get pole-mounted solar lights. Mr. Finch stated that it is important to get the project started.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Minoia. The meeting adjourned at 6:03 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk





**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on March 12, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Public Works Superintendent	Tom Delamarter
	Code Officer	Robert Jones
	Deputy Highway Superintendent	Michael Mott
	Planning Board	Dell Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Joseph Bartosik
		Dolly Stout
		William Osborne, Sr.
		George Frailey
		Laurie Francisco
		Michael Gabello
		William Osborne, Jr.
		Ellen Osborne
		Peter J. Motsavage
		Bonnie Tolomei
		Angelo Tolomei

**MINUTES: FEBRUARY 12, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the February 12, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

**MINUTES: FEBRUARY 26, 2013 WORK SESSION**

Mr. Minoia moved to approve the February 26, 2013 Work Session 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 the office of U.S. Representative Richard Hanna inviting the public to meet Mr. Hanna and his staff on Tuesday, March 26, 2013, from 11:30 A.M. until 1:00 P.M. at the Metro Center, 49 Court Street, Suite 230, in Binghamton.

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

Mr. Finch also acknowledged receipt of correspondence regarding the “in kind” portion of the Town’s required part of the Engineering Planning Grant.

**FEMA FLOOD BUYOUT PROGRAM UPDATE**

Mr. Finch stated that he met with representatives from Broome County regarding the cost of taking to the Broome County Landfill materials from houses demolished as part of the FEMA (Federal Emergency Management Agency) Flood Buyout Program. He stated that the County agreed to decrease the cost from \$70 per ton to \$40 per ton, with no separation required for materials containing asbestos.

Town Attorney Cheryl Sacco stated that she has received proposals in response to the Town’s Request For Proposals (RFPs) for surveying and appraisal of the houses that have been approved by FEMA for the Buyout Program. It is understood that the property owner has the right to withdraw from the Buyout Program at any time up until closing on the property. Ms. Sacco stated that the following proposals have been received:

<u>Surveying:</u>	Shumaker Consulting	\$1,300 per parcel
	Southern Tier Surveying	\$ 485 per parcel
	Keystone Associates	\$ 1,200 per parcel
	Paul Koerts	\$ 800 per parcel
	Hobart Engineering	\$ 1,299 per parcel

Ms. Sacco stated that \$700 per parcel has been budgeted.

Appraisal (Commercial) – 3 properties:

Bob Congdon	\$1,250 per parcel
Matt Congdon	\$1,500 per parcel

Appraisal (Residential)

Murray	\$ 375 per parcel
David Hamlin	\$ 275 per parcel
	\$ 150 per parcel (vacant land)

**RESO 2013-30: AWARD DAVID HAMLIN BID/RESIDENTIAL APPRAISAL/FEMA  
FLOOD BUYOUT PROPERTIES/\$275 PER PARCEL & \$150 PER PARCEL VACANT  
LOTS/59 PROPERTIES**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the bid to David Hamlin for appraisal of the FEMA Flood Buyout residential properties at a cost of \$275 per parcel, and \$150 per parcel for vacant properties, for 59 properties.

Seconded by Mr. Bullock.

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

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

**RESO 2013-31: AWARD BOB CONGDON/COMMERCIAL APPRAISAL/FEMA**  
**FLOOD BUYOUT PROPERTIES/\$1,250 PER PARCEL**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the bid to Bob Congdon for appraisal of the FEMA Flood Buyout commercial properties at a cost of \$1,250 per parcel.

Seconded by Mr. Francisco.

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

**RESO 2013-32: AWARD SOUTHERN TIER SURVEYING, LLP/SURVEYING OF**  
**FEMA FLOOD BUYOUT PROPERTIES/\$485 PER PARCEL/AS NEEDED**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the bid to Southern Tier Surveying, LLP, for surveying of the FEMA Flood Buyout properties, as needed, at a cost of \$485 per parcel.

Seconded by Mr. Minoia.

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

**PUBLIC COMMENTS:**

**TRAFFIC ON HARDIE ROAD/SALT DISTRIBUTION CENTER**

William Osborne, Sr., of 123 Hardie Road, stated that the Salt Distribution Center is not currently hauling salt but when this is occurring, he must leave his house two or three times per week because of the exhaust and dust from the truck traffic, adding that it has been this way for the “last six or seven months.” Mr. Osborne stated that he has “breathing issues from the war,” which this dust and exhaust aggravate, adding that he has “paid taxes in the Town of Conklin for more than 50 years.” Mr. Finch stated that the Town is working to correct this issue.

**DISPOSAL OF TIRES**

Dell Boyle, of 125 Scofield Road, stated that he is opposed to the Town’s refusal to accept tires for disposal, adding that if no tires are accepted at the Town Highway Garage, “people will dump them in the fields.” Mr. Finch stated that he has an update for that situation. Mr. Finch stated that he met with representatives from Broome County, who agreed to reduce the cost of taking tires to the Broome County Landfill to \$175 per ton or \$2 per tire, down from \$5 per tire. The Town would limit 2 to 4 tires accepted from each household but is planning to accept tires again. Mr. Minoia stated that there should be a limited time in which the tires are accepted, to coincide with the annual white goods and brush pick-up. Tires must be dropped off at the Highway Garage (no pick-up) and no commercial tires will be accepted. The Town can accept tires up to 17 inches in diameter only. Cameras have been installed at the Highway Garage to monitor activity there. Mr. Bullock commented that large loads of commercial tires have been dumped in fields along Conklin Road.

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

**LIGHTS AT COMMUNITY CENTER**

George Frailey of 29 Leslie Avenue stated that buying new lights for the Community Center at a potential cost of \$1,700 “seems expensive.” He suggested buying toggle switches instead, asking if the building really needs dimmer switches. Mr. Bullock, who oversees the Community Center for the Town, stated that renters of the facility often ask for dimmer switches for parties and wedding receptions. Mr. Francisco, who had proposed the new lighting plan, stated that this is only one option that the Board is researching. Mr. Frailey stated that the Town “shouldn’t invest thousands of dollars in a building that loses money.” Mr. Francisco reiterated that the Town is researching multiple options. He added that he is researching installing an occupancy sensor in place of the security light at the Community Center.

**AGENDA**

Mr. Frailey also asked why the agenda is not printed double sided to save paper. He was directed to discuss this with Secretary to the Supervisor Lisa Houston, who prepares the agenda. Mr. Finch commented that the blank back of the page allowed people to take notes if they chose to do so.

**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 Michael Mott reported that the Highway Department has been sweeping the sides of the roads, putting up new speed limit signs on Banta Road and Farnham Road, performing maintenance on the trucks, and installing a new antenna and security cameras at the Highway Garage. Mr. Francisco commented that he has received positive feedback regarding the new markers on street intersections. Ms. Sacco stated that the New York State Department of Transportation had approved the reduction in the speed limits, adding that the Town does not have the authority to change speed limits.

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that letters have been sent to residents whose water meters need to be replaced, adding that these meters will become obsolete in 2014, and that they contain lead. He stated that the residents may keep the Census water meters, but when the meters fail, they must be replaced with a composite material meter, at the residents’ cost. Some property owners will not allow Town employees access to change the water meters. Mr. Bullock asked how many meters are in question and Mr. Delamarter responded that there are approximately 200 meters. It was suggested that the meters be changed on a Saturday, when the property owner can be present. Mr. Finch agreed that the Town may have to do this.

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Mr. Delamarter will be going to a conference in May. He stated that the Town has received the money from insurance for the gate at Conklin Forks Park that was damaged by an automobile accident. Mr. Delamarter stated that he will be looking for a resolution to allow him to advertise for lifeguards for the Town Pool for 2014. He stated that he travelled to Virginia to look at generators for the Town to purchase.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that the signs have been removed from the house at 1539 Conklin Road, owned by Doug Ritter, and the tent structure has been partially removed and electrical work done on the inside of the building. Mr. Minoia commented that since Mr. Ritter wants the Town to turn the water on at his apartments at 9 Barbara Avenue, the Town should give him an ultimatum stating that the Town will not turn the water on unless Mr. Jones is allowed to inspect the apartment building. Mr. Jones stated that a building permit would be required and electrical service installed, adding that the building has a bad foundation and has not been cleaned up after either the 2006 Flood or the 2011 Flood. Mr. Francisco asked if debris from the house at 1539 Conklin Road is still being put on the neighbor's property and Mr. Jones stated that there has been "very little clean-up" done.

Mr. Jones reported that he has been conducting annual and three-year inspections of commercial and apartment buildings in the Town. He reported that the former Dino's Bar and Grill building has been sold to a local owner. Mr. Jones reported that William Slater will be coming to the Planning Board to present his proposal for a taxi company at his Conklin Road building. He stated that the Planning Board will also see two more new businesses – Deeley Physical Therapy in the Sarnicola Simulation building located at 970 Conklin Road and a florist who will have a portable booth at the Big Dipper 2 on Conklin Road for 13 or 14 weeks. Mr. Francisco asked about entrance and egress to the Big Dipper 2 site and Mr. Jones replied that there will be one of each and both businesses will share them. Mr. Bullock commented that the property on Shaw Road which was the site of the animal abuse case last year needs to be cleaned up.

Mr. Minoia asked about the railroad crossing on Powers Road and Mr. Finch stated that the railroad will repair it in the spring.

**OLD BUSINESS:**

**DOG CONTROL OFFICER AGREEMENT WITH TOWN OF BINGHAMTON**

Mr. Finch stated that the Town of Conklin has agreed to pay the Town of Binghamton \$8,543 plus mileage for shared services of Dog Control Officer John Simmons. The Town of Binghamton asked for 50% of the cost of the Dog Control Officer's salary, so the cost will now be \$9,000 plus mileage.

**RESO 2013-33: AMEND DOG CONTROL OFFICER AGREEMENT WITH TOWN OF BINGHAMTON/2013/TOTAL OF \$9,000 PLUS MILEAGE**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin amends the Dog Control Officer shared services agreement with the Town of Binghamton to provide a total cost to the Town of Conklin of \$9,000 plus mileage for 2013.

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

Seconded by Mr. Francisco.

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

Mr. Finch added that Mr. Simmons is doing a “great job.” Town Clerk Sherrie Jacobs concurred, adding that the list of delinquent dog license payments prior to December 2012 is down to five people.

**RESO 2013-34: OPPOSITION TO ANY ATTEMPT BY THE NEW YORK STATE**  
**LEGISLATURE TO ENACT LEGISLATION WHICH BUNDLES ISSUES RELATING**  
**TO GUN CONTROL AND AMENDMENT OF THE FREEDOM OF INFORMATION**  
**LAW**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town Board of the Town of Conklin is aware that two bills have been introduced in the New York State Senate, Bill Numbers S.2131 and S.2132, which propose amendments to the New York State Freedom of Information Law exempting disclosure of gun permit holders in certain instances, and

WHEREAS, the Town Board of the Town of Conklin supports legislation that would exempt from disclosure records pertaining to gun permit holders except for law enforcement purposes, and

WHEREAS, the Town Board of the Town of Conklin is aware of efforts to enact stricter gun control legislation, but has not had an opportunity to review and consider this legislation, and

WHEREAS, the Town Board of the Town of Conklin believes that the issues surrounding disclosure of gun permit holders and those of enacting stricter gun control are separate issues which should not be bundled together in one law,

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

1. The Town Board of the Town of Conklin hereby approves of legislation which would exempt from disclosure those individuals who hold gun permits.
2. The Town Board of the Town of Conklin opposes any effort by the New York State Legislature to enact stricter gun control measures without an opportunity of the residents of the state to debate the merits of the legislation.
3. The Town Board of the Town of Conklin opposes any effort by the State of New York to bundle together stricter gun control legislation with legislation that would exempt the records pertaining to gun permit holders from disclosure under the New York State Freedom of Information Law as it is set out in the Public Officers Law.
4. Certified copies of this resolution be sent to Senators Charles E. Schumer and Kristen Gillibrand; Congressman Richard L Hanna; New York State Senator Thomas W. Libous; New York State Assembly Speaker Sheldon Silver; Assemblyman Clifford Crouch; Broome County Executive Debra Preston and the New York State Association of Towns.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 12013**

CERTIFICATION 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 March 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12th day of March, 2013.

\_\_\_\_\_  
SHERRIE L. JACOBS, Town Clerk

**PARK OUTDOORS ADVERTISING**

Mr. Finch stated that a letter and pictures of Town of Conklin “green space” have been sent to FEMA to request permission to use the green space land for installation of a billboard. Park Outdoors Advertising has agreed to take down all of its billboards in the Town of Conklin except one in exchange for the ability to install a new billboard in a green space area. Mr. Finch stated that a billboard would not obstruct debris from washing into the Susquehanna River. He stated that it is a bargaining point in the discussion with Park Outdoors Advertising about the removal of their existing billboards. Mr. Minoia stated that he is not comfortable with putting up any more billboards. Ms. Sacco stated that any billboards in the Town must be in compliance with the Town Code. Mr. Finch stated that there will only be two billboards total.

**STATE LINE QUARRY**

Ms. Sacco stated that in February 2012, the Town Board held a Public Hearing regarding State Line Quarry and indicated that it would approve the State Line Quarry operations if the DEC (New York State Department of Environmental Conservation), which was Lead Agency for SEQR (State Environmental Quality Review), approved the site plan. Ms. Sacco stated that the Form 239 has been received from Broome County and added that the DEC has sent a Negative Declaration regarding environmental impact and a completed application. She stated that the DEC requirements include: the storage and reclamation of any topsoil that is removed; blasting follows regulations; and no operations on Sundays or holidays. A Special Use Permit from the Town Board is needed to the quarry operations to be approved. Mr. Finch stated that the Town requires that the driveway be blacktopped to keep down dust and the holding ponds be fenced.

**RESO 2013-35: ISSUE SPECIAL USE PERMIT/STATE LINE QUARRY**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin issues a Special Use Permit for State Line Quarry, after review of SEQR and the completed application, with the conditions that the driveway be blacktopped to 100 feet from State Line Road and that the holding ponds be fenced.

Seconded by Mr. Francisco.

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

Mr. Finch commented that other quarries in the area also need permits and need to be cleaned up.

**NEW BUSINESS:**



**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

**RESO 2013-36: APPOINT COUGHLIN & GERHART, LLP/TOWN COUNSEL/TOWN BOARD/TOWN PLANNING BOARD/TOWN ZONING BOARD OF APPEALS/AS PER ANNUAL RETAINER/\$72,000/2013**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Coughlin & Gerhart, LLP, as Town Counsel to the Town Board, Town Planning Board, and Town Zoning Board of Appeals as per the annual retainer of \$72,000 for the year 2013.

Seconded by Mr. Minoia.

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

**RESO 2013-37: AUTHORIZE ADVERTISING/COUNTRY COURIER/LIFEGUARDS/TOWN POOL/2013 SEASON**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertising in the **Country Courier** for lifeguards for the Town Pool for the 2013 season.

Seconded by Mr. Bullock.

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

**RESO 2013-38: REPEAL RESO 2013-25/AUTHORIZE & APPROPRIATE LOCAL MATCH (20%) FOR ENGINEERING PLANNING GRANT AGREEMENT**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin repeals RESO 2013-25 authorizing and appropriating the local grant (20%) for the Engineering Planning Grant Agreement.

Seconded by Mr. Francisco.

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

**RESO 2013-39: APPROVE APPROPRIATION/MINIMUM OF 20% LOCAL MATCH/ENGINEERING PLANNING GRANT PROGRAM**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the appropriation of a minimum of 20% local match as required by the Engineering Planning Grant Program for the Town of Conklin project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Town of Conklin Supervisor shall not exceed \$7,500.00, based upon the total estimated maximum project cost of \$37,500.00. The Town of Conklin Supervisor may increase this local match through the use of in kind services without further approval of the Town of Conklin Town Board.

Seconded by Mr. Francisco.

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

Mr. Finch commented that the “in kind” services from the 2004 study will not be accepted for the current project.

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

**RESO 2013-40: AUTHORIZE TOM DELAMARTER/ATTEND NY RURAL WATER ASSOCIATION TECHNICAL CONFERENCE/PAY ALL AUTHORIZED COSTS**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Public Works Superintendent Thomas Delamarter to attend the New York Rural Water Association Technical Conference to be held in Lake Placid, New York, from May 20 through May 23, 2013, and to pay the following costs associated with the Conference: NYRWA registration - \$325.00; High Peaks Resort - \$124 per night for four nights totaling \$496.00; and mileage and meals per diem paid to attendee.

Seconded by Mr. Minoia.

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

**RESO 2013-41: AUTHORIZE TOM DELAMARTER/TRAVEL TO RICHMOND, VIRGINIA/CHECK OUT & SELECT THREE FEDERAL SURPLUS DIESEL GENERATORS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Public Works Superintendent Thomas Delamarter to travel to Richmond, Virginia, for the purpose of checking out and selecting three Federal surplus diesel generators for the Town of Conklin. The Town will reimburse Mr. Delamarter for hotel fees and mileage to and from Richmond, Virginia.

Seconded by Mr. Francisco.

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

**RESO 2013-42: RATIFY PAYMENT/TOWN OF BINGHAMTON/48,000/2013 DOG CONTROL AGREEMENT FOR SHARED SERVICES**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies check #5508, account code A-3510.4, in the amount of \$8,000.00 to the Town of Binghamton for the 2013 shared services Dog Control Agreement.

Seconded by Mr. Francisco.

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

**RESO 2013-43: AUTHORIZE PAYMENT/EXTRA \$1,000/TOWN OF BINGHAMTON/2013 SHARED SERVICES DOG CONTROL AGREEMENT**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the extra \$1,000.00, to total \$9,000.00 for the year 2013, to the Town of Binghamton for the 2013 shared services Dog Control Agreement.

Seconded by Mr. Bullock.

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

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2013**

**RESO 2013-44: RATIFY PAYMENT/ACTION AIR/HIGHWAY TOOL PURCHASE**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5436, account code DA-5130.4.451, in the amount of \$295.07 to Action Air for the purchase of a tool for the Highway Department.

Seconded by Mr. Francisco.

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

**RESO 2013-45: RATIFY PAYMENT/U.S. POSTAL SERVICE/1<sup>ST</sup> QUARTER WATER & SEWER BILLING**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5507, account code SW-8310.4, in the amount of \$303.60 to the U.S. Postal Service for 1<sup>st</sup> Quarter water and sewer billing.

Seconded by Mr. Bullock.

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

**RESO 2013-46: RATIFY PAYMENT/BROOME COMMISSIONER OF FINANCE/LANDFILL AGREEMENT BALANCE DUE FOR 2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5509, account code DA-9797.6, in the amount of \$7,350.00 to the Broome Commissioner of Finance for the Landfill Agreement balance due for 2013.

Seconded by Mr. Francisco.

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

**RESO 2013-47: RATIFY PAYMENT/TONARLO'S/FOOD FOR BLOOD DRIVE VOLUNTEERS**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5516, account code A-1220.4, in the amount of \$17.26 to Tonarlo's for food for the blood drive volunteers.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
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**RESO 2013-48: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF**  
**COMMERCE/MEETING REGISTRATION FEE/LABOR LAWS & WORKERS'**  
**COMPENSATION**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5578, account code A-1220.4, in the amount of \$30.00 to the Greater Binghamton Chamber of Commerce for the meeting registration fee for a seminar on Labor Laws and Workers' Compensation.

Seconded by Mr. Minoia.

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

**RESO 2013-49: RATIFY PRE-APPROVED PAYMENT/BILL LIST/\$133,432.14**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the following pre-approved Bill List in the total amount of \$133,432.14:

General	\$ 21,702.25
Highway	86,113.94
Flood Emergency	517.10
Light Districts	1,886.08
Sewer District	1,121.05
Water District	7,516.72
Non-Budget	<u>14,575.00</u>
<b>Total</b>	<b>\$133,432.14</b>

Seconded by Mr. Bullock.

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

Mr. Finch commented that the Highway payment includes two truck payments and payment for salt.

**RESO 2013-50: APPROVE PAYMENT/BILL LIST/\$155,503.84**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List in the total amount of \$155,503.84:

General	\$ 37,738.18
Highway	8,387.26
Fire District	2,491.00
Flood Emergency	101,014.10
Light Districts	454.11
Sewer District	4,363.15

**REGULAR TOWN BOARD MEETING**  
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Water District	<u>1,056.04</u>
<b>Total</b>	<b>\$155,503.84</b>

Seconded by Mr. Francisco.

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

Mr. Finch explained that the Flood Emergency payment was for the new sewer pump and that the cost will be reimbursed by FEMA.

**PROJECTS IN PROGRESS**

Ms. Sacco stated that she is working on several projects for the Town, including the Sports Complex property near the Community Center, the new regulations from the Binghamton-Johnson City Joint Sewage Board, the Time Warner Franchise Agreement, State Line Quarry, and the FEMA Buyout project. She stated that Mr. Jones and Town Engineer John Mastronardi are working with her on the Buyout project, adding that they will have the specifications for the asbestos mitigation and demolition ready for the March 26 Town Board meeting.

**SEWER LINES ON BUYOUT PROPERTIES**

Mr. Minoia asked if the sewer lines will be sealed on the properties in the Buyout program to prevent debris from entering the sewer system. Ms. Sacco stated that she is meeting with Mr. Jones and Mr. Mastronardi to review the specifications and that this will be part of the requirements. Mr. Delamarter stated that after the 2006 Flood, the sewer lines on Buyout properties from that flood were capped with PVC, because concrete will decompose with time. Mr. Delamarter added that the sewer lines are four inch laterals. Mr. Minoia stated that the bid specifications should require that the lots be smoothed and leveled after the demolition is completed.

**AREA NEAR FORMER DINO’S BAR & GRILL**

Mr. Francisco stated that the height of the stone levels has increased in the area near the former Dino’s Bar and Grill, along the Colesville Road Extension, and there is now a flatbed holding water containers, along with discarded tires. Mr. Jones will investigate the site.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**WORK SESSION**  
**FEBRUARY 26, 2013**

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on February 26, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	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
	Public Works Superintendent	Tom Delamarter
	Deputy Highway Superintendent	Mike Mott
	Planning Board	James Hauss
	Planning Board	Christopher Ostrowsky
	Zoning Board of Appeals	Arthur Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Laurie Francisco
		Mike Gabello
		George Frailey
		Chris Kehoe
		William Osborne, Jr.
		Ellen Osborne
		Dolly Stout
		William Osborne, Sr.
		Peter J. Motsavage

**TOWN OF CONKLIN COMPREHENSIVE MASTER PLAN UPDATE**

Supervisor Finch stated that James Hauss, Chairman of the Planning Board, and Hal Cole, a member of the Zoning Board of Appeals, will be co-chairpersons of the Town of Conklin Comprehensive Master Plan Update Committee. He stated that the committee will remove roads owned by Broome County from the Town’s list of assets, look at the change in population as a result of the two devastating floods, and consider plans for the Town’s future. Town Attorney Cheryl Sacco stated that the committee should consider the Town’s opinion regarding fracking and natural gas drilling, adding that this could impact the DEC (New York State Department of Environmental Conservation) decision regarding issuance of permits. She added that public outreach and a Public Hearing will be required to complete to update to the Master Plan.

**GOVERNOR CUOMO’S GUN CONTROL PLAN**

Mr. Finch stated that he was approached by resident Richard Griswold regarding the newly enacted New York State Safe Act, which Mr. Griswold opposes. Mr. Finch stated that several counties have approved resolutions opposing the Safe Act. Mr. Griswold will attend the March 12 meeting to address the Town Board, at which time the Board will assess whether or not it wishes to pass a resolution opposing the Safe Act.

**DOG CONTROL AGREEMENT/TOWN OF BINGHAMTON**

Mr. Finch reported that two members of the Town of Binghamton Town Board had questions regarding the shared services agreement to provide dog control services to the Town of Conklin,

**WORK SESSION**  
**FEBRUARY 26, 2013**

namely, whether the Town of Conklin would pay mileage for dog calls in Conklin, which the Board has agreed to do, and whether or not the Town of Conklin contracts with Front Street Dog Shelter, which it does. Mr. Finch stated that the Town of Conklin will pay the Town of Binghamton \$8540 toward John Simmons' salary as Dog Control Officer for both towns. The Town of Binghamton Town Board accepted this arrangement. Mr. Finch stated that the Conklin Town Board will amend the resolution regarding the Dog Control Agreement at the March 12 meeting, adding that tonight's meeting is a work session, rather than a Town Board meeting, therefore, no voting can occur, nor is there an opportunity for public comments.

**LIGHT DISTRICT #7**

Mr. Finch stated that a property owner from Shirley Avenue, Light District #7, had complained that it costs him \$200 on his taxes for two street lights on the dead end road, which only has one house since the other houses were demolished as a result of the 2006 Flood buyout. Mr. Finch stated that it will still cost \$200 to take out the light bulb and still pay for the light pole. Ms. Sacco stated that the Town cannot disband a light district unless 100% of the residents of that district no longer want the street lights. Mr. Finch stated that one of the other property owners wants the lights left as is because of safety issues. Assistant to the Supervisor Lisa Houston stated that the cost of the light district is not a flat fee. The Town Board decided to leave the lights as they are.

**PARK OUTDOORS ADVERTISING**

Mr. Finch reported that Park Outdoors Advertising has agreed to take down all of its billboards except the biggest one. They will put up a new billboard, which Mr. Finch stated will bring revenue to the Town.

**CLARIFICATION/CWSRF ENGINEERING PLANNING GRANT LOCAL MATCH**

Mr. Finch stated that at the February 12 Town Board meeting it was stated that the CWSRF Engineering Planning Grant would be for a total of \$30,000, with a local match of 20% required, or \$6,000. In speaking with Terrance Deuel from New York State, it was learned that the total cost of the Engineering Planning Grant project will be \$37,500, and the Town is responsible for 20% of the total cost, or \$7,500. An earlier study was conducted in 2004 to determine whether a small sewer treatment plant could be built in the southern end of Town to service the southern end of the Corporate Park, Stillwater Road, and the two mobile home parks, but it was determined that this is not a suitable site because of flooding issues, and any plant would have to be built on higher ground. It was asked if this 2004 study can be included in the Town's "in kind" contribution to the required 20% for this grant. Ms. Sacco stated that this grant may be "fact specific but there is the potential to include" the former study in the 20% local match. Town Engineer John Mastronardi is gathering data to pursue this option.

Mr. Finch commented that the Binghamton-Johnson City Joint Sewage Board will not accept any more volume of sewage from the Town of Conklin, adding that Griffiths Engineering and Engineer Ron Lake are working on proposals for a plant. He added that the new plant in West Windsor cost \$12,000,000. Mr. Finch stated that there will be a meeting at Binghamton University on February 27 of all the municipalities that utilize the Joint Sewage Treatment Plant to discuss stormwater infiltration issues, adding that the Town of Conklin has no problems with stormwater infiltration.

**WORK SESSION**  
**FEBRUARY 26, 2013**

**2013 ROAD PROJECTS/NYS “CHIPS” PROGRAM**

Mr. Finch stated that the New York State “CHIPS” (Consolidated Highway Improvement Program) will provide \$73,000 to blacktop roads in 2013. He stated that the Town intends to mill and pave Carol Court, David Drive, Sharon Drive, Carlin Road, and maybe Willow Way, if there is enough money. He stated that by paving the roads in this manner, entire sections of the Town could be completed, as opposed to a street or road here and there. Mr. Finch stated that it is important to check the thickness of the blacktop, which has been leased to Suitco and Broome Bituminous. Mr. Finch added that the Town may be able to more. The Town will be doing maintenance in the rural areas of the Town this year.

Mr. Finch stated that Mike Donohue, Highway Superintendent for the Town of Binghamton, has agreed to loan the Town of Binghamton’s paver to pave Town of Conklin roads, adding that the Town of Conklin will pay the Town of Binghamton back in kind. He added that when the towns work together, “it is a win-win.”

Mr. Minoia added that the “CHIPS” money can also be used to purchase salt, tires, and other Highway Department needs. Mr. Francisco asked about the condition of Cherry Drive and Roxbury Street and Mr. Finch replied that they are “not bad.” Mr. Finch stated that Coolidge Street, Woodcrest Way, and Suncrest Drive are all scheduled for re-paving in 2014.

Deputy Highway Superintendent Michael Mott stated that he is getting pricing on a new method of paving roads, called the “Midland Process,” which involves laying down “fabric” of stone and oil and paving over the top of that material. He added that this process may be less costly than milling and repaving. Mr. Minoia stated that if the Town does not mill the roads, it is “putting good over bad” and the edges of the roads may crack. Public Works Superintendent Tom Delamarter stated that “it depends on the quality,” adding that in the past there has been “a lot of wasted blacktop.” Mr. Finch stated that the Town can purchase blacktop using either the Broome County bid price or the New York State bid price, but not both. Mr. Minoia added that the Town pays by the ton for blacktop. Mr. Mott stated that if the road is milled too deeply, it can double the cost of the paving. He and Mr. Minoia agreed that it is possible to estimate the amount of paving material needed for the project. Ms. Sacco stated that the Town must be sure to follow procurement policy and competitive bidding practices.

**CODE VIOLATIONS/1539 CONKLIN ROAD**

Code Officer Robert Jones reported that the house at 1539 Conklin Road, owned by Douglas Ritter, has a temporary “garage,” which he stated is actually a tent, attached to it. Mr. Jones stated that cars are being repaired, using torches, in this structure, which he stated presents a danger to the house and its occupants. Mr. Jones wants the Town to remove this structure and charge Mr. Ritter on his tax bill, as is done with unmowed grass that is in violation of the Town Code. Mr. Jones added that this is an unsafe structure, which was built without a building permit and which blocks egress from the structure and presents a fire hazard. Ms. Sacco stated that appropriate notices must be served and a Public Hearing held in order to evoke the Unsafe Structures Law. Mr. Finch added that he has received complaints of Mr. Ritter putting debris on the property belonging to his neighbor. Mr. Ritter has a large sign on the property in question, which he stated is protected by “freedom of speech,” and which Mr. Minoia stated “violates the Town Code.” Mr. Jones stated that he will send a letter informing Mr. Ritter that he has fifteen days in which to remove the tent structure or the Town will remove it. Ms. Sacco stated that the Town “should not take it down,” adding that she will research the Town Code and report to the Town Board at the March 12 meeting.



**WORK SESSION**  
**FEBRUARY 26, 2013**

**FEMA BUYOUTS**

Ms. Sacco stated that there was a meeting on February 21 with the Town officials, including the Town Assessor, and the Town Engineer and Attorney, to discuss the deadlines and timeline for the FEMA (Federal Emergency Management Agency) Buyout Program. The Town Supervisor has been authorized to execute the agreement with SEMO (State Emergency Management Office). Ms. Sacco stated that it is important to find out whether or not SEMO has executed the agreement, because the date that this is completed is the date that sets the deadlines for other parts of the project. She stated that the Town should move ahead with designing RFPs (Requests For Proposals) for appraisals, surveys, asbestos mitigation, demolition, and post-demolition cleanup work. Ms. Sacco explained that the appraisals on the properties in the Buyout program must be approved by SEMO, and then the Town will have accurate numbers to give to property owners. It will be explained to the property owners that they will incur 25% of the cost of the Buyout. The Town will have a closing on each property that is included in the Buyout, the buildings will be demolished, and the property will be cleaned up and seeded.

Ms. Sacco stated that if the property owner requires a second appraisal, he or she is responsible for the cost of the second appraisal, with SEMO setting regulations for which appraisal is used. She added that these are pre-flood appraisals.

Mr. Bullock asked how much the Town must spend before the property owners commit to participation in the Buyout Program and Mr. Finch replied, "Minimal." Ms. Sacco added that money is being saved by utilizing Town officials, such as the Code Officer, Town Assessor, Assistant to the Supervisor, and Town Clerk, to help with some of the work. Mr. Finch stated that the first step is to obtain appraisals. He added that the policy on salvaging from the Buyout properties is very strict and must be enforced.

Mr. Finch stated that the potential Buyout list includes three vacant lots and 53 homes. He stated that there will be two meetings of groups of property owners. Ms. Sacco stated that the letter to the property owners should be the standard letter that is uniform with other municipalities. Mr. Finch stated that the Town must bond for the money and pay interest, as the Town pays the cost and is later reimbursed by FEMA. Ms. Sacco stated that there is now an opportunity to submit a Request for Advancement of Funds to SEMO to get money for the "up front" costs of the Buyout, which she added is a new feature this year. Mr. Finch commented that the Town is "still paying \$80,000 per year for the 2006 Buyout."

**2013 CONKLIN FAIR**

Mr. Finch stated that Kelly Wildoner, President and CEO of the Conklin Fair Committee, Inc., has booked the Community Center and grounds for a town fair to be held August 23-25, 2013. He stated that Mr. Wildoner wants to work with service organizations, such as the Conklin Kiwanis Club, Conklin Rotary Club, and Conklin Business Association, to share the cost and profit of the fair. Mr. Wildoner stated to Mr. Finch that he may be able to offer free booth rental to these service organizations, in exchange for their assistance with the fair. Mr. Finch stated that the liability insurance for the parade costs \$3,000 and added that the Town may pay for that cost and for the Sheriff's Department to provide traffic control for the parade. Mr. Finch commented that in 2012 the Conklin Fair Committee donated money to the Veterans' Memorial. He also commented that in 2012 the Conklin Fair Committee was able to get the dumpsters and the portable bathrooms donated, and maybe could do so again this year.

**WORK SESSION**  
**FEBRUARY 26, 2012**

**WATER AT APARTMENTS/BARBARA AVENUE**

Mr. Finch stated that Douglas Ritter has purchased the apartment buildings located on Barbara Avenue and has requested that the Town turn the water on to the buildings. Mr. Finch stated that the buildings have not been inspected so the Town has refused Mr. Ritter's request.

**LIGHTING AT COMMUNITY CENTER**

Mr. Francisco proposed a new lighting design for the Community Center. He stated that the dimmer switches that are currently in place are frequently not turned off completely, and suggested replacing them with regular switches that would provide different levels of light. He stated that this would cost \$1,600 to \$1,700, which does not include labor, or miscellaneous materials. The project would be put out to bid.

**HIGHWAY ISSUES**

Mr. Delamarter asked if the Town Board wanted to discuss the paving project any further, and Mr. Finch stated that the Board would wait to get more information regarding the new process that Mr. Mott is researching. Mr. Finch stated that security cameras are being installed at the Highway Garage, along with signs advising that "grass, white goods, metals, and tree trim only" will be accepted at the Garage. He stated that the cameras will capture license plate numbers and the Town will prosecute violators. The security cameras became a necessity because of people dumping garbage at the Highway Garage and stealing metal from the dumpster. No tires will be accepted by the Town this year because Broome County will no longer waive the tipping fee for transporting tires to the County Landfill, the cost of which is \$155 per ton plus the cost of trucking the tires to the Landfill. It was noted that people pay a cost of \$5 per tire when they purchase new tires, which is supposed to offset the cost to the seller of disposing of old tires. Mr. Finch stated that the security camera tapes will run 24 hours per day, seven days per week, and will hold 90 days' worth of footage before being replaced.

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**  
**FEBRUARY 12, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on February 12, 2013, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Supt. Of Public Works	Tom Delamarter
	Asst. Highway Supt.	Mike Mott
	Planning Board	Dell Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Joe Bartosik
		John C. Colley
		Dolly Stout
		Laurie Francisco
		George Frailey
		Bonnie Tolomei
		Angelo Tolomei
		Peter J. Motsavage
		Ellen Osborne
		William Osborne, Jr.
		Mike Gabello
		Cory Valentine
		Isaac Valentine

**MINUTES: JANUARY 22, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the January 22, 2013 Regular 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 Binghamton-Johnson City Joint Sewage Board crediting the Town for overpayment of its 2012 bill. The Joint Board correspondence indicated that repairs will be made to the Treatment Plant this summer.

Mr. Finch also acknowledged receipt of a letter from Coughlin and Gerhart, LLP, outlining their retainer fee and what is and is not covered under the retainer.

Mr. Finch stated that he has been contacted by Time Warner Cable regarding the proposed franchise agreement. Mr. Whalen, from Time Warner Cable, is researching the cost and possible timeline of extending cable service to include Gratsinger Road. Mr. Finch stated that if this extension is included as part of the agreement, the Town will allow a 10 year agreement period instead of the 8 years it currently is requiring.

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

Mr. Finch asked Town Attorney Cheryl Sacco for an update regarding the building constructed on property belonging to CP Rail and Ms. Sacco stated that she is reviewing the issue with the property manager.

Mr. Finch acknowledged receipt of a letter from Broome County requesting the support of municipalities in helping Broome County become a land bank. This would mean that if the County foreclosed on a property, it would not have to re-sell the property right away, but could hold it for future development. Attorney Sacco stated that not many municipalities in Broome County have supported this request. The Town Board was unanimous in voicing their disapproval of supporting this request, with Mr. Francisco adding that it provides more of a burden to the Town of Conklin if authority is given to Broome County.

**RESO 2013-22: REFUSAL TO SUPPORT BROOME COUNTY'S APPLICATION TO  
BECOME A LAND BANK**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin refuses to support Broome County's application to become a Land Bank.

Seconded by Mr. Minoia.

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

Mr. Finch also acknowledged receipt of an announcement from the office of U.S. Representative Richard Hanna. Representative Hanna's office will conduct a Veteran's Office Hours on February 21, 2013, from 12:00 P.M. until 1:30 P.M. at the Metro Center, 49 Court Street, Suite 230, Binghamton, to assist veterans with any federally-related issues or concerns.

**PUBLIC COMMENTS:**

**HARDIE ROAD/SALT DISTRIBUTION CENTER**

Mr. Finch stated that Joseph Tuzze, owner of the Salt Distribution Center, will post bond for Hardie Road, to pay for any damage to the road caused by the trucks hauling salt to and from the distribution center. He added that the meeting between Mr. Tuzze and Gary Huntley, spokesman for the residents of Hardie Road, went well. Mr. Finch stated that Mr. Tuzze's operation is on hiatus until spring. Mr. William Osborne, Jr., asked when Mr. Tuzze will pave the driveway into his facility, and Mr. Finch stated that the paving will take place "as soon as the weather breaks." Mr. Finch stated that the DEC (New York State Department of Environmental Conservation) has stated that Mr. Tuzze is not required to cover the salt until the amount stored exceeds 15,000 tons.

**SUSQUEHANNA VALLEY SCHOOL DISTRICT BUDGET**

Mr. Finch stated that he "got nowhere" with his questions about expenditures and policies at the Susquehanna Valley School District. He stated that the President of the Board of Education came to the Town Board meeting to "grandstand then run out."

Mr. Finch stated that the school buildings are owned by the residents and taxpayers, yet service groups, which he stated, "give back to the children," must pay to use the facilities. He mentioned the annual Easter Egg Hunt, held at the Donnelly Elementary School, at which the

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

sponsoring service group had to pay \$50 for a maintenance person to move a table outside. Mr. Finch also mentioned a fine arts group based in Conklin that had to move its productions to another school district because the cost at Susquehanna Valley was so high. He stated that the school district “should look at its programs and policies.”

**REPORT: TOWN CLERK**

In addition to her written report, Town Clerk Sherrie Jacobs requested a resolution approving her attendance at the annual NYSTCA (New York State Town Clerks Association) Conference to be held in Buffalo, New York.

**RESO 2013-23: AUTHORIZE TOWN CLERK/ATTEND NYSTCA**  
**CONFERENCE/BUFFALO, NEW YORK**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Clerk Sherrie Jacobs to attend the annual NYSTCA (New York State Town Clerks Association) Conference, to be held April 28-May 1, 2013, in Buffalo, New York, with all necessary expenses, account code 3-A-1410-4-400.

Seconded by Mr. Minoia.

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

**CONCERTS IN THE PARK 2013**

Town Clerk Sherrie Jacobs reported that Superintendent of Public Works Tom Delamarter has booked all of the performers for the 2013 Concerts in the Park series. This year the concerts will start at 6:30 instead of 7:00 P.M. Mr. Finch added that in place of one of the concerts, a Sock Hop will be held on July 20 at the Maines Community Center, with music provided by COOL 100. Local service organizations will be invited to sell refreshments at the Sock Hop.

**REPORT: HIGHWAY DEPARTMENT**

In addition to the written report, Deputy Highway Superintendent Mike Mott stated that the snow removal process has gone well this winter. He reported that the hydraulic line on Truck 47 is being repaired. Public Works Superintendent Tom Delamarter reported that “everything is running smooth.”

Mr. Delamarter reported that he has a meeting at 10 A.M. on February 13 with a representative regarding installing security cameras at the Highway Garage and at the Community Center. He stated that the chains have been taken down at the Highway Garage to allow for garbage pickup.

Mr. Delamarter reported that Broome County will not waive the tipping fees for tire pickup this year, so the Town will not be able to take residents’ tires. It was noted that purchasers already pay \$5 per tire when they purchase the tires, to cover the cost of disposal. Mr. Minoia commented, “We need to get out of the tire business.”

Mr. Delamarter stated that with new construction, the property owner pays for the first driveway pipe, and the Town installs the pipe and covers it with millings and crusher run. The Town of

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

Conklin pays for any replacement pipes after that initial installation. Mr. Finch stated that it should specify that this would be a 20 foot pipe; if the pipe is longer than 20 feet, the property owner would pay the difference in cost. The property owner would pay for any paving. Mr. Mott asked what would happen if the owner refuses to pay their share, and Mr. Finch replied that the Town will only replace up to 20 feet of pipe.

Mr. Delamarter reported that he attended a meeting of Highway Superintendents and discussed patching roads and digging ditches. The Town of Kirkwood owns a Drott, which it uses to clean ditches in the Town of Conklin. In exchange, the Town of Conklin Highway Department paves roads in the Town of Kirkwood. Mr. Delamarter asked if the Town will be patching roads by hand this year and Mr. Finch stated that this will be discussed at the February 26 meeting.

Mr. Bullock asked if a County-wide list of available shared equipment exists and it was agreed that such a list would be very useful.

Mr. Mott stated that the cost of the Town making the new intersection marker signs is less than if the signs were purchased from a sign manufacturer.

**REPORT: WATER & SEWER**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that his department has been reading water meters. He stated that the new pumps purchased through FEMA (Federal Emergency Management Agency) for the sewer stations have been installed at the Julius Rogers station and at Sewer Station 3. He added that the remainder of the pumps has been ordered, and once they are installed, the mitigation will be completed.

Mr. Delamarter reported that the five year report for the Town Landfill has been completed for the EPA (Environmental Protection Agency). He stated that the variance is a “work in progress.”

In an update from the Supervisors’ meeting, Mr. Delamarter reported that Delta Engineering developed a road use agreement for Broome County. Since the Town of Conklin already has in place both a road use agreement and a noise ordinance, it will opt out of utilizing the County’s agreement.

Mr. Delamarter reported that Broome County plans to expand its landfill in the spring, so free stone will be available to the municipalities.

Mr. Minoia asked if New York State will be paying any of the 25% of the FEMA Buyout costs not covered by the federal government, and Mr. Finch replied that the State is not paying any of that cost. He added that there will be “no free debris” and that the cost to take debris to the Broome County Landfill is increasing. Ms. Sacco added that New York State is paying 25% of infrastructure repair, but none for houses. She stated that the staff will meet at 8:30 A.M. on February 21 to discuss deadlines and craft a plan of action and timeline for the Buyout process. Mr. Minoia stated that he had heard that the State will be paying 25% toward repair of the damage in the New York City area caused by Hurricane Sandy, and Ms. Sacco stated that she does not know whether or not this is true.

Mr. Delamarter stated that the topic of shared services for computers, servers, and licensing was discussed at the Supervisors’ meeting. The Health Department, through the Office of Housing and Urban Development, will be offering lead paint mitigation for those who qualify. Other

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

topics discussed at the Supervisors' meeting included the return to a 50-50 split of sales tax revenue, County-wide library funds, economic development, the new incubator, and the Broome County Airport.

Mr. Delamarter reported that a car accident damaged the gate at the Conklin Forks Park and the insurance company will pay for repairs.

**REPORT: CODE OFFICER**

Refer to written report.

**REPORT: SUPERVISOR'S OFFICE**

Refer to written report.

**NEW BUSINESS:**

**RESO 2013-24: DETERMINE TOWN'S ACTIONS UNDER ENGINEERING  
PLANNING GRANT AGREEMENT ARE TYPE II ACTION UNDER SEQOR**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin has been awarded a grant pursuant to NYS Environmental Facilities Corporation to conduct an Engineering Study regarding water and sewer services within certain areas of the Town; and

WHEREAS, the Board finds that it is in the best interests of the Town to approve participation in said program; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQOR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT:

RESOLVED that the Town of Conklin hereby determines that the proposed Town of Conklin Project, namely to conduct an Engineering Study regarding water and sewer services within certain areas of the Town, is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18) and (21) which constitute "information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;" and "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;" and is therefore not subject to review under 6 NYCRR Part 617.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Seconded by Mr. Francisco.

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

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**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

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 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12th day of February, 2013.

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Sherrie L. Jacobs, Town Clerk

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**RESO 2013-25: AUTHORIZE & APPROPRIATE LOCAL MATCH (20%) FOR**  
**ENGINEERING PLANNING GRANT AGREEMENT**

Mr. Francisco moved for the following resolution:

WHEREAS, the Town of Conklin has been awarded a grant pursuant NYS Environmental Facilities Corporation to conduct an Engineering Study regarding water and sewer services within certain areas of the Town; and

WHEREAS, the Board finds that it is in the best interests of the Town to approve participation in said program; and

NOW, THEREFORE, BE IT:

RESOLVED that the Town of Conklin authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Town of Conklin project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Town of Conklin Supervisor shall not exceed \$6,000.00 based upon a total estimated maximum project cost of \$30,000.00. The Town of Conklin Supervisor may increase this local match through the use of in kind services without further approval of the Town of Conklin Town Board.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Seconded by Mr. Minoia.

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 February 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12<sup>th</sup> day of February, 2013.

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Sherrie L. Jacobs, Town Clerk

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**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

Mr. Minoia commented that an earlier engineering study had been conducted regarding a potential sewer development project and asked if this could be included in the Town's in kind contribution. Ms. Sacco will ask the grant administrator if this is permissible. Mr. Finch stated that three options have been discussed, including combining with the Town of Kirkwood and including the Visitors' Center on Route 81.

**RESO 2013-26: AUTHORIZE EXECUTION OF ENGINEERING PLANNING GRANT AGREEMENT**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin has been awarded a grant pursuant NYS Environmental Facilities Corporation to conduct an Engineering Study regarding water and sewer services within certain areas of the Town; and

WHEREAS, the Board finds that it is in the best interests of the Town to approve participation in said program; and

NOW, THEREFORE, BE IT:

RESOLVED, that the Supervisor of the Town of Conklin is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the Project and to fulfill the Town of Conklin's obligations under the Engineering Planning Grant Agreement.

BE IT FURTHER RESOLVED, 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 February 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12<sup>th</sup> day of February, 2013.

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Sherrie L. Jacobs, Town Clerk

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**OLD BUSINESS:**

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

**PRIDE MANOR WATER EXTENSION**

Mr. Delamarter reported that the water is hooked up at the Pride Manor Mobile Home Park but a booster pump needs to be installed. He stated that the meter must be read and Park owner, Mr. Kerns, must pay the costs that he owes. Mr. Finch stated that the Town had to turn on the water before payment because the residents of the Park were without water. Mr. Minoia stated, “Shame on the Pride Manor owner. He had a responsibility to provide water.” Mr. Finch thanked the Great Bend Hose Company, which provided 330 cases of bottled water to the residents of Pride Manor Mobile Home Park, adding that if the Town of Conklin could ever be of service to the Great Bend Hose Company, the Town would be happy to do so.

**DOG CONTROL OFFICER**

Mr. Finch stated that the agreement with the Town of Binghamton regarding the shared services of Dog Control Officer John Simmons has finally been worked out. The Town of Conklin will pay \$8,540 plus mileage, which Mr. Finch stated is “much cheaper for both Town of Binghamton and Town of Conklin.” He added that Mr. Simmons does “a great job.”

**NEW BUSINESS:**

**RESO 2013-27: RATIFY PAYMENT/NYCE TRUCKING/PURCHASE OF VARIOUS TOOLS/HIGHWAY VEHICLE REPAIRS**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5373, account code 3-A-5132-4, in the amount of \$540.00 to NYCE Trucking for the purchase of various tools to be used for Highway vehicle repairs.

Seconded by Mr. Minoia.

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

**RESO 2013-28: APPOINT MEMBERS OF TOWN OF CONKLIN COMPREHENSIVE MASTER PLAN UPDATE COMMITTEE**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints the following individuals to be members of the Town of Conklin Comprehensive Master Plan Update Committee:

Jim Finch	Town Supervisor
James Hauss (Co-Chair)	Planning Board Chairperson
Christopher Ostrowsky	Planning Board Member
Arthur Boyle	Zoning Board Member
Harold Cole (Co-Chair)	Zoning Board Member
Dan Smith	Business Association Member
Alternates	Town Board Members

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

**RESO 2013-29: AUTHORIZE PAYMENT/BILL LIST/\$310,584.10**

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 \$310,584.10:

General	\$ 47,881.29
Highway	15,725.20
Fire District	228,000.00
2011 Flood	13,322.09
Sewer District #1	604.18
Water District	3,838.73
Water District #6	<u>1,212.61</u>
<b>Total</b>	<b>\$310,584.10</b>

Seconded by Mr. Bullock.

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

**RESO 2013-30: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENT/GARY BULLOCK/\$40 PER MONTH/2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a monthly cell phone reimbursement in the amount of \$40.00 per month, account code A8989.4, to be paid to Gary Bullock for the year 2013.

Seconded by Mr. Francisco.

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

**LIGHTS AT COMMUNITY CENTER**

Mr. Bullock asked Mr. Francisco if the lights at the Community Center could be rewired with fewer lights and more circuits.

**PROPOSED “ADULT ENTERTAINMENT” AT FORMER DINO’S SITE**

Mr. Bullock stated that he has heard several concerns from residents regarding the proposed “adult entertainment” at the site of the former Dino’s Bar and Grill, in the building owned by Michael Storti. Mr. Finch stated that neither the Planning Board nor Zoning Board of Appeals would approve such a plan, since this type of business can only be operated in an Economic Development Zone and the site in question is not zoned correctly for such an establishment. Ms. Sacco added that this is not a permitted use of this site. Mr. Minoia questioned whether the site has enough parking for any sort of entertainment business, adding that the word “adult” didn’t enter the conversation with the Planning Board until part way through the discussion. Ms. Sacco reiterated that there is no application pending, and no agenda for the Planning Board meeting.

**REGULAR TOWN BOARD MEETING**  
**FEBRUARY 12, 2013**

**TOWN-WIDE FLOOD INSURANCE**

Mr. Finch asked Mr. Minoia if there is an update on the town-wide flood insurance and Mr. Minoia replied that there is currently no update on this project.

**PARK OUTDOORS ADVERTISING**

Mr. Finch reported that Park Outdoors Advertising has removed some of its billboards, adding that an agreement may be reached in which the company would use Town of Conklin property for its billboards. He added that he will meet with representatives from the billboard company on February 20 at 10 A.M.

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

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**JANUARY 22, 2013**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on January 22, 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
Planning Board	Christopher Ostrowsky
Planning Board	Dell Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Susquehanna Valley BOE	Suzanne Vimislik
		Laurie Francisco
		Robert Strick
		Michael Gabello
		George Frailey
		Bonnie Tolomei
		Angelo Tolomei
		William Osborne, Jr.
		Ellen Osborne
		William Osborne
		Glen L. Huntley
		Peter J. Motsavage
		Joe Walker
		Andy Lynch
		Chris Kehoe
		Ronald C. Arno
		Gary E. Huntley
		Greg Huntley
		Joanne Huntley
		Don Einstein
		Randy Rivera

**MINUTES: JANUARY 8, 2013 REGULAR TOWN BOARD MEETING**

Mr. Minoia moved to approve the January 8, 2013 Regular 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 Susquehanna Valley School District, from New York State Electric and Gas Corporation (NYSEG), from the Binghamton-Johnson City Joint Sewage Treatment Board, from the DEC (New York State Department of Environmental Conservation), and from the New York State Department of Health. The

**REGULAR TOWN BOARD MEETING**  
**JANUARY 22, 2013**

Department of Health notified the Town that it won an award for the quality of the water in the Town of Conklin.

**PUBLIC COMMENTS:**

**RESPONSE FROM SUSQUEHANNA VALLEY SCHOOL DISTRICT BOARD OF**  
**EDUCATION PRESIDENT SUZANNE VIMISLIK**

Suzanne Vimislik identified herself as the President of the Susquehanna Valley School District Board of Education and read the following statement into the minutes:

“Since November during the public comment portion of Town of Conklin board meetings, Supervisor Jim Finch has made numerous inaccurate and misleading remarks regarding the Susquehanna Valley School Central District finances and budget practices. In an effort to address this misinformation with the facts, the Board of Education wrote a letter to the Editor of the **Country Courier** that was published in the December 5, 2012 edition. As Mr. Finch’s public comments continued he was invited to meet with district representatives by Superintendent Gerardo Tagliaferri in a sincere effort to foster cooperation, open communications and address his concerns and questions. Attending the meeting were Mark Gorgos, the school district’s attorney, Town of Conklin Assessor John McDonald, Vince Smith from the Broome-Tioga BOCES Central Business Office, Ethan Berry, SV’s shared business executive, Tom Delamarter, from the Town of Conklin, and Suzanne Vimislik, SV Board of Education President.

“The meeting covered a wide range of topics – with specific attention paid to concerns voiced by Mr. Finch at Town Board meetings. We felt at the conclusion of the meeting that we had covered important ground and set a positive foundation for a more cooperative relationship. Unfortunately, it appears that Mr. Finch did not share that assessment, considering his comments just five days later at the Town Board meeting, going so far as to call the meeting “a smokescreen.” Considering Mr. Finch’s most recent remarks, it is fitting to re-visit some of the inaccuracies Mr. Finch has raised, and present to you the facts:

“At the November 13, 2012 Town of Conklin Board meeting Mr. Finch said: *‘While the Town of Conklin – along with Binghamton and Kirkwood – put together budgets with minimal increases, SV raised its budget 8% for 2013.’*

Not true. The 2012-13 SV budget, approved by voters May 15, 2012, by a nearly three-to-one margin, carried a year-to-year spending increase of 1.42% - among the lowest increases in the last decade. The accompanying 1.98% Tax levy was within the ‘perceived 2% cap’ and well below our actual cap of 2.95%. A great deal of time was spent at the January 3 meeting explaining this to Mr. Finch and that the tax levy is only one of *three* components in the formula used to calculate the Town’s tax rate: the others being assessments on Town properties and equalization rates. Mr. Finch does not acknowledge the Town’s \$3 million loss of assessed value and lowered equalization rate from the previous year as factors responsible for the town’s increased tax rate. As the Town Board knows, the school district has NO direct or indirect control over assessments as determined by the town or equalization rates set by the state.

“At the same meeting, Mr. Finch said: *The school budget increase has ‘little to do with programs that benefit students.’* Our budget supports every aspect of program encompassing all areas of instruction and services to support our students – from special education services, supplies and equipment, textbooks and computers, transportation, food and health services, athletics and co-curricular programs, to maintaining building and grounds. As student

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enrollment has declined in recent years, the district has implemented cost savings and efficiencies, including staff reductions mostly through attrition, while working diligently to protect and preserve the programs that benefit students.

“At the January 13 Town of Conklin Board Meeting, Mr. Finch referred to the joint meeting as a ‘smokescreen.’ It was no smokescreen. It was a sincere and courteous effort to open lines of communication between the school district and the Town, both of which have a vested interest in cooperating. It does neither the town nor the district any good for this rhetoric to continue. If forward progress and growth are our shared goals, we must both be committed to working toward them. To comment that a hand extended in courtesy as a ‘smokescreen’ is a disservice.

“Mr. Finch said: *‘BOCES has told him the questions he asked were “none of his business.”’* That is an unfortunate mischaracterization. Mr. Finch is aware that there are questions regarding any number of topics relative to school district functions that simply cannot – by law – be answered or addressed. The Town Board has the same limitations on issues like personnel.

“Mr. Finch said: *‘There exist possible conflicts of interest (he later called it an “ethics problem” at another board meeting) for members of the school board who have family members who are employed by the district.’* He was told by Mr. Gorgos that the Commissioner of Education had ruled on the issue statewide and has found there to be no conflict of interest. This was followed up with copies of the Commissioner’s rulings, at Mr. Finch’s request.

“Mr. Finch claims Mr. Tagliaferri ‘conceded’ school taxes increased 7.14% in the Town of Conklin. It’s not a question of conceding information that is publicly available. The question – and Mr. Finch’s comments – have to do not with the percentage increase, but how that increase was calculated. It was explained to Mr. Finch that the school district tax levy is one of only several factors influencing the town tax rate, and that other towns within the school district boundaries did not experience that same levy increase. It was pointed out that Binghamton and Windsor had decreases and that Kirkwood and Vestal increased 1.71%. A function of applying assessments and equalization rates to the levy.

“Mr. Finch said he asked Mr. Tagliaferri to urge older teachers to retire and make way for younger ones who would be paid less. He claims Mr. Tagliaferri told him this would ‘affect their retirement’ and that these teachers ‘have a right to keep working.’ Mr. Finch was told by our business official and attorney Gorgos that it is illegal to force older teachers out to make way for younger teachers who make less money. The two comments he shared are out of context and came from conversation explaining the retirement system’s early retirement penalties, and incentives which the district has offered. It was pointed out that eligible staff does not have to accept any incentive offered.

“Setting aside the question of whether Mr. Finch’s using the public comment section of the Town’s business meetings for personal comments is an appropriate or acceptable use of the Board’s time, it must be asked: Does Mr. Finch believe that publicly excoriating the school district in which the entirety of his town is located will be an effective tool in attracting new families and businesses to the Town? When someone is contemplating moving their family or their business, one of the primary factors they tend to consider is the quality of the school district in that location. It is safe to conclude that anyone witnessing an elected leader of a Town disparaging that municipality’s school district would be hesitant to consider moving there.

“It is especially disappointing to see the harsh comments continue and – perhaps – even escalate after Mr. Finch’s meeting with district officials. We *all* share a concern over the level of

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taxation being borne by our constituencies. We *all* want to see the economy recover and everyone be able to find good jobs, buy houses, feed their families and live in vibrant, robust communities. When the Town of Conklin was devastated twice by flooding in recent years, we stood together to clean up and bounce back. We are puzzled as to why the leadership of the Town of Conklin try to cast the school district as a villain and pit neighbors and colleagues against each other?

“As stated in our letter to the editor in December, ‘our district is committed to working cooperatively with the leaders of all levels of government, including the leaders of the five townships our district encompasses.’ We expressed that commitment to Mr. Finch on January 3 and do so again to the town board this evening.”

Mr. Finch responded to this statement by stating that he still feels the school district should look at its programs, including tuition-free students, pension plans, and group health insurance, to find a way to reduce taxes. He added that these issues are also being discussed by the Association of Towns. Mr. Finch stated that there are 115 parcels in the Town of Conklin. Mr. Finch stated that a letter has been sent to Governor Cuomo asking for a reduction in sales tax and school tax. He added that he has been told by businesses and builders that businesses and homeowners cannot afford to build or live in Conklin because of the high school taxes. Mr. Finch added that some of the people influencing the decision making at the school district live in the school tax free district.

**BANTA ROAD ISSUE**

Mr. Finch informed Bonnie Tolomei that the neighborhood issue with materials stored in the Town’s right-of-way on Banta Road, which she and Mr. Tolomei had brought to the attention of the Town Board, is being addressed.

**SALT DISTRIBUTION PROJECT**

Chris Kehoe of Hardie Road stated that trucks delivering to, or taking delivery from, the salt distribution center, whose access is off Hardie Road, were idling on Hardie Road at 3:00 A.M. last Saturday. It was noted that the center’s stated work hours, according to their site plan, are 7:00 A.M. until 3:30 P.M., Monday through Saturday, with no Sunday hours. Mr. Finch stated that the salt distribution center was approved by both Broome County Planning Department and the New York State Department of Environmental Conservation (DEC). He stated that he will contact the owner of the distribution center tomorrow (January 23) to make sure the truck traffic is compliant with the times approved in the site plan.

Andrew Lynch of Hardie Road stated that no one in the area of the salt distribution center knew that this project was being developed. He stated that the value of his property has decreased since the distribution center was built. Mr. Finch reiterated that the site plan was approved by both Broome County and the DEC, in addition to the Town Planning Board. He added that the original planned access was to be from Shaw Road near Ocean Steel, but the salt distribution center developers could not obtain a right-of-way to enter from that area. Mr. Lynch stated that trucks arrive every two minutes to the site.

William Osborne, Sr., of 123 Hardie Road stated that his house is “right in front of the truck stop” and stated that the dust that is raised on the road and the exhaust from the trucks is “constant” and fills his house, causing breathing issues so bad that he “had to leave the house.” He stated that this occurred last Saturday, when he counted 16 trucks arriving Saturday morning,



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beginning at 4:00 A.M. He also stated that the value of his property has decreased due to the development of the salt distribution center. Mr. Osborne stated that the trucks arrive “day and night,” adding that on Tuesday, the entrance gate was locked and trucks were idling one-half hour on Hardie Road.

Gary Huntley of 22 Hardie Road stated that the salt is going into the ground when it rains, adding that its container sits on only three inches of blacktop, which he stated is breaking up due to exposure to the salt. He added that the salt is over the top of the concrete barriers and is falling on the ground, as well as running out of the drainage areas in the concrete enclosure. Mr. Huntley stated that there is no plastic cover on the salt pile. Mr. Huntley, who drives a water truck for a gas development company, stated that in Pennsylvania it is illegal to use a “jake brake” at night, and if the truck is parked by a house, it can only be allowed to idle for 15 minutes.

Mr. Huntley stated that he understood that the developer of the salt distribution center, Joseph Tuzze, has purchased more property in the same area. Mr. Finch stated that Mr. Tuzze purchased .2 acres more for sand and storage in the event that natural gas drilling is allowed in New York State. Mr. Huntley stated that Broome County, which owns Hardie Road, has stated that the road was not built to withstand tractor-trailer traffic. He added that he understood that the salt was to be delivered by truck, and distributed by train car, and now it is being delivered and distributed by truck. Mr. Huntley stated that other towns are sending their trucks in to pick up salt. He added that the local residents were not notified by letter that the project was being developed near their homes. Mr. Finch reiterated that he will address these problems with Mr. Tuzze tomorrow (January 23).

William Osborne, Sr., stated that he has received “no help by addressing Bob Jones” (the Town Code Officer). William Osborne, Jr., also of Hardie Road, asked, if Mr. Tuzze has purchased more property, does that mean there will be even more trucks? Mr. Finch stated that if Mr. Tuzze wants to expand his business, he will need to come to the Town Planning Board and Zoning Board of Appeals. Town Attorney Cheryl Sacco added that her colleague, Attorney Brady Begeal will notify residents of Hardie Road via letter of any proposed changes to the business. Mr. Osborne stated that the road is breaking up and is covered with mud. He added that the salt piled has never been covered.

Bonnie Tolomei of Montrose Drive asked about the water trucks for the gas well being drilled just over the Pennsylvania border, which will traverse Montrose Drive to reach their destination. Mr. Finch explained that the gas production has been halted by the winter weather. Mrs. Tolomei asked how many trucks will be traveling on Montrose Drive. She added that she “hears ‘jake brakes’ all night.”

**REPORT: SUPERVISOR’S OFFICE**

Mr. Finch reported that he is still pursuing the issue of non-resident students attending Susquehanna Valley schools tuition-free, as well as other financial issues regarding the school district.

**OLD BUSINESS:**

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**HIGHWAY GARAGE**

Mr. Finch reported that access to the Highway Garage has been chained off because people have been stealing old guardrails, appliances, and pipe. He stated that security cameras are being installed, after which the yard will be re-opened.

**UPDATE ON SEWER STUDY GRANT**

Mr. Finch stated that he and Public Works Superintendent Tom Delamarter will meet with New York State representatives in Cortland on January 23 to discuss the sewer expansion feasibility study grant which was approved for the Town of Conklin. The grant was approved for up to \$30,000.

**UPDATE ON PRIDE MANOR WATER**

Mr. Finch reported that the municipal water is hooked up at the Pride Manor Mobile Home Park, adding that the back flow valve is being installed. He stated that once the Town of Kirkwood, which supplies the water to the southern end of Conklin, and Conklin Public Works Superintendent Tom Delamarter both inspect and approve the back flow valve installation, and the park owner pays the fees owed for the water hook-up, the water will be turned on to the residents of the mobile home park.

**UPDATE ON HIGHWAY TRUCK AT LAING TRUCKING FOR REPAIRS**

Mr. Finch stated that the Highway truck that has been at Laing Trucking for repairs for several months will be picked up at 8:00 A.M. on January 23.

**UPDATE ON TIME WARNER CABLE FRANCHISE AGREEMENT**

Attorney Sacco stated that the Time Warner Cable Franchise Agreement has been sent to Time Warner and the Town is awaiting a response. She added that the Town will be receiving sales tax revenue from this agreement. Ms. Sacco stated that the Town is asking for revenue from all channels and asking that Time Warner not discount this amount as part of its property tax payment.

**UPDATE ON PARK OUTDOORS**

Mr. Finch stated that Park Outdoors Advertising has removed the billboard near The Big Dipper 2, and will be removing two more billboards. He stated that in the spring, one large billboard will be installed.

**NEW BUSINESS:**

**RESO 2013-13: AUTHORIZE COUNCILPERSON CHARLES FRANCISCO/SIGN**  
**CHECKING ACCOUNTS/NBT BANK/GENERAL ACCOUNT & PAYROLL TRUST**  
**AND AGENCY ACCOUNT/2013/IN ABSENCE OF TOWN SUPERVISOR**

Mr. Minoia moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes Councilperson Charles Francisco to sign checking accounts of NBT Bank for General account and Payroll and Trust & Agency account for 2013 in the absence of the Town Supervisor.

Seconded by Mr. Bullock.

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

**RESO 2013-14: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENT/J.**  
**MARSHALL AYRES/\$40 PER MONTH/2013**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a monthly cell phone reimbursement, account code A1110.4, in the amount of \$40.00 per month to be paid to Town Justice J. Marshall Ayres.

Seconded by Mr. Minoia.

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

**RESO 2013-15: AUTHORIZE PAYMENT/2012 BILL LIST/\$59,582.32**

Mr. Minoia 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 \$59,582.32:

General	\$31,089.68
Highway	3,893.16
2011 Flood	17,610.06
Light Districts	2,751.69
Sewer District	811.96
Water District	2,225.77
Water District #6	<u>1,200.00</u>
<b>Total</b>	<b>\$59,582.32</b>

Seconded by Mr. Francisco.

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

**RESO 2013-16: AUTHORIZE PAYMENT/2013 BILL LIST/\$188,191.57**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2013 Bill List in the total amount of \$188,191.57:

General	\$ 74,187.34
Highway	20,447.90
Sewer District #1	333.00

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Water District	8,717.33
Water District #6	167.00
Non-Budget	84,339.00
(2012 NYS Retirement & NYS Justice)	
<b>Total</b>	<b>\$188,191.57</b>

Seconded by Mr. Bullock.

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

**RESO 2013-17: RATIFY MEDICAL POOL PLAN ABSTRACT PAYMENTS/2012**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the 2012 Medical Pool Plan abstract payments, account codes A9060.802-3, DA9060.802-3, and SW9060.802-3 (see attached).

Seconded by Mr. Minoia.

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

**RESO 2013-18: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET**  
**LINES AS OF 12-31-2012**

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 December 31, 2012 (see attached).

Seconded by Mr. Minoia.

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

**RESO 2013-19: AUTHORIZE TOWN SUPERVISOR/EXECUTE CONTRACT WITH**  
**NYS OFFICE OF EMERGENCY MANAGEMENT/FLOOD ACQUISITION &**  
**DEMOLITION PROGRAM**

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin has been awarded a grant pursuant to FEMA's Hazard Mitigation Grant Program for the acquisition and demolition of 59 substantially damaged properties in the Town of Conklin as a result of the flood of September 2011; and

WHEREAS, the Board finds that it is in the best interests of the Town to approve participation in said program; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Conklin hereby authorizes the Supervisor of the Town of Conklin to execute a contract with the NYS Office of Emergency Management (Contract Number 4020-17), authorizing the Town's participation in the above-referenced flood acquisition and demolition program at a total cost of \$5,349,482.00, of which \$4,012,112.00 shall be the Federal share of the program.

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BE IT FURTHER RESOLVED, 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 January 22, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 22<sup>nd</sup> day of January, 2013

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Sherrie L. Jacobs, Town Clerk

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Ms. Sacco stated that New York State can terminate the contract within 90 days and the Town would be 100% liable, adding that this is a non-negotiable contract. She stated that this contract commits the Town to participation in the Buyout Program but not necessarily for 59 properties, as the property owners have the choice to pull out of the Buyout Program.

**UPPER & LOWER LANDFILLS**

Ms. Sacco stated that she has the Declaration for the Closing and Deed Restrictions for the Town Upper and Lower Landfills, a project the Town has been working on since 2009. She stated that these documents specify what uses this property can have, as determined by the DEC and the EPA (Environmental Protection Agency). Ms. Sacco stated that this is a non-negotiable agreement. She added that the Town must certify every five years that the conditions are in compliance with the agreement. These conditions stated that the Lower Landfill is restricted with no wells (“no groundwater”) allowed, so it cannot be used for “Residential Use” or “Restricted Residential Use.” Mr. Finch explained that the Landfill is in the Corporate Park, the property for the development of which was obtained by the use of eminent domain by the Broome County Industrial Development Industry (IDA) in the 1970’s. At that time, the Landfill was moved from the Lower Landfill location to the current Upper Landfill location.

**RESO 2013-20: AUTHORIZE SUPERVISOR/EXECUTE DECLARATION OF COVENANTS, RESTRICTIONS & ENVIRONMENTAL EASEMENT/UPPER AND LOWER LANDFILL**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to execute the Declaration of Covenants, Restrictions, and Environmental Easement for the Upper and Lower Landfill in the Town of Conklin.

Seconded by Mr. Francisco.

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

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**RESO 2013-21: APPOINT PETER MOTSAVAGE/SUBSTITUTE SCHOOL CROSSING**  
**GUARD/EFFECTIVE JANUARY 22, 2013**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Peter Motsavage to the position of Substitute School Crossing Guard, effective January 22, 2013.

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. Francisco. The meeting adjourned at 6:28 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk