

WORK SESSION
JANUARY 26, 2016

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on January 26, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
	Zoning Board of Appeals	Hal Cole
GUESTS:	Country Courier	Elizabeth Einstein Laurie Francisco Judy Kelly Tom Kelly John Colley Christian Kilmer Nicholas McGrath Luke Derzanovich

ABILITY TO SUE TO RECOVER DAMAGES TO SEWER SYSTEM

Town Attorney Cheryl Sacco stated that her research shows that the Town is able to sue to recover the cost of repair of damages caused to the municipal sewer system by putting inappropriate waste in the system, however, the Town must be able to prove the identity of the perpetrator, and must provide notification.

PROFESSIONAL FEES

Ms. Sacco distributed copies of a proposed local law, patterned after a similar law in the Town of Kirkwood, which would allow the Town to charge back costs of professional fees to applicants for building permits or zoning variance permits. She stated that, in Kirkwood, successful applicants pay 100 % of the professional fees, while unsuccessful applicants pay only 50%, adding that there is also a sliding scale which charges no fee for one and two family residential applicants. She stated that the fees are paid up front and the balance kept in escrow. There was discussion as to whether record-keeping for these funds would be the responsibility of the Town Clerk, as it is in Kirkwood, or the accountant. Mr. Bullock stated that the Board should move forward with this proposed local law. The Board decided to review the proposed law and discuss it further at a later date.

NOTICE TO NEIGHBORS

Ms. Sacco stated that there are currently many inconsistencies in the Notice to Neighbors requirements in the Town Code, adding that New York State Law does not require any notices, so the requirements are set by Town Law. She stated that notices are currently required for Planning Board and Zoning Board of Appeals cases, rezoning applications, cell tower applications, and any development in the Economic Development Zone. Ms. Sacco stated that notice could be given by Public Hearing, written mailed notices, or by use of signboards on the properties in question. She stated that the cost of postage for mailed notices, for publication of

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Public Hearing notices, and the cost of the time of the lowest-paid Town employee to put together and process the notices could be charged back to the applicant.

Mr. Dumian stated that he wants of list of current and potential notice requirements and “needs time to consider” the options. Ms. Sacco stated that she will provide a list of current notice requirements and the portions of the Town Code that are relevant to them and the Zoning Board of Appeals application which requires notices. She added that there is currently a “major range” of requirements.

Mr. Boyle stated that he thought the Board should make signboards out of plywood and post notices on the properties in question and send notices to the adjacent property owners. Mr. Bullock asked if the notices could be done electronically. Mr. Dumian stated that he would rather the Town “do more than enough rather than less than enough.” Proposed local laws are currently available in printed form in the Town Clerk’s office and so noted in the Public Hearing notices. It was suggested that a draft of the proposed laws could also be put on the Town website. Mr. Francisco stated that “consistency is most important in whatever we do.”

Mr. Finch asked if action by Broome County in the Broome Corporate Park is immune from the notice requirement and Ms. Sacco stated that the County is not entirely immune, adding that there is a test to decide if it is immune from the zoning requirements.

OTHER PENDING POTENTIAL LEGISLATION

Mr. Finch asked Ms. Sacco about the proposed Fill Law and she stated that she has researched this topic and the template used for the current law was required in order for the Town to obtain flood insurance. She added that she would be “cautious about changing it.”

Ms. Sacco stated that there are changes to the State Sex Offender Law that will need to be addressed. She also stated that she is awaiting recommendations from the Code Office regarding some of the Code fees for that proposed local law. Ms. Sacco also asked what the Board wants to pursue in terms of lease agreements for the properties obtained through the FEMA (Federal Emergency Management Agency) Buyout Program.

REGULAR TOWN BOARD MEETING
JANUARY 26, 2016

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on January 26, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided.

PRESENT:	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
	Zoning Board of Appeals	Hal Cole
GUESTS:	Country Courier	Elizabeth Einstein Laurie Francisco Judy Kelly Tom Kelly John Colley Christian Kilmer Nicholas McGrath Luke Derzanovich

MINUTES: JANUARY 12, 2016 REGULAR TOWN BOARD MEETING

Town Clerk Sherrie Jacobs stated that Public Works Superintendent Tom DeLamarter had stated that the January 12, 2016 Regular Town Board Meeting minutes should be clarified on page 2 in the section titled “Issues with Sewer Lines” to note that the prices quoted are approximate. He also stated that the minutes should be corrected on that same page, line 12 from the bottom to state “Mr. DeLamarter stated that there is currently \$100,000 left...” The quote was attributed to Mr. Dumian.

Mr. Francisco stated that the minutes should be corrected on page 3, line 11 from the bottom to replace the sentence “He stated that a direct burial of the wire, as opposed to conduit, would withstand water, since the wire is sealed” with the following: “He stated that a direct burial of the wire would withstand water, since the wire is sealed, the material ordered will not work with electrical conduit.” Mr. Francisco stated that the word “almost” should be added before “60 feet horizontal” in line 8 from the bottom. Mr. Francisco stated that the minutes should be corrected on page 4, line 7 from the top, to replace the sentence “Mr. Francisco stated that all equipment must be in place, adding that the lighting poles will not work with conduit, adding that either a box or direct burial are required” with the following: “Mr. Francisco stated that all equipment ordered is stored at the Community Center, adding that the lighting power poles will not work with conduit, adding that a box would have to be added for mounting the lights on conduit or direct burial wire to the lighting power poles as ordered.”

Town Attorney Cheryl Sacco commended Ms. Jacobs’ minutes, calling them “impeccable,” adding that the detail included far surpasses what is legally required of the Board minutes. Basic requirements are who was in attendance, resolution, roll call vote, and “a discussion was held.” Ms. Sacco stated that anything else that is included is to provide more information for the Board as to the nature of the discussion, adding that this has proven to be extremely helpful in many situations for the Board and its legal counsel. Ms. Jacobs asked that Board members be clear in what they are saying in order for the minutes to be as accurate as possible.

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Mr. Bullock moved to approve the January 12, 2016 Regular Town Board Meeting minutes as amended.

Seconded by Mr. Francisco.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from Haylor, Freyer, and Coon, from the Broome County Industrial Development Agency (BCIDA), and from Broome County Public Works Commissioner Daniel Schofield. Mr. Dumian asked if the correspondence from the BCIDA was in regard to the proposed solar facility in the Corporate Park and Mr. Finch confirmed that it was regarding this proposed project.

PUBLIC COMMENTS:

TOWN BOARD MEETING INFORMATION

Hal Cole, a member of the Zoning Board of Appeals and Chairman of the Comprehensive Plan Update Committee, asked if “points of interest” listed on the agenda for the Town Board meetings could be included in the public meeting notice published in the **Country Courier**. Ms. Jacobs pointed out that the entire agenda is posted on the Town’s website and added that, since the **Country Courier** is a weekly newspaper, by the time the agenda is available, it would be too late to make the newspaper’s deadline. Ms. Sacco added that it would be unreasonable to expect the newspaper to publish an extensive announcement without charging the Town for the service.

Mr. Finch stated that the joint meeting of the Planning Board, Zoning Board of Appeals, and Town Board will occur at the March 22 Work Session. Ms. Sacco stated that the meeting will be held to look at the zoning in the Town of Conklin to bring it into alignment with the revised Comprehensive Plan. Mr. Cole asked if there will be new uses added to zoning, adding that the Town “can’t make the Zoning Code too tight” or it will restrict growth. He added that the Town Board is the governmental body that establishes zoning for the Town.

REPORTS:

Mr. Finch stated that the pumps are being repaired in the sewer stations. He reported that a bearing needs to be replaced in Well 6. Mr. Finch stated that there is no update from the Code Office.

OLD BUSINESS:

CASTLE REFURBISHING

Mr. Finch reported that the remainder of the carpeting will be installed in the Castle on January 28. He stated that the front door needs to be replaced.

REGULAR TOWN BOARD MEETING

JANUARY 26, 2016

UPSTATE TOWERS

Mr. Finch stated that Upstate Towers is considering five different sites in the Town of Conklin for the construction of cell towers, adding that the Town is awaiting proposals from the company. He stated that the Town would receive \$250 per system, with the potential of four per pole. He stated that the Town is requesting Internet service as part of the deal.

MEMORIAL PARK LIGHTING

Mr. Finch stated that he contacted NYSEG (New York State Electric and Gas Corporation), adding that NYSEG agreed to install a large spotlight on an electrical pole at the entrance to the Veterans Memorial, instead of the proposed lighting project previously discussed. Mr. Dumian asked about potential light intrusion onto Route 7 and Mr. Francisco stated that the spotlight uses a 250 watt bulb. Mr. Francisco stated that the lights originally purchased to illuminate the individual flags at the Memorial Park will instead be used to illuminate the Castle.

UPDATE/GRANT WRITER/CASTLE

Mr. Finch stated that the grant writer hired by the Town has applied for several grants, with a decision awarding the grants to be made in March. He stated that the cost of replacing the roof at the Community Center would be \$30,000 and possibly the grant money could be used toward this project.

NEW BUSINESS:

2016 TOWN WIDE INSURANCE

Mr. Finch stated that there will be a meeting on January 29 with the Town's insurance representative, adding that the Town will be adding terrorism insurance to its coverage this year.

**RESO 2016-16: RATIFY ACH PAYMENT/PITNEY BOWES/REFILL POSTAGE
METER**

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, made on January 19, 2016, in the amount of \$500.00 to Pitney Bowes for refilling of the postage meter.

Seconded by Mr. Dumian.

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

**RESO 2016-17: RECOMMENDATION TO IMPROVE TRAFFIC SAFETY BY
REDUCING THE SPEED LIMIT and POSTING SPEED LIMIT SIGNS ON BROOME
COUNTY PARKWAY (AKA CORPORATE DRIVE) IN THE
TOWN OF CONKLIN**

PRESENT:

Supervisor James Finch
Councilman Gary Bullock

REGULAR TOWN BOARD MEETING
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Dated: January 26, 2016
Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

**RESO 2016-18: RECOMMENDATION TO IMPROVE TRAFFIC SAFETY BY
REDUCING THE SPEED LIMIT and POSTING SPEED LIMIT SIGNS ON CONKLIN
ROAD IN THE TOWN OF CONKLIN**

PRESENT:

Supervisor James Finch
Councilman Gary Bullock
Councilman Dell Boyle
Councilman William Dumian, Jr.
Councilman Charles Francisco

ABSENT:

Offered By: Mr. Bullock **Seconded By:** Mr. Francisco

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

WHEREAS, the community and the Town of Conklin are concerned about traffic safety and the safety of residents;

WHEREAS, at a Town Board meeting held on January 26, 2016, where a discussion was held that the speed limit on a portion of Conklin Road is currently unsafe; that a reduction in speed should occur with signage posted;

WHEREAS, the road is rural and residential, where a number of families with young children live;

WHEREAS, it is believed that the portion of the road that is of concern has a speed limit of 50 mph;

WHEREAS, the community and the Town of Conklin want appropriate action taken to mitigate the life-threatening risks posed by current conditions found on portions of Conklin Road in the Town of Conklin.

NOW, THEREFORE, the Town Board of the Town of Conklin resolves to recommend to the County of Broome and the New York State Department of Transportation that: 1) the speed limit on the road, between Shaw Road to the Town of Conklin Community Center should be reduced to 40 miles per hour and 2) that the speed limit be clearly posted.

RESOLVED, that the Town Clerk shall forward copies of this resolution, and the attached form TE 9a to Senator Frederick J. Akshar, II Assemblyperson Clifford Crouch, the Broome County Executive, Jack Williams, (NYS DOT REGION 9 Director at 44 Hawley Street Binghamton, NY 13901) and the County Highway Superintendent ; and it further is

RESOLVED, that this resolution shall take effect immediately.

Resolution Adopted: 5 – Yes; 0 – No.

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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 January 26, 2016. Said resolution was adopted by the following roll call vote:

Supervisor	James Finch	YES
Councilman	Gary Bullock	YES
Councilman	Dell Boyle	YES
Councilman	William Dumian, Jr.	YES
Councilman	Charles Francisco	YES

Dated: January 26, 2016

Town of Conklin Seal

Sherrie L. Jacobs Town Clerk of the Town of Conklin

DISCUSSION/REDUCTION IN SPEED LIMIT ON CONKLIN ROAD NEAR AND AT INTERSECTION WITH BROOME CORPORATE PARKWAY

The Town Board discussed the potential need to recommend reduction of the speed limit from 55 miles per hour to 40 miles per hour on the portion of Conklin Road (Route 7) near and at the intersection of Conklin Road and Broome Corporate Parkway. Concerns included visibility of the traffic light at that intersection and the speed at which the light changes. The Board was not in agreement with the recommendation to reduce the speed limit and tabled the proposal for further discussion at a later meeting.

RESO 2016-19: AUTHORIZE PAYMENT/CONKLIN VOLUNTEER FIRE DEPARTMENT, INC./2016 FIRE PROTECTION CONTRACT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment, account code F1-3410.4, in the amount of \$253,363.00 to the Conklin Volunteer Fire Department, Inc., for payment of the 2016 Fire Protection Contract.

Seconded by Mr. Dumian.

VOTE: Bullock – Abstain, Boyle – Yes, Dumian – Yes, Francisco – Yes, Finch – Yes. Motion carried: 4 – Yes, 1 – Abstain.

RESO 2016-20: AUTHORIZE PAYMENT/2015 BILL LIST/\$8,557.42

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2015 Bill List in the total amount of \$8,557.42:

General	\$ 4,240.20
Light Districts	1,873.92
Sewer District	759.95
Water District	<u>1,683.35</u>
Total	\$ 8,557.42

Seconded by Mr. Bullock.

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

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RESO 2016-21: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENTS

Mr. Bullock 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 to be paid to each of the following in 2016: James Finch, Charles Francisco, J. Marshall Ayres, Laurie Gregory, Thomas DeLamarter, Colin Casey, and Nicholas Platt.

Seconded by Mr. Dumian.

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

DISCUSSION/REIMBURSEMENT/TOWN EMPLOYEES NOT UTILIZING TOWN HEALTH INSURANCE

Mr. Finch stated that Highway Laborer Jeffrey Hayes had switched insurance carriers from the Town's health provider to FidelisCare, which he stated resulted in a savings to the Town of \$4,300. In light of this savings to the Town, Mr. Finch proposed giving Mr. Hayes an incentive payment of \$1,000. Mr. Dumian stated that this policy needs to be further discussed, agreeing that there should be an incentive but not sure \$1,000 was an appropriate amount. It was suggested that \$500 be given to each employee who is covered by their spouse's insurance rather than the Town's insurance. Ms. Sacco stated that there is a requirement that forms be issued notifying employees of the requirement that they have health insurance of some kind. Mr. Bullock stated that he would like to see actual budget figures regarding this incentive. The Board tabled the proposal for further discussion.

RESO 2016-22: RATIFY PAYMENTS/2015 MEDICAL ABSTRACT/TOTAL \$24,834.46

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payments for the 2015 medical abstract (see attached), account codes A9060.802, DA9060.802, and SW9060.802, in the total amount of \$24,834.46.

Seconded by Mr. Francisco.

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

RESO 2016-23: AUTHORIZE PAYMENT/2016 BILL LIST/\$87,910.22

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2016 Bill List in the total amount of \$87,910.22:

General	\$ 56,932.03
Highway	2,751.63
Sewer Districts	9,942.50
Water District	3,084.06
Non-Budget	<u>15,200.00</u>
Total	\$ 87,910.22

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING
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ZONING BOARD OF APPEALS APPOINTMENTS

Mr. Finch stated that the deadline for applications for appointment to one of the two vacant positions on the Zoning Board of Appeals is noon on February 1, 2016. He stated that the Town has received six applications to date, adding that he, Mr. Francisco, and ZBA Chairman Bill Northwood will be the selection committee for the appointments.

PUBLIC COMMENTS:

None.

EMPLOYEE POLICY MANUAL/VACATION & SICK DAYS

Mr. Finch stated that the discussion of employee vacation and sick days will be tabled until the February 9 meeting. Mr. Dumian asked what the rationale was for changing the number of years required to receive a certain number of vacation and sick days, noting that he understood that the changes to the policy manual occurred in 2011 and 2014. Ms. Sacco stated that she has notations for 10/9/2012, 10/28/2014, and 11/25/2014 regarding these changes. Ms. Jacobs will research the minutes and make copies of the discussions listed for Mr. Dumian.

BROCHURES /NYS DEPARTMENT OF PUBLIC SERVICE

Mr. Francisco stated that he ordered brochures from the New York State Department of Public Service regarding utilities and ways residents could perhaps save money on utilities, adding that they were ordered in November and should arrive soon. The brochures will be available to the public in the Town Clerk's office.

ICE SKATING RINK

Ms. Jacobs stated that she posted an update on the Town website notifying the residents that the Conklin Ice Rink in Schnurbusch Park is open for use, as long as the weather is cold enough to sufficiently freeze the ice. The rink is posted with a "Closed" sign and the lights are not turned on if it is too warm for the ice. The update also stated that the rink's liner can be damaged if people try to skate when the ice is not frozen solidly enough to support them.

UPDATES

Mr. Finch stated that he should receive an update from Upstate Towers this week. He stated that the Rising Communities Grant Committee will meet on January 27 regarding the Stillwater Road Stormwater Runoff Improvement Project.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:50 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk