

WORK SESSION
JANUARY 27, 2015

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on January 27, 2015, 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
	Public Works Superintendent	Tom DeLamarter
	Highway Superintendent	Brian Coddington
	Code Officer	Ron Lake
GUESTS:	Country Courier	Elizabeth Einstein Laurie Francisco Tom Kelly John Colley Peter J. Motsavage Bill Osborne

DIGITAL TOWPATH

Code Officer Ronald Lake distributed information regarding a software provider called Digital Towpath. He explained that Digital Towpath is a cooperative used predominantly by municipalities, adding that there are 400 towns and villages state-wide that are members of the cooperative. Mr. Lake stated that grant monies make the program possible. Mr. Lake stated that one feature which the Code Office would like to utilize is the posting of all the information regarding the MS4 (Municipal Separate Storm Sewer Systems) permitting process and the Town's compliance with this requirement. He added that the DEC (New York State Department of Environmental Conservation) and the EPA (Environmental Protection Agency) could view this information on line. Mr. Lake added that Town personnel could input data without "hiring someone else to do it." Mr. Finch stated that if the Code Office purchases this software, it "won't affect the current Town website." He added that in addition to the module for the Code Office, the Town is considering a module for the Assessor's office. Mr. Lake stated that the cost is \$750 per year, with free training in the use of the modules. He stated that this is Cloud technology with data, and e-mail if desired, stored in the Cloud. In response to a question from Mr. Francisco, Mr. Lake stated that this program will not allow outside access to the Town's computer system, adding that the Town would control who would be able to access its information. Mr. Francisco stated that he would like to take the virtual tour on the company's website. Mr. Finch stated that the Board will discuss this further at the February 10 Town Board meeting.

WATER & SEWER PENALTY RATE

Mr. Finch stated that many people defer paying their water and sewer bills and have the cost added to their Town and County taxes, which he stated means the Town will not receive this money until January 2016. He stated that the Town has the ability to charge up to 24% interest as penalty on the unpaid bills, adding that he would like to charge 22% interest per quarter on unpaid bills. Assistant to the Supervisor, Lisa Houston, stated that the Town was owed approximately \$30,000 in unpaid water and sewer bills at the end of 2014. The current penalty is 10% per quarter plus an additional 10% at the end of the year on the cumulative total owed.

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Mr. Francisco stated that the Town cannot shut off the water supply in the case of unpaid bills because the Broome County Health Department would intervene. Town Counsel Cheryl Sacco stated that she will look at the existing local law which sets penalties, adding that an amendment to this law would require a public hearing. Ms. Sacco stated that the current law allows the Town to shut off the water supply if a written 30-day notice has been issued. Mr. Finch stated that this will be discussed further at the February 10 Town Board meeting.

SEWER BONDING TAX LEVY

Mr. Finch stated that in the Sewer District encompassing Roxbury Street, Arbutus Avenue, Cherry Drive, Melody Lane, and Tiffany Avenue has 48 properties connected to the sewer system and paying on the bond for the sewer district, and four properties whose owners do not pay. The district was created in 1994. Local law states that if a property owner lives within a sewer district, he or she must pay toward the bond for the district. Mr. Finch stated that he would check with Town Assessor John McDonald to make sure the property owner list is up to date. Mr. Finch wants to make it effective January 1, 2015, that anyone in the sewer district must pay the money owed toward the bond. Municipal water and sewer bills are comprised of two parts: the usage (operational) component and the quarterly charge (for maintenance of the system). Property owners must pay the quarterly charge whether or not they are hooked up to the Town water and/or sewer, if their residence lies in a water or sewer district. Mr. Finch stated that after a certain period of time (two years) property owners in a district are required to connect to the system. Mr. Dumian stated that this has not been enforced in the past, and added that it would be unfair to enforce it now, after many property owners have installed new septic systems after the two major floods of 2006 and 2011.

Public Works Superintendent Tom DeLamarter stated that when he took over oversight of the Water and Sewer Department in 2005, the law stated that a property located in a water or sewer district must be hooked into the system within two years. He stated that letters advising this fact were sent to property owners, but then the 2006 flood occurred and no enforcement of the law occurred in 2007, when the two years had elapsed. Ms. Sacco commented that if the Town is interested in constructing its own sewer treatment plant in the future, it would want as many users as possible. Ms. Sacco reiterated that property owners in a water or sewer district must all pay on the bond (the quarterly fee) and must also pay the usage fee, if the property is hooked into the system. Mr. Dumian asked her to look into the local law which specifies the requirement to be hooked into the system within two years, and to research whether there are exceptions and/or penalties. Ms. Sacco stated that the Town must confirm who is in the district and whose property is connected to the Town system.

As the time for the Regular Town Board Meeting had arrived, Mr. Finch closed the Work Session at 6:00 P.M. and opened the Regular Town Board Meeting.

REGULAR TOWN BOARD MEETING
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The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on January 27, 2015, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The Pledge of Allegiance was said earlier at the Work Session.

PRESENT:	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Public Works Superintendent	Tom DeLamarter
	Highway Superintendent	Brian Coddington
	Code Officer	Ron Lake
GUESTS:	Country Courier	Elizabeth Einstein Laurie Francisco Tom Kelly John Colley Peter J. Motsavage Bill Osborne

MINUTES: JANUARY 13, 2015 REGULAR TOWN BOARD MEETING

Highway Superintendent Brian Coddington stated that the January 13, 2015 Regular Town Board Meeting minutes should be corrected on page 10, line 21 from the bottom, to state that “International Paper actually owns the land on which the salt **barn** is located” (not salt **pile**), and at line 6 from the bottom to state that “he plans to pave Woodcrest Way, Morris Boulevard, and Leslie Avenue with **blacktop** this year” (not **stone and oil**).

Mr. Bullock moved to approve the January 13, 2015 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 stated that the DEC (New York State Department of Environmental Conservation) approved the final sewer extension bill for \$15,000. He stated that he received a letter from Attorney Alan Pope, representing the Binghamton-Johnson City Joint Sewage Board, stating that the Town of Conklin has seven years in which to decide whether or not it will pursue construction of its own sewer treatment plant. If the Town does not make a decision, or decides not to pursue this option, it will be required to enter the agreement with the Joint Board, and be locked into that agreement until 2047. He added that if the Town violates this agreement, it will incur a penalty of \$100 per day.

PUBLIC COMMENTS:

None.

REPORTS:

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None.

MANDATED HOOK-UP TO SEWER SYSTEM

Ms. Sacco stated that she looked at the Town Code and Section 106-3 states that after the change of ownership of a property located within a sewer district, the new property owner must hook into the sewer system within one year. Mr. Bullock asked Mr. DeLamarter if the owner would obtain a permit from him to hook into the sewer system and Mr. DeLamarter confirmed that this is the case. Ms. Sacco stated that the Town needs uniform enforcement of the local law.

OLD BUSINESS:

UPDATE/RISING COMMUNITY GRANT

Mr. Finch stated that he had met with Tim Grippen of the Rising Community Grant Committee and had been informed that \$750,000 for the Stillwater Road Drainage Project has been released and the project is on track to move forward. He stated that the consultant's fee would be paid first out of the \$750,000.

Mr. Finch stated that the Stillwater Road project is the first priority to utilize the \$2.9 million grant. He stated that the next project will be the evacuation route out of the center of Town, estimated to cost approximately \$1,000,000, and the third would be the proposed housing development off Corporate Drive, starting with extension of the Town water and sewer systems. Approximately \$1,000,000 would be left for the housing development after the first two projects are completed. Both Mr. Francisco and Mr. Dumian agreed that the evacuation route is vital to the Town and should be the next project to be considered. Mr. Bullock commented that 51% of the residents of the proposed water and sewer districts would have to agree to the creation of the districts and to participation in the water and sewer systems. Mr. Boyle questioned the need for the evacuation route, stating that the Town "already has roads." Mr. Finch stated that this proposed evacuation route would be an emergency route only, stressing the need to "take care of the people we have, before we take care of people we don't have yet" (with the housing development).

NEW BUSINESS:

RESO 2015-15: AUTHORIZE TOWN SUPERVISOR/ENTER INTO & SIGN
AGREEMENT/2ND AMENDMENT TO SEWER USE AGREEMENT

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor, James Finch, to enter into and to sign the Second Amendment to the Sewer Use Agreement with the City of Binghamton and the Village of Johnson City.

Seconded by Mr. Boyle.

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

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**RESO 2015-16: RATIFY PAYMENT/ZMK CONSTRUCTION, INC./DEMOLITION/
798 CONKLIN ROAD**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #8688, account code HA-8760.4, in the amount of \$5,800.00 to ZMK Construction, Inc., for payment of Invoice #2310 for the demolition of 798 Conklin Road.

Seconded by Mr. Dumian.

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

**RESO 2015-17: RECOMMENDATION TO IMPROVE TRAFFIC SAFETY BY
REDUCING THE SPEED LIMIT AND POSTING SPEED LIMIT SIGNS
ON CONKLIN FORKS ROAD**

PRESENT:

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

ABSENT:

Offered By: Mr. Dumian Seconded By: Mr. Boyle

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 13, 2015, where a discussion was had that the speed limit on Conklin Forks 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 this road has a speed limit of 45 mph and 55 mph in certain areas;

WHEREAS, the community and the Town of Conklin want appropriate action taken to mitigate the life-threatening risks posed by current conditions found on the Conklin Forks 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 entire road should be reduced to 45 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 Thomas W. Libous, Assemblyperson Clifford Crouch, the

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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: 4- YES. 1 – NO.

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 27, 2015. Said resolution was adopted by the following roll call vote:

Supervisor	James Finch	-	YES
Councilman	Gary Bullock	-	NO
Councilman	Dell Boyle	-	YES
Councilman	William Dumian, Jr.	-	YES
Councilman	Charles Francisco	-	YES

Dated: January 27, 2015

Town of Conklin Seal

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

Mr. Francisco stated that it makes sense to have one speed for the entire road. Mr. Bullock stated that this road was “already studied recently and the County set the current speed limits.”

**RESO 2015-18: APPOINT PETER MOTSAVAGE/GENERAL LABORER/TO CLEAN
COMMUNITY CENTER/PAY RATE \$25 PER CLEANING/
EFFECTIVE JANUARY 14, 2015**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Peter Motsavage to the position of General Laborer to clean the Maines Community Center after rentals at a pay rate of \$25 per cleaning, effective January 14, 2015.

Seconded by Mr. Finch.

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

**RESO 2015-19: APPOINT RONALD LAKE/PROVISIONAL FULL-TIME CODE
OFFICER/PAY RATE \$30 PER HOUR/EFFECTIVE JANUARY 29, 2015**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Ronald Lake to the position of Provisional Full-Time Code Officer, at a pay rate of \$30.00 per hour, effective January 29, 2015.

Seconded by Mr. Bullock.

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

It was noted that this is a Civil Service position and Mr. Lake will be required to take the Civil Service exam to be re-classified from “provisional” to “permanent” full-time. Mr. Finch stated

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he would like a cap of 25 hours per week for Mr. Lake to work. Assistant to the Supervisor Lisa Houston reminded the Board that the Town of Conklin has two classifications for employment: part-time, which is less than 20 hours per week, and full-time, which is 30 or more hours per week. There is no classification under which 25 hours per week would be appropriate. She stated that the Town has already exhausted Broome County's list of persons who took the Civil Service exam for this position, and was unable to find a suitable candidate. Mr. Bullock commented that Mr. Lake is "getting things done." Mr. Dumian cautioned that the Town would need to be "careful of the number of hours" which Mr. Lake works, due to the cost.

RESO 2015-20: APPROVE RONALD LAKE/ATTEND NYSBOC
CONFERENCE/MARCH 31-APRIL 3, 2015/LIVERPOOL, NEW YORK

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Ronald Lake to attend the New York State Building Officials Conference from March 31 through April 3, 2015, in Liverpool, New York, at a cost of \$360.00.

Seconded by Mr. Francisco.

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

Mr. Finch commented that Mr. Lake will be commuting daily to this conference, adding that there will be no cost for lodging or mileage.

RESO 2015-21: AUTHORIZE PAYMENT/2014 BILL LIST/\$33,303.21

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2014 Bill List in the total amount of \$33,303.21:

General	\$ 5,141.33
Highway	33.28
Flood Emergency Fund	10,905.00
Light Districts	1,894.06
Sewer District	14,270.14
Water District	<u>1,059.40</u>
Total	\$33,303.21

Seconded by Mr. Boyle.

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

RESO 2015-22: AUTHORIZE PAYMENT/2015 BILL LIST/\$131,430.32

Mr. Dumian 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 \$131,430.32:

General	\$ 19,163.46
Highway	24,963.84
Sewer Districts	585.00
Water District	4,496.02
Water District 6	292.00
Non-Budget (NYS Retirement & Court Fees)	<u>81,930.00</u>
Total	\$131,430.32

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Town for this service; and

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

RESOLVED, the Supervisor is hereby is authorized to execute said agreement, which is attached.

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 January 27, 2015. 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	-	YES	
Councilman	Charles Francisco	-	YES	

Dated: January 27, 2015

Town of Conklin Seal

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

RESO 2015-25: AMENDED SELECTION COMMITTEE/RISING COMMUNITY GRANT

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin, located in Broome County, New York, will apply for Community Development Block Grant-Disaster Recovery ("CDBG-DR") funds from the New York State Governor's Office of Storm Recovery ("GOSR"), NY Rising Community Reconstruction ("NYRCR") Program for the Stillwater Road Storm Water improvements Project ("the Project"); and,

WHEREAS, it is necessary under the program regulations to authorize certain actions and individuals to perform certain designated functions by the CDBG-DR, GOSR, NYRCR Program; and,

WHEREAS, the project to be applied for under the CDBG-DR funds from the GOSR, NYRCR Program will require the procurement of architectural/engineering services for the Project. The Project will include the construction of a new storm water drainage system along a section of Stillwater Road to mitigate flooding in the Town of Conklin, County of Broome, State of New York; and,

WHEREAS, the procurement process requires a selection committee to be designated to review and recommend to the Town of Conklin the professional architectural/engineering firms most qualified to perform the duties as required;

NOW, THEREFORE BE IT RESOLVED, that the Town of Conklin, as legal recipient of CDBG-DR funds from the GOSR, NYRCR Program, does hereby appoint the following persons as the Professional Services Selection Committee:

Hal Cole, Jim Hauss, Daniel Smith, Jim Finch, and Tom DeLamarter

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BE IT FURTHER RESOLVED by the Town of Conklin that the following point system for architect/engineers be used as the basis for selecting the design services for the proposed project: **(100 points maximum)**

1. Respondent's Overall Experience **(25 points maximum)**
 - i. Excellent experience **(21-25 points)**
 - ii. Good experience **(16-20 points)**
 - iii. Fair experience **(11-15 points)**
 - iv. Poor experience **(0-10 points)**

2. Approach and Methodology **(25 points maximum)**
 - i. Excellent approach and methodology **(21-25 points)**
 - ii. Good approach and methodology **(16-20 points)**
 - iii. Fair approach and methodology **(11-15 points)**
 - iv. Poor approach and methodology **(0-10 points)**

3. Proposed Staffing Plan **(20 points maximum)**
 - i. Excellent staffing plan **(16-20 points)**
 - ii. Good staffing plan **(10-15 points)**
 - iii. Fair staffing plan **(5-9 points)**
 - iv. Poor staffing plan **(0-4 points)**

4. Conformance with the Town's Timeline **(20 points maximum)**

5. Commitment to comply with all applicable **(10 points maximum)**
Federal, State, and Local Regulations, including M/WBE and Section 3

The selection of the finalists to be interviewed, if any is required, will be based on an evaluation of the written responses. The award will be made to the most qualified offerer whose qualification statement is deemed most advantageous to the community, all factors considered. Unsuccessful offerers will be notified as soon as possible.

TOTAL POINTS FOR REQUIRED & OPTIONAL CONSIDERATION 100 POINTS

BE IT ALSO RESOLVED that the selection of these services be advertised one time in the official journal and local metro newspaper on the 4th day of February, 2015, and that the selection be scheduled for March 10, 2015.

Seconded by Mr. Boyle..

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Francisco – Yes, Finch – Yes.

Passed and adopted by the Town of Conklin, County of Broome, State of New York, on the 27th day of January, 2015, by the following votes:

YEAS - 5

NAYS - 0

ABSTAINED - 0

I, Sherrie L. Jacobs, Town Clerk, Town of Conklin, New York, do hereby certify that the above is a true and correct copy of the resolution duly passed and adopted by the Town of Conklin, County of Broome, State of New York, on the 27th day of January, 2015.

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ATTEST:

James E. Finch, Town Supervisor

Sherrie L. Jacobs, Town Clerk

The amendment names Daniel Smith to the Selection Committee in place of Chris Ostrowsky.

560 CONKLIN ROAD

Ms. Sacco stated that the Town has contacted ZMK Construction Company and Gorick Construction Company for quotes on the cost to demolish 560 Conklin Road. The quotes would be given to CP Rail, which owns the property, and the railroad company would have the building demolished. The Town is waiting for a response from CP Rail.

PUBLIC COMMENT:

None.

PENDING PROPOSED LOCAL LAWS

Ms. Sacco asked the Board to review the proposed local laws which she has distributed. The laws pertain to the following: establishment of a P.U.D. (Planned Unit Development) in the Broome Corporate Park, reimbursement to the Town of Professional Fees by applicants to the Planning Board and Zoning Board of Appeals, change of terminology from “manufactured home” to “modular home,” and amendment of notification to neighbors requirement for Planning Board and Zoning Board of Appeals cases.

The Board discussed the inconsistencies in the notification requirements, and Ms. Sacco stated that the Town Board would need to decide what notice it wants to require. Legal notice in the newspaper is still a legal requirement. The discussion of a placard or sign placed on the property in question was discussed. Mr. Dumian stated that the Code Officer would still be responsible for enforcing the placement of this sign. The applicant would be responsible for all expenses for notification. The Town Board will discuss this topic further at the February 10 meeting.

HIGHWAY LABORERS/GENERAL UTILITY LABORERS

Mr. Boyle asked if Highway Laborers are considered Town of Conklin employees, which could be reassigned to work in other departments, such as the Parks Department, noting that the Town will have another 60 lots to mow after the Flood Buyout is completed. He stated that in the 2016 Budget, some of the Highway Laborers should be classed as General Utility Laborers. Ms. Sacco stated that Town of Conklin employees are assigned, but noted that the Highway Superintendent is elected, and thus has control over the Highway Laborers. She stated that Parks Department employees are appointed, and thus “more malleable” in their assignments. Ultimately, she stated, the Town Board controls the finances and thus has the ultimate control.

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ICE SKATING PARTY

Town Clerk Sherrie Jacobs reminded those present that the Conklin Kiwanis Club is hosting an Ice Skating Party at the Conklin Ice Rink in Schnurbusch Park on January 31, 2015, from 11 A.M. until 2 P.M., with free hot dogs, hot chocolate and coffee, and s'mores provided.

PLANS FOR ROAD REPAVING/2015

Mr. Finch asked Mr. Coddington if he has other roads in mind for repaving in 2015, in addition to Woodcrest Way, Morris Boulevard, and Leslie Avenue, and asked him to provide this information at the February 10 Town Board meeting.

There being no further business to come before the Board, Mr. Finch moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 7:03 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk