

**REGULAR TOWN BOARD MEETING**

**APRIL 12, 2016**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on April 12, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Brian Coddington
	Assistant to Supervisor	Lisa Houston
	Code Officer	Ron Lake
	Public Works Superintendent	Tom DeLamarter
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein Laurie Francisco John Colley LeRoy Jenkins

**MINUTES: MARCH 22, 2016 WORK SESSION & REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to approve the March 22, 2016 Work Session and Regular Town Board Meeting minutes as presented.

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 Assemblyman Clifford Crouch regarding prevailing wages and receipt of correspondence from the New York State Department of Public Service regarding rates charged by NYSEG (New York State Electric and Gas Company).

**PUBLIC COMMENTS:**

None.

**REPORT: TOWN CLERK**

Refer to written report.

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Highway Superintendent Brian Coddington stated that his department has been winterizing plowing equipment for storage, cold patching roads, and removing downed trees. He stated that Highway trucks have been inspected. Mr. Coddington stated that the Town will hold a municipal clean-up day.

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Mr. Coddington stated that he received three bids regarding the electricity hook-up for the generator at the Highway Garage.

**RESO 2016-51: ACCEPT BID/A.C. SPEAR ELECTRIC, INC./HIGHWAY GARAGE  
GENERATOR PROJECT/\$8,590/PER BID SPECIFICATIONS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the bid from A.C. Spear Electric, Inc., to complete the Highway Garage Generator Project per bid specifications at a cost not to exceed \$8,590.

Seconded by Mr. Dumian.

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

**RESO 2016-52: NOTIFY BROOME COUNTY LANDFILL/BRING DEBRIS MAY 10**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin will notify the Broome County Landfill supervisor that the Town will transport debris collected in the municipal clean-up to the Landfill on May 10, 2016.

Seconded by Mr. Bullock.

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

Mr. Coddington stated that the Town Highway Department will pick up debris from flooding and from illegal dumping throughout the Town on May 4, then will transport the debris to the Broome County Landfill on May 10, 2016.

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom DeLamarter stated that he will need a resolution to advertise in the **Country Courier** for lifeguards for the summer season, adding that the town pool is scheduled to open on June 11. He stated that, after paying a deductible of \$2,500, the Town received \$36,113.77 from the insurance company to reimburse the approximately \$38,000.00 in damages caused at Sewer Station 1 by rags and other debris.

Mr. DeLamarter stated that the Town Water system had been inspected and found to be “efficient and well-managed,” and “compliant” with all regulations. He stated that the Discharge Permit for the Town Landfill has been renewed for three years.

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**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 1, 2016/**  
**“REPEALING SECTION 140-97 OF THE TOWN CODE”**

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

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Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 6:10 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 1, 2016, "Repealing Section 140-97 of the Town Code."

Town Attorney Cheryl Sacco stated that repealing Section 140-97 of the Town Code would mean that installation of swimming pools would no longer require a Special Use Permit from the Town. She stated that the Planning Board has reviewed the proposed law and approves of its enactment, adding that the Broome County Planning Board has also reviewed the proposed law and has no concerns. The Town Board is in consensus to adopt the proposed local law.

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 6:11 P.M.



**RESO 2016-53: ADOPT LOCAL LAW 1, 2016**  
**"A LOCAL LAW REPEALING SECTION 140-97 OF THE TOWN CODE"**

**PRESENT:** Supervisor James E. Finch  
Councilman Gary D. Bullock  
Councilman Charles Francisco  
Councilman William Dumian, Jr.  
Councilman Dell Boyle

**ABSENT:** None

**Offered By:** Councilman Bullock                      **Seconded By:** Councilman Francisco

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

**WHEREAS**, the Town Board held a Public Hearing at Conklin Town Hall, 1271 Conklin Road in said Town, on April 12, 2016, commencing at 6:10 P.M. to hear all interested parties on a proposed local law repealing Section 140-97 of the Town Code which requires special use permits for swimming pools; and

**WHEREAS**, notice of said Public Hearing was duly advertised in the official newspaper of the Town, and posted on the Town Clerk's signboard; and

**WHEREAS**, said Public Hearing was duly held at 6:10 P.M. on April 12, 2016, 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 the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(10) and (27); and

**WHEREAS**, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law.

**NOW, THEREFORE, BE IT RESOVED**, that the Conklin Town Board hereby adopts said local law repealing Section 140-97 of the Town Code which requires special use permits for swimming pools; and

**RESOLVED**, the Town Clerk be and hereby is directed to enter said local law in the minutes of this meeting and to give due notice of the adoption of said local law to the Secretary

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of State; and

**RESOLVED**, that this resolution will 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 April 12, 2016. 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 William Dumian, Jr.	YES
Councilman Dell Boyle	YES

Town of Conklin Seal

Dated: April 12, 2016

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Sherrie L. Jacobs  
Town Clerk of the Town of Conklin

**RESO 2016-54: AUTHORIZE ADVERTISEMENT/COUNTRY  
COURIER/LIFEGUARDS FOR 2016 SEASON**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for lifeguards for the 2016 summer season.

Seconded by Mr. Dumian.

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

**REPORT: SUPERVISOR’S OFFICE**

Refer to written report.

**REPORT: CODE OFFICE**

In addition to his written report, Code Officer Ron Lake stated that the bid specifications are prepared for both the New Roof for the Community Center Project and the Painting the Castle Portion of the Town Hall Project. He stated that the specifications require a 30 year manufacturer’s warranty and a 20 year contractor’s warranty. Mr. Lake stated that the Notice to Bid would be published in the **Country Courier** and in the Dodge Report. He stated that, when possible, bid specifications will be e-mailed to potential bidders, but added that five copies of each set of bid specifications will be printed and bound at Carr Printing. Mr. Lake stated that bids on both projects will be due in writing to the Town Clerk by 2 P.M. on May 10, 2016.

**RESO 2016-55: PUBLICIZE BID SPECIFICATIONS/PAINT CASTLE PORTION OF  
TOWN HALL**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin will publicize bid

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specifications for the project to Paint the Castle Portion of the Town Hall, with bids due to the Town Clerk in writing by 2 P.M. on May 10, 2016.

Seconded by Mr. Francisco.

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

**RESO 2016-56: PUBLICIZE BID SPECIFICATIONS/PROVIDE NEW ROOF FOR COMMUNITY CENTER**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin will publicize bid specifications for the project to provide a New Roof for the Community Center, with bids due to the Town Clerk in writing by 2 P.M. on May 10, 2016.

Seconded by Mr. Dumian.

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

**OLD BUSINESS:**

**LEASES FOR FLOOD BUYOUT PROPERTIES**

Mr. Finch stated that Code Officer Ron Lake will contact FEMA (Federal Emergency Management Agency) regarding restrictions on leasing properties purchased through the FEMA Flood Buyout Program. Ms. Sacco stated that there is a five-point criteria list which potential lease agreements must meet. Mr. Finch asked if solar panels would be allowed on Town-owned property and Ms. Sacco stated that the lease situation will be decided by FEMA on a case-by-case basis.

**RESO 2016-57: PROCEED WITH REQUEST TO FEMA/APPROVAL TO ENTER LEASE AGREEMENT WITH LEROY JENKINS TO MOW BUYOUT PROPERTY**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin will proceed with a request to FEMA (Federal Emergency Management Agency) for approval to enter a lease agreement with LeRoy Jenkins allowing him to mow the Buyout property adjacent to his property.

Seconded by Mr. Dumian.

VOTE: Bullock – Yes, Boyle – No, Dumian – Yes, Francisco – Yes, Finch – Yes. Motion carried: 4 – Yes, 1 – No.

Mr. Boyle suggested that a packet be sent to all parties interested in leasing Buyout property from the Town, so that applications can be sent to SEMO (State Emergency Management Office) as a group, rather than individually. Mr. Lake stated that SEMO will only consider the applications one at a time, case by case, so there is no advantage in sending a group of applications. It was noted that any deed restrictions can be part of the lease agreement. Mr. Finch asked if the Board wants to proceed with seeking approval to install a cell tower on a parcel of Buyout property on Conklin Road. Mr. Lake was asked to contact FEMA regarding this possibility. Public Works Superintendent Tom DeLamarter stated that the list of restrictions regarding Buyout properties is “the same as after the 2006 Flood,” adding that he will provide a list of these restrictions. Ms. Sacco stated that there have been changes made to the restrictions because of the hydrofracturing (“fracking”) issue, adding that there is “no clarity in writing from FEMA.”

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**RESO 2016-58: PETITION FEMA/APPROVAL FOR LEASE TO INSTALL CELL TOWER ON FORMER SLATER PROPERTY ON CONKLIN ROAD**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin will formally petition FEMA (Federal Emergency Management Agency) for approval for the Town to install a cell tower on Buyout property on Conklin Road formerly belonging to William Slater.

Seconded by Mr. Francisco.

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

**UPDATE/SOLAR FARM/TOWNLANDFILL**

Mr. Finch stated that he spoke with Dan Leary regarding the possibility of installing solar panels in the Town Landfill in the Broome Corporate Park. He stated that the Town spends approximately \$117,000 per year for electricity and added that this project could potentially save the Town \$50,000. He clarified that this is not the solar farm planned by Broome County to be installed in the Corporate Park.

**UPDATE/VETERANS MEMORIAL LIGHTING**

Mr. Finch stated that the lights have been installed at the Conklin Veterans Memorial, but added that they need to be fortified.

**SIGNAGE IN CONKLIN**

Mr. Francisco, liaison to the Zoning Board of Appeals (ZBA), stated that the ZBA is looking at signage in the Town with an eye toward making Conklin more business-friendly, including allowance of electronic signs. Mr. Francisco stated that the signage laws are open to interpretation and added that the ZBA will recommend that the Town Board re-examine some of the laws regarding signage.

**NEW BUSINESS:**

**RESO 2016-59: RE-APPOINT MARK DEDRICK/BOARD OF ASSESSMENT REVIEW/FIVE-YEAR TERM/10/01/2015-09/30/2020**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints Mark Dedrick to the position of chairman of the Board of Assessment Review for a five-year term to run from October 1, 2015, through September 30, 2020.

Seconded by Mr. Francisco.

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

**RESO 2016-60: RATIFY PAYMENT/NYSTCA/ANNUAL MEMBERSHIP FEE**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #10576, account code A1410.4, in the amount of \$75.00 to the New York State Town Clerks Association for membership dues for 2015-2016.

Seconded by Mr. Francisco.

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

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passed unanimously.

**FRONT DOOR TO CASTLE**

Mr. Francisco stated that he has a quote from Roofus T. Hall to replace the front exterior door to the Castle. Ms. Sacco stated that the Town Procurement Policy requires that three bids be obtained. Mr. Francisco and Mr. Lake will develop the bid specifications over the next two weeks. Mr. Francisco stated that the bid specifications should include the requirement that the replacement door match the historical era of the Castle.

**COST OF RENTAL FOR MEMORIAL CELEBRATIONS/COMMUNITY CENTER**

Mr. Finch suggested that the cost of rental for the Maines Community Center for memorial services/celebrations be reduced to \$200, with a security deposit of \$100. The renter would pay \$300 at time of reservation, with \$100 to be refunded after the event, if the building is left in good condition. The question was asked if this rate would be applicable only for Town residents and it was decided that it would be open to everyone, unless it becomes apparent that it is being abused. Mr. Francisco asked about rates for not-for-profit organizations and was reminded that these reduced rates already exist.

**RESO 2016-61: REVISE RENTAL RATE/COMMUNITY CENTER/FOR MEMORIAL SERVICE/\$200 RENTAL RATE & \$100 REFUNDABLE SECURITY DEPOSIT**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin revises the rental rate for the Maines Community Center for memorial services/celebrations to a rental rate of \$200 plus a refundable security deposit of \$100.

Seconded by Mr. Dumian.

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

**RESO 2016-62: ACCEPT DONATION/\$50/SUSAN FRAIR/DOG PARK**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the donation, account code A2705, in the amount of \$50.00 from Susan Frair thanking the Town of Conklin “for providing a great dog park.”

Seconded by Mr. Dumian.

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

**RESO 2016-63: APPROVE BUDGET MODIFICATION/HISTORICAL SOCIETY & HISTORIAN**

Mr. Bullock moved for the following resolution:

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

Transfer from A 1990-4-400 – Contingency Contractual	\$1,000.00
Transfer to A 7510-4-400 – Historian Contractual	\$1,000.00

Of this \$1,000.00, \$250.00 is allotted to the Town Historian, and \$750.00 is allotted to the Conklin Historical Society.

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Seconded by Mr. Francisco.

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

**RESO 2016-64: AUTHORIZE PAYMENT/BILL LIST/\$75,098.98**

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 \$75,098.98:

General	\$ 22,377.61
Highway	27,800.06
Light Districts	1,828.12
Sewer District #1	5,745.28
Water District	10,557.91
Non-Budget	<u>6,790.00</u>
<b>Total</b>	<b>\$ 75,098.98</b>

Seconded by Mr. Dumian.

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

**RESO 2016-65: RATIFY PAYMENT/STATE OF NEW YORK HOMELAND SECURITY/FINAL ICC CLAIM DUE TO FEMA/20 WOODCREST WAY**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #10714, account code HA-631, in the amount of \$8,500.00 to the State of New York Homeland Security for the final ICC claim due to FEMA for 20 Woodcrest Way.

Seconded by Mr. Francisco.

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

**RESO 2016-66: RATIFY PAYMENT/W2OPERATOR TRAINING GROUP/SPRING WORKSHOP REGISTRATION FEE/CONTINUED WATER OPERATION EDUCATION/COLIN CASEY & NICHOLAS PLATT**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #10716, account code SW8310.4, in the amount of \$90.00 to W2 Operator Training Group for the Spring Workshop registration fee for continued Water Operator education for Colin Casey and Nicholas Platt, with class to be held April 29, 2016, in Cortland, New York.

Seconded by Mr. Francisco.

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

**PUBLIC COMMENTS:**

None.

**CLEAN-UP/TOWN BUYOUT PROPERTY**

Mr. Bullock asked that the Town clean up the area, now owned by the Town through the FEMA Flood Buyout Program, near the former Stiles Associates location on Conklin Road. He stated



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that there is also a very small parcel of land adjacent to Sullivan Park that needs to be cleaned up and asked that a letter be sent to the owner asking if he would be interested in donating this small parcel to the Town to add to the park.

### **BONDING ON SOLAR PANELS**

Mr. Boyle stated that companies installing solar panels should be required to bond to protect the homeowner in case the company defaults or the equipment is defective and needs to be removed, and to protect the Town from becoming an eyesore due to the failure to removed defective or defunct solar equipment from properties within the Town. Ms. Sacco suggested that the Board look at the draft local law she had distributed at a prior meeting and look at the Town Code energy laws and magnitude. Mr. Dumian asked if Mr. Boyle meant only larger units and Mr. Boyle stated, "No, it should apply to all units, including residential." The Board asked about bonds for removal and it was stated that these are already required. Mr. Dumian stated that he is in favor of green energy. Mr. Lake stated that solar farms should bond from removal of equipment. Ms. Sacco asked if the Board wants her to draft a local law for the next meeting and Mr. Dumian stated that the newly formed subcommittee should study the issue first.

### **GRANT MONIES**

Mr. Francisco stated that he attended a meeting of the Towns and Villages Association and it was discussed that the monies promised by New York State for grants was never received. He stated that the Town has reapplied for the grant monies for the generators and for housing.

Mr. Francisco also reported that the Conklin Historical Society met on March 31, 2016.

### **REPAIRS TO EXTERNAL DOOR TO FOYER**

Town Clerk Sherrie Jacobs asked when repairs will be made to the external door to the foyer of the Town Hall, citing security concerns. Mr. Finch stated that Williams Doors has been called and the Town is waiting for them to come and make repairs.

### **ROAD SIGNS**

Mr. Finch asked about the new road signs which read "East Fallbrook Road" and "Conklin Forks Road East," asking if the names are accurate. Mr. Coddington stated that he will research it and change the road signs if necessary.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:16 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk