

REGULAR TOWN BOARD MEETING

APRIL 14, 2015

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on April 14, 2015. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Mark S. Gorgos
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
	Town Justice	J. Marshall Ayres
	Public Works Superintendent	Tom DeLamarter
	Zoning Board of Appeals	Hal Cole
GUESTS:	Country Courier	Elizabeth Einstein
	Cleantec	Jeffrey Grover
		Laurie Francisco
		John Colley
		Bill Osborne
		Peter J. Motsavage

MINUTES: MARCH 24, 2015 WORK SESSION AND REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the March 24, 2015 Work Session and Regular Town Board Meeting minutes as presented.

Seconded by Mr. Dumian.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of a Notice of Public Hearing from Broome County regarding the re-zoning of an area from Residential to Agricultural.

Mr. Finch acknowledged receipt of correspondence from Fox Engineering, P.C., requesting permission to explore a property on Route 29 for the presence of bluestone to mine. The current permit from the DEC (New York State Department of Environmental Conservation) is for one acre, with the understanding that, if bluestone is found, the company will request a permit for a larger area from the DEC at a later time.

RESO 2015-52: SCHEDULE PUBLIC HEARING/MAY 12, 2015/6:05 P.M./BAILEY’S QUARRY PERMIT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 6:05 P.M. on May 12, 2015, to receive input regarding the application for the permit for Bailey’s Quarry on Route 29.

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Seconded by Mr. Francisco.

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

Mr. Finch acknowledged receipt of correspondence from New York State Homeland Security regarding IMAP, the new flood maps, which he stated are available in the Code Office.

PUBLIC COMMENTS:

TOWN HALL BUILDING ISSUES

Town Justice J. Marshall Ayres asked about the air quality issue in the Castle and the Town Hall annex. He also stated that the plumbing in the men's bathroom in the Town Hall needs to be repaired. Judge Ayres also stated that he noticed that when he is here in the early morning hours, such as 3:00 A.M., to do an arraignment, the lights over the doors are not coming on as they are supposed to do, adding that this needs to be fixed. He inquired as to who the liaison from the Town Board is regarding building maintenance.

Mr. Jeffrey Grover from Cleantec, one of the bidders for the mold mediation project in the Castle, stated that he was in attendance in case any of the Town Board members had a question regarding his company.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Brian Coddington reported that roads had been cold patched and sod cleaned up Town-wide. He reported that his department has been busy thawing frozen pipes, salting and sanding roads from multiple storms, sweeping the roads, and performing maintenance on the Highway vehicles. Mr. Coddington stated that he met with Broome Bituminous for quotes for this year's blacktopping and is working on completing the highway expenditures agreement. He also stated that he corrected all violations cited by PESH (Public Employee Safety & Health) and sent the correction forms to Inspector Mark Smarr. Mr. Coddington stated that he had 1,000 tons of sand delivered from Boland's to replenish the Town supply, and took six loads of brush to Boland's. He stated that his department removed dead trees from several streets and replaced a driveway pipe on Woodside Avenue. He stated that he has started programming and hardware set-up for G.I.S.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom DeLamarter reported that all is going well in his department. He stated that the Town parks are now open, and the fields have been dragged and rolled. He reported that the line to the pool is leaking and needs to be repaired.

Mr. DeLamarter reported that Gorick Construction is responsible for the last six demolitions of buildings in the Flood Buyout Program. He stated that four buildings are down, two are still standing, but added that none of the six parcels have been completed, with grading and re-seeding. Mr. DeLamarter stated that Gorick Construction has not responded to his phone calls.

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Mr. Finch stated that the Binghamton-Johnson City Joint Sewage Treatment Board had \$14 million, and has used \$10 million of it to pay back bills, leaving a balance of \$4 million, which Mr. Finch stated will be divided with the outside users. He stated that the Joint Board wants to start from scratch with new repairs to the damaged treatment plant, and re-bond for the costs for 40 years, with outside users on the bond. Mr. Finch stated that this would raise the usage rates by 25%. He stated that a letter is being sent to the Joint Board, adding that Broome County has stated that it would be willing to take over management of the treatment facility.

REPORT: CODE OFFICER

Refer to written report. In addition to Code Officer Ron Lake's written report, Mr. Finch stated that Mr. Lake is involved in work on the sewer project and on the Flood Buyout properties.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

OLD BUSINESS:

FLOOD BUYOUT PROPERTIES

Assistant to the Supervisor Lisa Houston explained that there are six more parcels that have not yet had closings. Fourteen demolitions are in progress and the Quarterly Report to SEMO (State Emergency Management Office) has been filed. Ms. Houston stated that the Town will need to apply to FEMA (Federal Emergency Management Agency) for another six month extension, until December 31, 2015, in which to complete all of the demolition and grading and re-seeding work.

**RESO 2015-53: APPROVE APPLICATION/FEMA/SIX-MONTH EXTENSION UNTIL
DECEMBER 31, 2015/COMPLETE DEMOLITION/FLOOD BUYOUT PROPERTIES**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the application to FEMA for a six-month extension until December 31, 2015, in which to complete all demolition work on the 2011 Flood Buyout properties.

Seconded by Mr. Francisco.

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

UPDATE/NYS RISING COMMUNITY GRANT

Mr. Hal Cole, Chairman of the Selection Committee for the New York State Rising Community Grant Project, reported that the Selection Committee had to assign points using a point system for the respondents to the RFQ (Request for Quotes) for the Engineering and Architectural Work for the Stillwater Road Drainage Project. He stated that eight engineering groups responded to the RFQ, adding that no money amounts were listed in the responses. The selection was to be based on qualifications, rather than lowest bidder. The RFQ responses were submitted by and opened at 3:30 P.M. on April 2, 2015, and the Committee met on April 6. Each member of the Committee evaluated the RFQ responses and assigned a point total. Mr. Cole stated that the

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Selection Committee will recommend Griffiths Engineering as its choice. Griffiths Engineering had the highest total points at 429. Mr. Bullock and Mr. Dumian thanked the Selection Committee for their hard work.

RESO 2015-54: RECOMMEND GRIFFITHS ENGINEERING/ENGINEERING & ARCHITECTURAL WORK/STILLWATER ROAD STORM WATER IMPROVEMENT PROJECT

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin selects Griffiths Engineering for the New York State Governor's Office of Storm Recovery (GOSR)-Funded Disaster Recovery for the Stillwater Road Storm Water Improvement Project, contingent upon the satisfactory completion of the vetting process, the business integrity form, execution of a contract subject to legal counsel and GOSR's approval, and subject to approval of a fee breakdown of all contractors and subcontractors.

Seconded by Mr. Bullock.

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

Mr. Finch commented that the next set of RFQs would be for legal work on this project.

NEW BUSINESS:

CASTLE CLEAN-UP AND REPAIRS

Mr. Finch stated that four bids had been received for mold clean-up and mediation in the Castle. CleanTec's bid included "extracting the carpets," and Mr. Dumian asked what that meant. Mr. Jeffrey Grover of CleanTec stated that this is the term they use for hot water cleaning of the carpets. Mr. Grover explained the process of "scrubbing the air." Mr. Dumian commented that CleanTec will retest the air quality after the mediation at no charge and added that the company "guarantees results." In contrast, stated Mr. Dumian, FloodPro provided a quote that was "vague." Mr. Bullock concurred, adding that FloodPro's quote should be "thrown out." Mr. Bullock went on to state that there is "no blame" for the mold condition, adding that "things happen." The Town Board asked that CleanTec tear all the carpets out and then remove the mold, rather than cleaning the carpets, and adjust the bid accordingly. The Town will buy a dehumidifier for the basement of the Castle. Mr. Grover stated that CleanTec could be available to start the mold clean-up on April 20. Mr. Bullock suggested getting a small roll off dumpster to put the ripped out carpet in. The carpet will be removed and bagged, not cleaned.

RESO 2015-55: APPROVE CLEANTEC TO PERFORM MOLD REMEDIATION TO CASTLE BUILDING

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves CleanTec to perform Mold Remediation to the Castle Building in the amount of \$8,800.00.

Seconded by Mr. Francisco.

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

Mr. Finch stated that he spoke with Mr. Norman Johnson, who lives next door to the Castle and Town Hall. It was thought that Mr. Johnson was burning pine pallets and the smoke was entering the Town Hall air exchange system, and so was causing some of the illness which has affected many of the Town Hall employees. Mr. Johnson told Mr. Finch that he does not burn pallets. Mr. Finch stated that the chimneys should be raised anyways. He stated that TriTemp has been at the Town Hall three times and has found nothing wrong with the heating system. He stated that the people from TriTemp were looking for glycol because the water level in the boiler was down, leaving glycol; however, none was found when the workers from TriTemp checked. Mr. Finch stated that the air vents have been closed. The furnaces have been turned off and the air filters changed. Mr. Bullock stated that the furnaces in the Castle should be moved out of the basement and onto the first floor. Mr. Finch stated that the Town received \$1,400 from its insurance company following the 2011 Flood that was to be used to clean the Castle from the flood water, but added that this work was never done. Mr. Dumian asked what would happen with the sump pumps in the basement if the power went out and Mr. Finch stated that Town would be “out of luck” and the furnaces would be ruined.

**RESO 2015-56: APPROVE USE OF FUNDS FROM RESERVE FOR REPAIRS
BALANCE SHEET A-882 FOR COSTS ASSOCIATED WITH MOLD REMEDIATION**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the use of funds from the Reserve for Repairs balance sheet A-882 for costs associated with mold remediation.

Seconded by Mr. Francisco.

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

OLD BUSINESS:

BUILDING FEES

The Town Board discussed the building and permit fees proposed by Code Officer Ron Lake at the March 24 Town Board meeting. Discussion regarding the solar panels resulted in a fee of \$50 for residential use and \$.15 per square foot per panel for commercial use. It was decided that the cost of a solar farm would be \$500 plus a surety bond. All of the Board members were in agreement with this price.

Mr. Francisco asked about the other Special Use permits, whether the cost should be \$200 every year or every other year. Mr. Bullock suggested eliminating this charge entirely.

Mr. Bullock asked about the fee for temporary swimming pools, questioning whether property owners should be charged a fee every year. Mr. DeLamarter commented that the City of Binghamton requires a fence to be installed around any pool four feet tall or higher, while the Town of Conklin only requires a removable ladder. Mr. Bullock, Mr. Dumian, and Mr. Francisco all agreed that a pool permit should cost \$25 for both an in ground pool and a permanent above ground pool, but not for the temporary pools. The fee structures will be sent to Attorney Cheryl Sacco to determine which ones need a new local law and Public Hearing.

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RESO 2015-57: RESCIND RESO 2015-39/APPOINT JOHN RUDY/DEPUTY CODE OFFICER

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rescinds RESO 2015-39 appointing John Rudy to the position of Deputy Code Officer.

Seconded by Mr. Bullock.

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

RESO 2015-58: APPOINT JOHN RUDY/DEPUTY CODE OFFICER/PAY RATE \$18.00 PER HOUR/TEMPORARY POSITION/4-15-2015 THROUGH 7-12-2015/ NOT TO EXCEED 19 HOURS PER WEEK

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints John Rudy to a position encompassing the duties of Deputy Code Officer, with the title set by Broome County Personnel Office, at a pay rate of \$18.00 per hour. This is a temporary position, effective April 15, 2015, through July 12, 2015, not to exceed 19 hours per week.

Seconded by Mr. Bullock.

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

RESO 2015-59: RATIFY ACH WIRE PAYMENT/PITNEY BOWES/REPLENISH POSTAGE METER

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an ACH wire payment, account code A1670.4, in the amount of \$500.00 to replenish the postage meter.

Seconded by Mr. Boyle.

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

RESO 2015-60: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF COMMERCE/MEETING REGISTRATION/APRIL 2, 2015

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #9067 in the amount of \$36.00 to the Greater Binghamton Chamber of Commerce for meeting registration for April 2, 2015 meeting.

Seconded by Mr. Dumian.

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

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RESO 2015-61: RATIFY PAYMENT/NYSEG/MARCH 16, 2015 MONTHLY ELECTRIC & GAS BILL

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #9073 in the amount of \$6,236.97 to NYSEG (New York State Electric and Gas Corporation) for the March 16, 2015 monthly electric and gas bill.

Seconded by Mr. Dumian.

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

RESO 2015-62: RATIFY PAYMENT/PSI INDUSTRIES/PARTS FOR WOOD CHIPPER

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #9074 in the amount of \$1,200.00 to PSI Industries for Purchase Order 15-00568 for miscellaneous parts for the wood chipper.

Seconded by Mr. Finch.

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

RESO 2015-63: AUTHORIZE PAYMENT/BILL LIST/\$110,152.12

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$110,152.12:

General	\$ 22,257.96
Highway	15,970.94
2011 Flood Emergency	48,445.00
Light Districts	414.20
Sewer District #1	4,258.89
Water District	9,235.63
Non-Budget	<u>9,569.50</u>
Total	\$110,152.12

Seconded by Mr. Francisco.

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

PUBLIC COMMENTS:

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SOLAR PANELS

Mr. Hal Cole asked if solar panels are covered under Zoning in the Town Code, adding that it would be a new land use. Mr. Dumian asked Mr. Cole if he meant residential versus commercial usage and Mr. Cole said that is what he meant. The comment was made that the Town is being proactive regarding this topic.

RESO 2015-64: ADOPT A CITIZEN PARTICIPATION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM

Mr. Bullock moved for the following resolution:

WHEREAS, the Town of Conklin is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor's Office of Storm Recovery (GOSR) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

WHEREAS, participation in the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program requires the adoption and implementation of a Citizen Participation Plan to comply with Section 508 of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the purpose of this plan is to provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Conklin that the attached New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Citizen Participation Plan be hereby officially adopted for implementation in the Town of Conklin's New York State CDBG-DR Program.

Seconded by Mr. Francisco.

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

RESO 2015-65: ADOPT PROCEDURES AND POLICIES FOR TOWN OF CONKLIN FOR PROCUREMENT OF GOODS AND SERVICES NECESSARY FOR IMPLEMENTATION OF PROJECTS FUNDED BY GOVERNOR'S OFFICE OF STORM RECOVERY OF NYS HOUSING TRUST FUND CORPORATION

Mr. Francisco moved for the following resolution:

WHEREAS, in the aftermath of Superstorm Sandy, the United States Congress, through Public Law, passed the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013), as amended (the "Act"), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development ("HUD") for Community Development Block Grant Disaster Recovery ("CDBG-DR") funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster

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declared due to Superstorm Sandy and other eligible events, including Hurricane Irene and tropical Storm Lee, in calendar years 2011, 2012, and 2013 (the “Storms”), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD; and,

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, titled, “*Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received an allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000; and,

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (79 Fed. Reg. 62,183), entitled “*Third Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received a third allocation of CDBG-DR funds from HUD in the amount of \$605,922,000 (of which \$185,000,000 has been allocated towards the proposals developed through the Rebuild by Design competition); and,

WHEREAS, the Town of Conklin has entered into a subrecipient agreement with the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Conklin, on behalf of the Town of Conklin, that the Town of Conklin shall follow these policies and procedures in the procurement of goods and services necessary for the implementation of projects funded by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

Seconded by Mr. Dumian.

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

PAPERWORK TO PREPARE FOR BOARD MEETINGS

Mr. Bullock commented that the Board needs to receive any paperwork relevant to an upcoming Town Board meeting in advance of the Board meeting, rather than having it distributed at the Board meeting, in order to allow the Board time to review any necessary documents.

INSURANCE OPTIONS

Mr. Dumian commented that he is meeting with insurance agent Tom Augustini to discuss insurance options and employee incentives, so that Town employees have options for covering their health insurance needs.

GENERATORS

Mr. Dumian stated that the Town needs to “get a plan in place” for installing the generators it purchased several years ago, adding “failing to plan is planning to fail.” Mr. Francisco commented that he has some quotes for the project, noting that Mr. Coddington’s quote for the Highway Garage can’t be used for comparison. Mr. Francisco stated that he has a recommendation for the Highway Garage and has created a sketch of a way to protect the electrical service at the Town Hall.

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VERIZON TRAILER ON TERRACE DRIVE

Mr. Francisco stated that he is putting pressure on Broome County to get the Verizon trailer moved off of Terrace Drive, which is owned by Broome County. He stated that with more tractor-trailer traffic anticipated, the Verizon trailer will be even more of a safety issue. Mr. Finch commented that the Town Hall is still experiencing difficulties with its telephones.

There being no further business to come before the Board, Mr. Dumian moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:23 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk