

**REGULAR TOWN BOARD MEETING**

**JUNE 9, 2015**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on June 9, 2015, 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
	Town Justice	J. Marshall Ayres
	Public Works Superintendent	Tom DeLamarter
	Zoning Board of Appeals	Art Boyle

<b>GUESTS:</b>	Broome County Legislature	Kelly Wildoner
	Conklin Fair Committee, Inc.	William Krasowsky
		John Colley
		George Frailey
		Laurie Francisco
		Peter Graham
		Rocco DeAngelo
		Shauna Meyers
		Tom Kelly
		Peter J. Motsavage
		Lindsay Gregory
		Nick Blakeslee

**OPIOID OVERDOSE PREVENTION TRAINING**

Kelly Wildoner, Broome County Legislator, District 3, stated that Broome County is presenting an opioid overdose prevention training class from 5:30 to 7:30 P.M. on June 15 at the Community Center. Attendees will learn how to detect signs of opioid overdose and how to administer Narcan to hopefully save a life. The Broome County Sheriff's Department will be providing free kits to all who attend the class.

**MINUTES: MAY 12, 2015 REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to approve the May 12, 2015 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.

**MINUTES: MAY 26, 2015 WORK SESSION AND REGULAR TOWN BOARD MEETING**

Town Counsel Cheryl Sacco stated that a clarification is need on pages 6 and 7 of the May 26, 2015 Work Session and Regular Town Board Meeting minutes. She stated that the New York State Uniform Code does not dictate zoning.

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Mr. Francisco moved to approve the May 26, 2015 Work Session and Regular Town Board Meeting minutes with the above clarification.

Seconded by Mr. Dumian.

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

### **CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the New York State Comptroller's Office regarding the tax cap and from ZMK Construction Company and from Gorick Construction Company regarding the Flood Buyout demolitions.

### **PUBLIC COMMENTS:**

#### **BUILDING CONCERNS/TOWN HALL**

Town Justice J. Marshall Ayres expressed some concerns regarding the Town Hall/Castle building. He stated that in April he asked that the lights over the door and the bathroom facilities be fixed, and nothing has been done about either situation yet. Mr. Bullock and Mr. Francisco stated that the timer for the lights is being installed this week.

Judge Ayres also stated this about the recent contamination found in the Castle: "Approximately three months ago a toxin was released into the Town Hall resulting in most of the employees located there, including at least two Board members, to become sick. I would like a report regarding what steps the Board is taking to determine what this toxin is. If it was bacterial, viral, or chemical in nature. What the carcinogenic properties of this toxin are. What steps are being taken to monitor the health of the employees and any residents exposed to this toxin and what long term plans the Town is putting into place to provide health coverage for those exposed." Mr. Ayres stated that the Town only tested for mold and fungus, not chemical, viral, or bacterial contaminants.

Judge Ayres asked that the telephone provider be contacted to see if calls could go directly to voice mail if the line is busy, instead of the caller just getting a busy signal.

#### **UNLICENSED DOGS**

Judge Ayres also asked the Town Board to set a policy regarding the seizure of unlicensed or delinquent dogs, noting that he can currently order a seizure of unlicensed dogs under the New York State Agriculture and Markets Law, but the Town Law is not clear regarding this matter. The Judge would like the Board to set a policy. Mr. Bullock stated that any changes should be communicated to the public.

#### **PROPERTY ISSUES**

George Frailey addressed several property issues. He stated that his daughter had been trying to sell her property but the neighbors had made a mess on their nearby property, making his daughter's land less attractive to potential buyers. Mr. Frailey stated that he had brought this to the attention of former Code Officer Robert Jones, whom Mr. Frailey stated "did nothing." He stated that he next brought it to the attention of the new Code Officer, Ron Lake, who stated that he needed a letter from Mr. Frailey, which Mr. Frailey stated he delivered to Mr. Lake in

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February, but there has still been no clean up done. Mr. Finch stated that the Code Office is currently pursuing compliance of this property, including investigating some unlicensed vehicles.

Mr. Frailey asked if the policy on use of the properties obtained by the Town during the FEMA (Federal Emergency Management Agency) Buyout programs has changed, and whether or not those properties can be leased or rented. He also asked about the policy on mowing these properties.

Mr. Frailey asked about the former Progressive Dental building on Conklin Road, which was not repaired after being damaged in the 2011 Flood. It was not included in the Buyout Program and Mr. Frailey asked if it will be repaired or demolished. Mr. Finch stated that Code Officer Ron Lake is working with Dr. Spera, who owns the building. Mr. Bullock asked if this could be considered an unsafe structure. Ms. Sacco stated that this is up to the Town to determine.

### **REPORT: TOWN CLERK**

Refer to written report.

### **REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Highway Superintendent Brian Coddington reported that his department has been busy hauling fill, brush, and compost, and installing millings and topsoil. He also stated that some maintenance was done to Highway vehicles. Mr. Bullock asked about the public being able to get mulch from the pile on Lawrence Boulevard. Mr. Coddington stated that the public can take mulch from the pile on the left side of Lawrence Boulevard, however, the pile on the right side of the road is privately owned. Mr. Francisco asked if the rough edges on Carlin Road will be repaired and Mr. Coddington stated that millings will be used. Mr. Bullock stated that the same situation exists on Maxwell Court.

### **REPORT: WATER AND SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom DeLamarter reported that the water tank on Stewart Road has been cleaned, and plans are in place to have the tank on Ahern Road cleaned. He stated that there is a problem with a pump at one of the sewer stations, and added that the pump at the Town Landfill has been replaced. Mr. DeLamarter reported that the Town Pool will be inspected on June 11 and will open on June 13. He stated that the Shawsville Cemetery has been mowed twice this spring.

Mr. DeLamarter stated that his department is mowing the Buyout properties to the extent they are able to do so. He stated that ZMK Construction Company has rolled all of the properties on which they demolished buildings, which is a requirement of the contract, and Gorick Construction Company will roll all of the properties for which it was responsible. Mr. DeLamarter will inspect the properties to make sure everything is in compliance. Mr. Finch stated that Gorick Construction still has 6 June Street and the buildings owned by William Slater on Conklin Road to demolish. The question of leasing the properties was raised and Ms. Sacco stated that it is now allowed by FEMA, adding, "Not as far as I know." A resident on Woodcrest Way wants to mow and maintain the neighboring Buyout property so that it doesn't detract from the neighborhood and the Board debated whether or not this could be allowed. Mr. Bullock stated that the Town needs to create a Town-wide policy. Mr. Boyle stated that he received paperwork from Tom Abatti at SEMO (State Emergency Management Office) with a proposed lease agreement. Ms. Sacco stated that she will research this proposed agreement, asking the

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Board to table this discussion until its July 14 meeting, adding that the Town policy needs to be “legal and uniform” regarding the Buyout properties.

### **REPORT: CODE OFFICE**

Code Officer Ron Lake submitted a written report. Mr. Bullock noted that Anastasia Road, referenced in Mr. Lake’s report, is not a Town road, but rather is a driveway.

Mr. Finch stated that 9 Barbara Avenue, owned by Douglas Ritter, has been declared unable to be occupied because there is a water issue in the basement and the walls are caving in, making it an unsafe structure.

In regard to apartment buildings on Barbara Avenue, owned by Stu Kasmarcik, Ms. Sacco stated that the DEC (New York State Department of Environmental Conservation) has told Broome County and the Town of Conklin that buildings in the flood zone must be elevated, however, the local DEC representative does not interpret the ruling the same way and will not enforce the need to raise the building, therefore a building permit has been issued and the water and electricity turned back on. Ms. Sacco clarified that the DEC legal department stated that the building must be raised but the local DEC representative stated that the building does not have to be raised. Mr. Bullock stated that this sets a precedent for flood zone properties and asked if the Town must use the local DEC representative’s opinion. Ms. Sacco stated that it is “fact specific on each one.” Mr. Francisco stated, “Then the DEC will not stand behind its own determination to raise a building?” Ms. Sacco reiterated that the DEC legal department will enforce the determination, but the local DEC representative, whom she stated has the final authority, ruled that the building does not have to be raised. Mr. Dumian commented that this means that the Town Code can be overridden by other agencies, which he stated will create more situations like this in the future. Ms. Sacco commented that the bid documents drawn up by Broome County “could have been clearer on the requirement to raise the structure.”

### **REPORT: SUPERVISOR**

Refer to written report.

### **OLD BUSINESS:**

#### **UPDATE/NYS RISING COMMUNITY GRANT**

Mr. Finch stated that progress on the New York State Rising Community Grant project is “moving forward.” Ms. Sacco stated that Griffiths Engineering has submitted the required documents for the Stillwater Road Drainage Project, adding that the Town must vet the contractor and subcontractors. She stated that the investigation “came out clean.” Ms. Sacco stated that the same process must be done for the five subrecipients – the Town must do due diligence and submit an integrity report. Mr. Bullock asked about a time frame for construction and Mr. Finch replied the project could perhaps be started this fall. Mr. Finch stated that the consulting fees “come off the top,” adding that it is “a lot of paperwork.”

Mr. Bullock asked if the Evacuation Route Project is next on the list and Mr. Finch replied that it is next, followed by the Carlin Road Affordable Housing Project. After that, perhaps building a new Community Center in the Carlin Road area would be considered. Mr. Bullock asked if one project must be completed before another is begun and Mr. Finch replied that this is the case,

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because the Town might not employ the same engineers and/or contractors. He stated that the Town has \$300,000 for the Stillwater Road project, with all costs to be taken out first.

**UPDATE/TAX FREEZE & GOVERNMENT EFFICIENCY PLAN**

Mr. Finch stated that the Town is being pro-active regarding the tax freeze and Government Efficiency Plan, noting that the Town's plan is up-to-date and that the Town has been below the tax cap for the past two years. He stated that he has been in communication with the New York State Comptroller's Office regarding this issue.

**QUARRY/ROAD USE AGREEMENT**

Mr. Finch stated that the Road Use Agreement has been sent to the miner and to the property owner. A bond for \$250,000 will be required. Mr. Finch stated that State Line Road is covered for one and one-half miles for any necessary repairs.

**NEW BUSINESS:**

**RESO 2015-102: AUTHORIZE TOWN SUPERVISOR/ENTER INTO AGREEMENT/STRATEGIC DEVELOPMENT SPECIALISTS, LLC**

Ms. Sacco stated that there is no contract yet with Strategic Development Specialists, LLC, adding that she spoke with the grant writer, and the price will be \$4,000 to \$7,000 per grant application, as a flat fee. She stated another method of payment could be a percentage of recovery of funds, with a cap. Ms. Sacco stated that she will revise the terms of the contract. She stated that this grant writer has written two successful grant applications for the Town of Union and one for Broome County. The Town of Conklin is looking for grants for the following: a sewer processing plant at the south end of Town; water and sewer system extended to the proposed Carlin Road housing project; and installation of a pipe to the Town of Kirkwood for a backup water supply.

Mr. Dumian asked if the Town has options, such as other grant writers. Ms. Sacco stated that her law firm has a list of grant writers, which she will bring to the July 14 meeting, along with various payment structures. She suggested scheduling a visit to the Board meetings for potential grant writers.

The Board decided to hold this resolution over until the July 14 Board meeting.

**RESO 2015-103: 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 Pitney Bowes to replenish the postage meter.

Seconded by Mr. Francisco.

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

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**RESO 2015-104: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF  
COMMERCE/REGISTRATION FOR JUNE 4 MEETING/MINIMIZING THE  
EFFECTS OF FUTURE FLOODING**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #9359 in the amount of \$60.00 to the Greater Binghamton Chamber of Commerce for registration for the June 4, 2015 meeting on minimizing the effects of future flooding.

Seconded by Mr. Boyle.

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

**RESO 2015-105: HIRE LIFEGUARDS/2015 POOL SEASON**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves hiring of the following lifeguards for the 2015 pool season:

<b><u>LAST NAME</u></b>	<b><u>FIRST NAME</u></b>	<b><u>2014 RATE</u></b>	<b><u>2015 RATE</u></b>
Kilgallon	Annastacta		\$8.75
Morgan	Gregg		\$8.75
Morgan	Hillary		\$8.75

Seconded by Mr. Boyle.

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

**RESO 2015-106: ACCEPT CASH DONATION/BEAUTIFICATION COMMITTEE/JAR  
COLLECTION DURING CONKLIN COMMUNITY DAY**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a cash donation in the amount of \$22.25 for the Beautification Committee, collected in a jar collection during Conklin Community Day.

Seconded by Mr. Bullock.

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

**RESO 2015-107: ACCEPT DONATION/ELLEN MCKAY/THREE FLAGS/MIDWAY  
DRIVE**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$124.50 from Ellen McKay for the purchase of three flags for use on Midway Drive.

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Seconded by Mr. Francisco.

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

**RESO 2015-108: AUTHORIZE PAYMENT/BILL LIST/\$155,405.00**

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 \$155,405.00:

General	\$ 18,194.98
Highway	131,845.08
Water District	1,781.94
Non-Budget	<u>3,583.00</u>
<b>Total</b>	<b>\$155,405.00</b>

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously. Mr. Finch commented that the large amount in the Highway line was the expenditure of the CHIPS (Consolidated Highway Improvement Program) funds.

**PUBLIC COMMENTS:**

**GRANT WRITER FOR CASTLE**

John Colley stated that he understands that the estimates for repainting the exterior of the Castle are very high, and asked, since the building is on the New York State and federal registries of historic buildings, if the Town could utilize a grant writer to obtain grant money for the renovation project. Mr. Finch stated that this has been attempted, with no success. Mr. Dumian stated that the Town should try again to obtain grant money for the Castle. Mr. Bullock stated that the Town should contact Senator Schumer’s office. Mr. Bullock asked about the existing lead paint on the building and Mr. Finch stated that he would have Code Officer Lake look at it. It was decided that this project needs to be researched further.

**SOUND SYSTEM IN BOARD ROOM**

Zoning Board of Appeals member Art Boyle stated that the sound system in the Board room doesn’t work well and the audience cannot hear what the Board members are saying. He suggested that the Town look at replacing the system. Mr. Bullock stated that the batteries in the microphones do not all work.

**CONKLIN FAIR/FRIENDS OF THE FAIR ADS**

William Krasowsky, President of the Conklin Fair Committee, Inc., asked the Town Board if they, or anyone else present, would like to purchase an ad as a “Friend of the Fair” for the Fair program. He noted that it is very expensive to stage the annual Fair, costing approximately \$20,000.

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**TIME WARNER CABLE UPDATE**

Ms. Sacco stated that Time Warner Cable was unable to be sold to Comcast because it would have created a monopoly. She stated that there is now a bid to sell the company to Charter Communications. Ms. Sacco stated that Time Warner Cable has not responded to any communications from the Town regarding renewal of its franchise. Payment is under the old contract terms. She suggested contacting the Public Service Commission and objecting to the merger with Charter Communications, but asked what the Board wants to do.

**RESO 2015-109: CONTACT PUBLIC SERVICE COMMISSION & OBJECT TO MERGER/TIME WARNER CABLE AND CHARTER COMMUNICATIONS**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Attorney to contact the Public Service Commission and object to the merger of Time Warner Cable and Charter Communications.

Seconded by Mr. Francisco.

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

Mr. Bullock asked if Time Warner Cable will be doing new construction on Gratsinger Road and Mr. Finch replied that it would be 200 to 300 feet and property owners would have to pay the cost to run from the pole to their house for cable service. Mr. Bullock stated that Time Warner Cable is currently installing an underground cable in Port Crane. Ms. Sacco stated that there is a drop line calculation to consider.

**BUYOUT PROPERTIES**

Ms. Sacco asked if the Board wants her to send a letter to Gorick Construction Company reminding them of the June 30 deadline for completion of the demolition and remediation of properties in the Flood Buyout program. ZMK Construction Company has completed all of its work for the Buyout Program. Mr. Dumian asked if Gorick Construction Company has presented a timeline for anticipated completion of the project and Mr. DeLamarter stated that no date has been set for completion. Mr. Bullock and Mr. Francisco both stated that the Attorney should send a letter to Gorick Construction Company. Mr. Bullock asked if the Town must make final payment by June 30 and Mr. Finch replied no. He stated that the Town can apply for money for remediation of the property, if necessary. Mr. Bullock asked Assistant to the Supervisor Lisa Houston for a list of all the Buyout properties which the Town owns. He stated that the Town needs to set a policy on which properties it needs to mow or not mow. Mr. Finch stated that properties in areas zoned Agricultural do not need to be mowed.

**DELINQUENT WATER BILLS**

Mr. Bullock asked about the delinquent water bills. Ms. Houston stated that most are repeaters who let the bill go to be added to their tax bill. He asked that she run a current report of delinquent water customers.



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**MOWING AT FORMER ICE CREAM SHOP**

Mr. Bullock stated that the building that formerly housed Lawrence Brothers Ice Cream shop is in foreclosure and is now owned by M & T Bank. He asked who is responsible for mowing the property, adding that one of the neighboring residents has offered to mow it. Mr. Finch stated that M & T Bank is responsible for mowing the property.

**FIRST TO SAY THANK YOU**

Town Clerk Sherrie Jacobs invited those present to the Kiwanis Club-sponsored "First to Say Thank You," which honors high school graduates who are joining the military. This year's event will be held at Windsor High School at 7:00 P.M. on June 17.

**RESO 2015-110: RECESS FOR LEGAL ADVICE**

Mr. Dumian moved to recess the Regular Town Board Meeting at 7:17 P.M. to receive legal advice from the Town Attorney. Ms. Sacco clarified that this is different from Executive Session.

Seconded by Mr. Francisco.

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

**RESO 2015-111: RE-OPEN REGULAR TOWN BOARD MEETING**

Mr. Dumian moved to come out of recess for legal advice and re-open the Regular Town Board Meeting at 7:56 P.M.

Seconded by Mr. Francisco.

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

**RESO 2015-112: OBTAIN THREE QUOTES/REPAIR MEN'S BATHROOM/TOWN HALL**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves obtaining three quotes to repair the men's bathroom in the Town Hall.

Seconded by Mr. Boyle.

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

Mr. Finch will contact Link Environmental and CleanTec regarding air quality testing. There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:02 P.M.

Respectfully submitted,

Sherrie L. Jacobs, Town Clerk

