

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 14, 2014**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on October 14, 2014, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Brian Coddington
	Public Works Superintendent	Tom DeLamarter
	Assistant to Supervisor	Lisa Houston
	Planning Board	Dell Boyle
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Conklin Vol. Fire Dept., Inc.	Bill Gorman
	Conklin Vol. Fire Dept., Inc.	Paul M. Jacobs
		Laurie Francisco
		Judy Kelly
		Tom Kelly
		Angelo Tolomei
		Bonnie Tolomei
		John Colley

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**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED BORROWING OF**  
**LOW-INTEREST LOAN BY CONKLIN VOLUNTEER FIRE DEPARTMENT, INC.**  
**TO PURCHASE FIRE SUPPRESSION EQUIPMENT**

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

Notice of Public Hearing having been duly advertised, Supervisor Finch opened the Public Hearing at 6:05 P.M. and asked those present to speak either for, or in opposition to, the proposed borrowing of a low-interest loan by the Conklin Fire Department, Inc., to purchase fire suppression equipment.

Town Attorney Cheryl Sacco explained that this loan will not be the Town's debt but rather the debt of the fire department. She explained that the Town is merely certifying that the fire department can borrow this money.

There being no further public comments or questions, Mr. Finch closed the Public Hearing at 6:06 P.M.

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**RESO 2014-151: RESOLUTION AFTER A PUBLIC HEARING TO APPROVE THE**  
**ISSUANCE OF A TAX EXEMPT BOND BY THE CONKLIN FIRE DEPARTMENT,**  
**INC., AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

**PRESENT:**  
Supervisor James E. Finch  
Councilman Gary D. Bullock

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Councilman Charles Francisco  
Councilman Jerry Minoia  
Councilman William Dumian

**ABSENT:**

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

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

The Town Board of the Town of Conklin, duly convened in regular session on October 14, 2014, does hereby RESOLVE as follows:

WHEREAS, the Conklin Volunteer Fire Department, Inc., a New York not-for-profit corporation (“the Fire Company”), proposes to purchase two fire trucks (“the Purchase”), and

WHEREAS, the Fire Company is a “qualified volunteer fire department” for purposes of Section 150(e) of the Internal Revenue Code of 1986, as amended (“the Code”), because the Fire Company is organized and operated to provide firefighting services for persons within the jurisdiction of the Conklin Consolidated Fire Protection District pursuant to a written fire protection agreement entered into by the Fire Company and the Town Board of the Town acting on behalf the Conklin Consolidated Fire Protection District, and the Fire Protection District is not provided with any other firefighting services;

WHEREAS, said Fire Company proposes to finance the project by the issuance of a tax-exempt bond in an amount not to exceed \$550,000.00 to First Niagara Bank pursuant to the provisions of Section 150(e) and other related provisions of the Code, and

WHEREAS, pursuant to Section 147(f) of the Code, the Fire Company may only issue tax-exempt bonds in this instance if such issuance is first approved by the applicable elected representative of the governmental unit on behalf of which such bond is issued and the governmental unit within which the purchase is to be located, after a public hearing following reasonable public notice, and

WHEREAS, pursuant to Section 147(f)(4)(B) of the Code, the Town is treated as the governmental unit on behalf of which such bond is issued and is also the governmental unit within which the purchase will be used.

Upon motion made by Councilman Dumian and seconded by Councilman Francisco, the Town Board duly adopted the resolution as follows:

WHEREAS, the Conklin Volunteer Fire Department, Inc., a not-for-profit corporation organized under the laws of the State of New York, provides fire protection to the Town of Conklin, and

WHEREAS, the Fire Company is purchasing fire trucks and in order to finance the same will be borrowing an amount not to exceed \$550,000 from First Niagara Bank, and

WHEREAS, the Internal Revenue Code provides that said bond may be tax exempt under certain conditions, one of the conditions being that the Town Board approve said bond as qualifying for tax exempt status under the Code by reason of being a qualified bond of a political subdivision of the State of New York, it is

THEREFORE RESOLVED by the Town that the borrowing made by the Conklin Volunteer Fire Department, Inc., to be issued to First Niagara Bank in an amount not to exceed \$550,000.00, be treated as a borrowing of a political subdivision of the State of New York, under the Internal Revenue Code, and the borrowing be treated as tax exempt.

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**RESOLVED, that 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 October 14, 2014. 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 Jerry Minoia	-	YES
Councilman William Dumian	-	YES

Dated: October 14, 2014

Town of Conklin Seal

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

**MINUTES: SEPTEMBER 23, 2014 REGULAR TOWN BOARD MEETING**

Mr. Finch stated that the September 23, 2014 Regular Town Board Meeting minutes should be clarified on page 2, line 18 from the top, to explain that "Boyle Boulevard is a Town road but is not deeded to the Town," rather than "Boyle Boulevard cannot be a Town road because some of the property owners will not sign it over to the Town."

Mr. Francisco moved to approve the September 23, 2014 Regular Town Board Meeting minutes with the above clarification.

Seconded by Mr. Bullock.

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

**MINUTES: OCTOBER 3, 2014 SPECIAL TOWN BOARD MEETING**

Mr. Minoia moved to approve the October 3, 2014 Special Town Board Meeting minutes as presented.

Seconded by Mr. Dumian.

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

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from Governor Cuomo's office regarding the tax cap.

**PUBLIC COMMENTS:**

None.

**REPORT: SUPERVISOR'S OFFICE**

Refer to written report.

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**REPORT: TOWN CLERK**

Refer to written report.

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Highway Superintendent Brian Coddington reported that leaf pick-up has already begun, although it officially begins tomorrow, October 15. He reported that the stone and oil work on Town roads has been completed except for Woodcrest Way, which will be completed in 2015. Mr. Coddington stated that his department has been taking brush to Boland's for chipping. He added that the department replaced two drainage pipes, one on Kabanek Road and one on Gregory Road.

Mr. Coddington stated that the Town is awaiting monies from FEMA (Federal Emergency Management Agency) to install the three generators purchased by the Town. He stated that it will cost approximately \$15,000 each to install the generators, and inquired whether the Board wanted to consider spending the money and being reimbursed by FEMA when the monies become available. Mr. Bullock asked if the Town can pursue the FEMA money and Mr. Finch stated that he will ask Town Engineer John Mastronardi to contact FEMA regarding this funding. Mr. Francisco stated that the Town Hall should be the top priority for installation of the generators. The other two will be at the Community Center and at the Highway Garage.

**REPORT: WATER AND SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom DeLamarter reported that both water tanks have been inspected by a diver. The inspections showed a need for expansion of the cathetic protection in the Stewart Road water tank, which he added will cost \$6,000 to \$7,000. Mr. DeLamarter requested authorization to advertise the flushing of Town hydrants, which will take place between 10:00 P.M. and 1:00 A.M. November 3 through 14, 2014.

Mr. DeLamarter reported that he met with representatives from Fred A. Cook, Inc., which is the company that will be cleaning and testing the municipal sewer lines, beginning probably in November. He added that the Binghamton-Johnson City Joint Sewage Treatment Board has made this a requirement. Mr. DeLamarter added that the cost will add another \$25,000 to what the Town already owes the Joint Sewage Board. Mr. Francisco asked about the upgrade needed to the City of Binghamton sewage lines, estimated to cost approximately \$950,000. Mr. Finch replied that this project will be done in the spring of 2015, and added that there will be no charge to the Town of Conklin.

Mr. Bullock asked if the seeding and maintenance of the Little League Field has been completed and Mr. DeLamarter replied that it is complete.

**OLD BUSINESS:**

**UPDATE/FLOOD BUYOUT PROGRAM**

Mr. Finch reported that there are two property owners who have not yet provided necessary information to proceed with the Buyout Program. He wants to enact a resolution setting a deadline of December 1, 2014, for these two property owners to either sign the necessary paperwork or be removed from the program. He stated that 14 of the properties have had closings and are awaiting demolition.

Mr. Minoia asked about the deadline, stating that he believed it to be December 31. Ms. Sacco explained that the deadline to which he is referring is the deadline set by FEMA for completion of the demolitions, which she added has been extended to June 30, 2015, rather than the deadline for the two property owners to sign the needed paperwork, which was the deadline to which Mr. Finch was referring.

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Mr. Minoia asked if the appraisals, which were completed by an independent appraiser, take into consideration any flood insurance payments, and if so, does the flood insurance payment nullify the property from meeting FEMA qualifications. Assistant to the Supervisor Lisa Houston, who has been working on the Buyout Program, stated that in some cases this happens. Ms. Sacco reminded those present that SEMO (State Emergency Management Office) must approve all applications, adding that it is not a decision that the Town can make.

Mr. Dumian asked if there is a timeline for demolition of the properties which have had their closings completed. Mr. Finch replied that the company conducting the air monitoring has been contacted and is working with the two construction companies handling the demolitions, Gorick Construction and ZMK Construction. Ms. Houston added that the Town must wait until the demolitions are completed and the contractors paid before the Town receives reimbursement from SEMO. Mr. Dumian asked if there is a penalty for missing the deadline for completion of demolitions, and Ms. Sacco replied that she has "no clue."

**RESO 2014-152: APPROVE SETTING DEADLINE/DECEMBER 1, 2014/CURRENT ENROLLED BUYOUT PROPERTY OWNERS/MUST PROVIDE REQUIRED PAPERWORK TO BE CONSIDERED AS PARTICIPANTS IN PROGRAM**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves setting a deadline of December 1, 2014, for current enrolled Buyout property owners to provide to the Town of Conklin required application paperwork in order to be considered in the Hazard Mitigation Project Number 4020-0017. After said date, non-compliant property will be dropped from the Buyout Program.

Seconded by Mr. Francisco.

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

**UPDATE/DOG CONTROL OFFICER**

Mr. Finch reported that the Town of Binghamton has agreed to hire the current Dog Control Officer, Tarah Tripp, full-time and share the cost 50-50 with the Town of Conklin. The Town of Conklin will pay \$14,000 per year plus mileage. The contract period is January 1 through December 31, 2015.

**UPDATE/CODE OFFICER**

Mr. Finch reported that Mr. Bullock and Mr. Francisco have one more interview to conduct for the position of Code Officer.

**RISING COMMUNITY GRANT PROJECTS**

Mr. Finch stated that he is concerned that he has had no further word on any of the Rising Community Grant Projects since representatives from the Rising Community Grant Committee attended the September 23 Town Board meeting.

**RENTAL RATES/COMMUNITY CENTER, PARK PAVILIONS, AND POOL**

Mr. Finch reminded the Board that the new proposed rental rates for the Community Center, park pavilions, and Town Pool will be discussed at the Work Session on October 28, prior to the Regular Town Board Meeting.

**NEW BUSINESS:**

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**RESO 2014-153: APPROVE TOWN JUSTICE/APPLY FOR 2014-2015 JUSTICE COURT ASSISTANCE PROGRAM GRANT**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Town Justice J. Marshall Ayres to apply for the 2014-2015 Justice Court Assistance Program (JCAP) Grant, with the grant award amount to be determined by the New York State Unified Court System Board.

Seconded by Mr. Minoia.

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

**RESO 2014-154: ACCEPT DONATION/WILLIAM WELKER/FIELD USE/GIRLS' SOFTBALL GAME**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation, account code A2705, in the amount of \$125.00 from William Welker for field use for a girls' softball game.

Seconded by Mr. Dumian.

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

**RESO 2014-155: RATIFY ACH PAYMENT/PITNEY BOWES/METERED POSTAGE REFILL**

Mr. Dumian moved for the following resolution:

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

Seconded by Mr. Minoia.

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

**RESO 2014-156: SCHEDULE PUBLIC HEARING/6:05 P.M. OCTOBER 28, 2014/ 2015 MUNICIPAL WATER & SEWER BILLING RATES**

Mr. Francisco 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 October 28, 2014, to receive input regarding the proposed 2015 Municipal Water and Sewer Billing Rates.

Seconded by Mr. Dumian.

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

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**RESO 2014-157: SCHEDULE PUBLIC HEARING/6:15 P.M. OCTOBER 28, 2014/**  
**2015 GENERAL & HIGHWAY BUDGET/TOWN OF CONKLIN**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 6:15 P.M. on October 28, 2014, to receive input regarding the proposed 2015 General and Highway Budget for the Town of Conklin.

Seconded by Mr. Minoia.

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

**RESO 2014-158: SCHEDULE PUBLIC HEARING/6:25 P.M. OCTOBER 28, 2014/**  
**2015 FIRE PROTECTION CONTRACT**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 6:25 P.M. on October 28, 2014, to receive input regarding the proposed 2015 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

Seconded by Mr. Francisco.

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

Mr. Finch noted that the Fire Department had re-adjusted its budget and has decreased the proposed cost of the fire protection contract by \$2,000.00.

**RESO 2014-159: APPROVE PAYMENT/BILL LIST/\$53,089.98**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List in the total amount of \$53,089.98:

General	\$28,029.30
Highway	9,271.83
2011 Flood Emergency	1,560.00
Light Districts	669.89
Sewer District	7,654.36
Water District	<u>5,904.60</u>
<b>Total</b>	<b>\$53,089.98</b>

Seconded by Mr. Francisco.

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

**PUBLIC COMMENTS:**

None.

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**EDMUNDS & ASSOCIATES SOFTWARE PROGRAM FOR CODE AND PERMITS**

Assistant to the Supervisor Lisa Houston presented information to the Board regarding a software program available from Edmunds and Associates that organizes Town Code and building permit information. This software would link to the Water and Sewer software program that the Town currently uses. Ms. Houston stated that the Town would be interested in purchasing the Code and Accounts Receivable programs. She stated that the cost would be \$6,500, and added that maintenance fees, which would begin in 2016, would cost \$1,200 per year. Ms. Houston explained that the software would schedule the mandatory annual fire and safety inspections automatically. Mr. Finch stated that the Town should look at its building permit rates, particularly for industrial buildings. Mr. Dumian asked if the program includes 28 hours of training and Ms. Houston stated that there are tutorials, which she would work out with the Town's IT provider, BlueStorm Technologies. Ms. Houston stated that, including the proposed program, it will cost the Town \$10,850 per year to maintain all of its software programs, including payroll. Mr. Francisco asked if this program will be linked to Broome County and so would allow the County access to the Town's records and Mr. Finch explained that the new software would only link to the County's GIS maps.

**RESO 2014-160: APPROVE PURCHASE/EDMUNDS & ASSOCIATES SOFTWARE PROGRAM FOR CODE AND PERMITS AND ACCOUNTS RECEIVABLES**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the purchase of a software program from Edmunds and Associates to organize and maintain Code, Permits, and Accounts Receivable information, at a cost of \$6,500.

Seconded by Mr. Francisco.

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

**CODE ISSUES**

Mr. Bullock asked about an ongoing Code issue on Cherry Drive and Mr. Finch stated that Code Officer Robert Jones had written a letter to both the property owner and her son, who is doing the work, advising them that the building permit will soon expire and no progress has been seen, and that they have 20 days in which to make some progress. Mr. Bullock also asked that Mr. Jones check on the Parker property at 2010 Conklin Road for Code compliance.

Mr. Minoia asked about the garbage on Millburn Drive and why it is still there. He stated that it was stated in the Town Board minutes that "No Dumping" signs would be installed and to date have not been installed. He stated that a letter should be sent to the New York State Department of Transportation asking that the area be gated off and signage installed. "I don't know – why don't you call the D.A.?" asked Mr. Finch. "The Town doesn't own that property." "What kind of question is that?" responded Mr. Minoia. "You're the Supervisor."

**MEALS ON WHEELS AT THE COMMUNITY CENTER**

Mr. Finch stated that Meals on Wheels will continue to operate out of the Maines Community Center in 2015, even though coordinator Tom Edmister is retiring.



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**RESO 2014-161: EXECUTIVE SESSION/CODE OFFICER POSITION**

Mr. Dumian moved to close the Regular Town Board Meeting and move into Executive Session at 6:43 P.M. to discuss the Code Officer position.

Seconded by Mr. Bullock.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 6:43 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Minoia, Mr. Dumian, Mr. Francisco, and Attorney Cheryl Sacco. Ms. Sacco assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.

**RESO 2014-162: RE-OPEN REGULAR TOWN BOARD MEETING**

After this discussion, Mr. Dumian moved to close the Executive Session and re-open the Regular Town Board Meeting at 7:05 P.M. No action taken.

Seconded by Mr. Francisco.

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

There being no further business to come before the Board, Mr. Dumian moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:05 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk