

**WORK SESSION**  
**NOVEMBER 22, 2016**

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on November 22, 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
	Secretary to the Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Bill Gorman
		Laurie Francisco
		John Colley
		LeRoy Jenkins
		Christine Scott

**TUZZE/SALT DISTRIBUTION FACILITY ACCESS**

Mr. Dumian stated that he met with Mr. Joseph Tuzze regarding a different access route to Mr. Tuzze's salt distribution facility, adding that Ocean Steel has denied access to Mr. Tuzze to utilize Ocean Steel's driveway as an access route. He added that the option that has been discussed of using Progress Parkway is not a good solution. Mr. Dumian stated that he "commends Joe Tuzze for his efforts," adding that Mr. Tuzze is "willing to spend money to help" find a solution to the issue of truck traffic on Hardie Road.

The proposed solution would direct truck traffic from Corporate Drive to a road to be constructed between GearCor and Truck 1, with the road built to Town of Conklin specifications. Mr. Dumian stated that Mr. Tuzze has a road agreement with both companies and a verbal agreement with a private property owner to grant an easement. A culvert would be required for the construction of this road, which Mr. Tuzze has agreed to maintain. Town Attorney Cheryl Sacco stated that the Town has three options if it takes the one parcel of property through Eminent Domain: Abandon the road after seizing the property through Eminent Domain; consider it to be a seasonal road; or accept it as a Town of Conklin Road, extending Progress Parkway to Hardie Road and utilizing a Road Use Agreement. Ms. Sacco recommends this last situation, adding that immediately abandoning a property taken through Eminent Domain is a poor practice and projects an unfavorable perception of the Town. Mr. Finch asked about the vacant land and Ms. Sacco stated that her firm has attempted to contact the owner, an international company, and has received no response. She asked if she should look for the company through the Department of State. Mr. Dumian clarified that this reference is to thirty or forty feet of property not owned by the BCIDA (Broome County Industrial Development Agency). He added that there will be no PILOT (Payment In Lieu Of Taxes) agreement involved. Mr. Dumian stated that this is a "great option," adding that the Town needs to "do things properly."

Mr. Francisco asked what was being abandoned and Ms. Sacco stated that she was referring to the possible abandonment of property just taken under Eminent Domain, adding that abandonment would mean no maintenance costs for the road to the Town. She stated that the potential road would be an extension of an existing road, Progress Parkway. Mr. Francisco asked to see a sketch of the proposal. Mr. Bullock asked if the proposed road would connect to

**WORK SESSION**  
**NOVEMBER 22, 2016**

Progress Parkway and Mr. Dumian stated that it would do so. Ms. Sacco stated that this proposal will “open up a landlocked property.”

Mr. Boyle stated that Mr. Tuzze wants to add municipal water and sewer. Mr. Francisco asked if the driveway on Hardie Road would still be utilized and Mr. Dumian stated that it will still be open but added that Mr. Tuzze is trying to alleviate the problems. He stated that Mr. Tuzze also wants to expand his operation. Ms. Sacco added that Mr. Tuzze has not presented a new site plan to the Planning Board. Mr. Dumian stated that Mr. Tuzze is willing to present a new site plan. Mr. Finch added that the area in question is zoned Industrial (“and has been since 1947,” added Mr. Dumian). Mr. Dumian stated that this is a way to “expand the tax base, and at one business owner’s expense,” citing it as an example of working with residents and business owners.

**CREDIT CARD USE POLICY**

Ms. Sacco distributed copies of a proposed Credit Card Use Policy for the Town Board’s consideration. Secretary to the Supervisor Lisa Houston explained that the Town has two store credit cards, one for Home Depot, which Public Works Superintendent Tom DeLamarter uses, and one for Lowe’s, which Highway Superintendent Brian Coddington uses. Both cards, she stated, have a limit of \$2,500. Ms. Houston stated that the Town’s practice has been to not allow issuance of bank credit cards for Town use.

Discussion was held concerning Section III of the Policy, specifically Section B-4, making the limit \$1,000 instead of the suggested \$500, which would make the purchase order limit consistent with the Town’s Procurement Policy. Ms. Houston stated that the cards are currently set up with various people on the user list. Ms. Sacco suggested that Section B-1 would read “restricted to Department heads” and Section B-4 would read “not to exceed \$1,000,” since a Purchase Order is currently required for any purchase over \$1,000. Mr. Dumian stated that he is “not ok with having additional cards. It is not a good situation.” Highway Superintendent Brian Coddington stated that the store credit cards are only necessary because Home Depot and Lowe’s will not allow the Town to create an account. Mr. Francisco stated that bills should be mailed to the Town, not to individual homes.

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 22, 2016**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on November 22, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided.

<b>PRESENT:</b>	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Secretary to the Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Conklin Vol. Fire Dept.	Bill Gorman
		Laurie Francisco
		John Colley
		LeRoy Jenkins
		Christine Scott

**MINUTES: NOVEMBER 9, 2016 WORK SESSION & REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to approve the November 9, 2016 Work Session and Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from New York State providing information regarding assistance with paying for heating oil. He stated that he has the telephone number if anyone needs it.

**PUBLIC COMMENTS:**

**CODE ISSUES**

Christine Scott of Powers Road discussed several Code issues. She stated that the house across from hers, 600 Powers Road, is a “dump,” with unregistered cars, rats, and garbage. She stated that the property has been abandoned. She also stated that her mother, who also lives on Powers Road, has to look at “a dump truck full of garbage and rats,” which she stated belongs to Jeff Finch. Ms. Scott stated that she has gotten “no response from Code” when complaints were raised.

Ms. Scott stated that she wanted to allow relatives to stay in a camper on her property for a month, but was told by Code that she could not do this. “But you can put a trailer in a field on Boyle Boulevard? How is that legal?” she asked Councilman Boyle. “It is legal,” stated Mr. Boyle. Ms. Scott replied, “The politics in this house are not right.” Mr. Boyle stated that he is planning on putting a second trailer on his property on Boyle Boulevard, which he stated “is legal if you have a separate parcel.” Mr. Dumian stated that the Board is re-visiting the Code, adding that Ms. Scott should have been able to use her camper for her guests.

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 22, 2016**

Ms. Scott also stated that she wanted to get a pig and a lamb, but the Code officer told her she could not have these animals because her property is zoned Residential (R15). Mr. Dumian stated that these types of animals are not currently allowed in an area zoned R15, but added that the Board is reviewing this law.

**THANK YOU TO HIGHWAY DEPARTMENT**

John Colley of Millburn Drive thanked Highway Superintendent Brian Coddington and his crew for the excellent job they did clearing his road after the snowstorm.

**OLD BUSINESS:**

**UPDATE/RISING COMMUNITY GRANT**

Mr. Finch stated that he had a meeting with representatives from the Rising Community Committee and a grant has been approved to move the Community Center. He stated that the Town is considering the area near the County solar farm, adding that the BCIDA would sell the Town five acres at a cost of \$20,000 per acre. He added that the area has a small wetland. Mr. Finch asked if the Board wants to move forward with this proposal. "I'm not sure that's a great place," stated Mr. Dumian. Mr. Finch stated that the dirt removed from the construction of the Community Center would be used for the proposed evacuation route. Mr. Dumian asked about the property belonging to the Katherine and Nelson Wright estate and Mr. Finch stated that the Town "can't get a clean deed." Mr. Bullock asked about the property near Team World and Mr. Finch stated that this property is "too expensive."

**BOYLE BOULEVARD**

Ms. Sacco stated that Highway Superintendent Brian Coddington needs to accept Boyle Boulevard, with a road length of .34 mile, into the Town of Conklin road inventory so that it is included in the CHIPS (Consolidated Highway Improvement Program) funds. She added that the Town already maintains this as a Town road, although it is a road by use not by deed. She stated that Mr. Boyle would deed over his part of the road, but Mr. Dennis States, who owns a portion of the road, is not willing to deed over his portion of the road to the Town.

**RESO 2016-173: ACCEPT BOYLE BOULEVARD INTO TOWN OF CONKLIN ROAD**  
**INVENTORY**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts all legal, maintenance, and repair of Boyle Boulevard, a length of roadway of approximately .34 mile running from Calabrisi Road to the dead end of Boyle Boulevard, and thus accepts Boyle Boulevard into the Town of Conklin Road Inventory.

Seconded by Mr. Francisco.

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

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 22, 2016**

**OUTSTANDING LEGAL PROJECTS**

Ms. Sacco asked if the Town Board wants indemnification from Dick's Warehouse Outlet that there will be no financial obligation to the Town if the 65 jobs Dick's has promised to create as part of the requirement for the CDBG (Community Development Building Grant) are not created. The Board stated that the agreement is acceptable the way it is.

Ms. Sacco stated that the following projects are still outstanding and in need of closure: the Time Warner Cable franchise agreement; the Notice to Neighbors law; the Professional Fees and Fees and Fines legislation; and the "Chicken Law." Mr. Dumian asked if the timeframe for the Time Warner Cable franchise agreement is twenty years, and Ms. Sacco stated that the cable company and the Town are in opposition as to what each party wants from the agreement. She asked if the Town wants high speed Internet, security, television, or telephone as part of its requirement. Mr. Francisco stated that he thinks the Town should seek high speed Internet for the Town Hall, Community Center, Highway Garage, and Sewer Stations. The Board will make a prioritized list of its requirements.

Mr. Francisco stated that the Notice to Neighbors legislation has been stalled "because there is no agreement between the Planning Board and the Zoning Board of Appeals." Ms. Sacco replied that the Town Board makes the decision regarding this local law, not the Planning Board or Zoning Board of Appeals. Mr. Finch commented that the law is being revised to save mailing costs and man-hours.

**NEW BUSINESS:**

**RESO 2016-174: ADOPT CREDIT CARD USE POLICY**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin adopts the proposed Credit Card Use Policy as amended in the Work Session earlier this evening, November 22, 2016.

Seconded by Mr. Francisco.

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

**RESO 2016-175: RATIFY PAYMENT/U.S. POSTAL SERVICE/4<sup>TH</sup> QUARTER WATER & SEWER BILLING POSTAGE**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #11582, account code SW8310.4, in the amount of \$306.00 to the U.S. Postal Service for postage for the 4<sup>th</sup> Quarter Water and Sewer billing.

Seconded by Mr. Finch.

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

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 22, 2016**

**RESO 2016-176: AUTHORIZE PAYMENT/BILL LIST/11-22-2016/\$25,692.62**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List dated November 22, 2016, in the total amount of \$25,692.62:

General	\$ 15,831.25
Highway	3,595.56
Light Districts	468.36
Sewer District	4,656.73
Water District	<u>1,140.72</u>
<b>Total</b>	<b>\$ 25,692.62</b>

Seconded by Mr. Dumian.

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

**RESO 2016-177: RATIFY PAYMENT/PHILIP GUIDICI/d/b/a PHIL GUIDICI**  
**PLASTERING/PLASTER REPAIR/TOWN HALL FRONT STAIRS**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #11616, account code A 1620-4-401, in the amount of \$1,500.00 to Philip Guidici, d/b/a Phil Guidici Plastering, for payment of Purchase Order #16-01636 for plaster repair of the Town Hall front steps.

Seconded by Mr. Bullock.

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

**RESO 2016-178: ACCEPT RESIGNATION/JAMES FINCH/TOWN SUPERVISOR**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of James Finch from the position of Town Supervisor, effective December 30, 2016.

Seconded by Mr. Francisco.

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

**PUBLIC COMMENTS:**

None.

**FINANCIAL CONCERNS**

Mr. Bullock questioned the cost of \$190 for Burke Pest Control to set mousetraps at the Community Center, stating that Town employees could have done that task. He also stated that

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 22, 2016**

he thinks the handicapped access portable toilet, which costs \$180 per month, at the Dog Park should be replaced with a standard portable toilet for a cost of \$90 per month. Mr. Dumian stated that the Town received complaints when the handicapped access toilet was removed previously and replaced with a standard toilet.

**BLACKTOP CONCERNS**

Mr. Boyle stated to Mr. Coddington that the blacktop is peeling on Scofield and Calabrisi Roads. Mr. Coddington responded that he is negotiating with the supplier regarding this problem.

**PETITION/R15 ZONING RETURNED TO AGRICULTURAL ZONING**

Mr. Boyle stated that he has been collecting signatures on a petition to return some areas of the Town from the current R15 (Residential 1 or 2 Family) zoning to Agricultural zoning, which he stated was the status prior to 1974. Mr. Boyle stated that in 1974, the area in question was re-zoned R15, as Town planners “forecast a population of 50,000.” Ms. Sacco stated that re-zoning would need to be done via local law, with affected street addresses, sent to the Planning Board for review and to the County via Form 239, for County input. She stated that the Board must make sure it is not spot zoning. The area to be re-zoned must touch a current Agriculturally zoned district. Mr. Finch stated that Mr. Boyle should canvass the outlying areas to see if there is widespread interest in re-zoning. Mr. Dumian stated that the Town still needs a “Chicken Law,” and asked if this would be an Agricultural District designation from Broome County. Ms. Sacco stated that this is not the case, adding that a property owner cannot receive a tax reduction by obtaining a designation of Agricultural District if the Town zoning does not allow Agricultural zoning in that particular area. Mr. Dumian stated that an informational meeting for the public needs to be held prior to any Public Hearing or change to the local law. Mr. Finch stated that the Town of Conklin only needs two zoning designations – Agricultural and Industrial/Commercial, as he stated the Town of Windsor is structured. Mr. Francisco asked if there would be a minimum acreage requirement for an Agricultural zoning and Mr. Boyle stated this would not be a requirement. Ms. Sacco stated that minimum acreage should be considered, along with adherence to the Comprehensive Plan for the Town. Mr. Dumian stated that the Board has also received complaints about poultry and livestock in residential areas, adding that the Board needs to “balance concerns.” Ms. Sacco reiterated that there can be no spot zoning, adding that it is not the size of the parcel that matters as much as the intensity of use and density of population. She suggested the utilization of a land use planner.

**COMMUNITY CHILDREN’S PARTY**

The Community Children’s Party will be held on December 17 from 1 to 3 P.M. at the Community Center, and the Tree Lighting will be held on December 3 at 5 P.M. at the Town Hall. Mr. Dumian proposed that the Town pay for 200 small bottles of water and four pizzas for the Children’s Party and two containers of donut holes for the Tree Lighting. He stated that there is approximately \$600 left in the Celebrations Budget line.

**LIGHTS**

Mr. Francisco stated that NYSEG (New York State Electric and Gas Corporation) still needs to fix a street light on MacGeorge Avenue. He stated that the light behind the Town Hall has been repaired and added that he is researching pricing on a motion light to install over the exterior door by the Town Justice’s office.

**REGULAR TOWN BOARD MEETING**  
**NOVEMBER 22, 2016**

Mr. Francisco also stated that some money should be set aside in the 2017 Budget to replace plantings in front of the Castle that were inadvertently damaged during the repair work.

**TOWN OF CONKLIN EMPLOYEE PARTY**

Town Clerk Sherrie Jacobs asked the Board when they would like to schedule the Town of Conklin Employee Party and they chose December 14 from 1 to 3 P.M.

**SALES TAX REFUND**

Mr. Finch stated that the Town may be receiving a sales tax refund of approximately \$37,000, but is unsure, as this is being renegotiated at the County level between the County Executive and the County Legislature.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:00 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk