

REGULAR TOWN BOARD MEETING

DECEMBER 8, 2015

The Town Board of the Town of Conklin held a Regular Town Board Meeting on December 8, 2015, at 6:00 P.M. at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Bullock, Boyle, Dumian, Francisco, Finch

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Public Works Superintendent	Tom DeLamarter
Assistant to Supervisor	Lisa Houston
Highway Superintendent	Brian Coddington

GUESTS: **Country Courier**

Elizabeth Einstein
Angelo N. Tolomei
Bonnie Tolomei
Laurie Francisco
John Clark
Jim Clark
Tom Kelly
Bill Osborne

MINUTES: NOVEMBER 19, 2015 WORK SESSION & REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the November 19, 2015 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. Mr. Bullock added that Town Clerk Sherrie Jacobs “did a great job” on preparing the extensive minutes.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from William Northwood, Chairman of the Zoning Board of Appeals.

PUBLIC COMMENTS:

WATER PROBLEM/YAGER'S BODY SHOP

Jim Clark of Yager's Body Shop stated that there is a problem with rusty water at Yager's Body Shop. He stated that his current driveway at the shop was originally "Pioneer Drive," and so may belong to the Town. Mr. Clark stated that the lateral water line is "full of rust, probably from the 2006 Flood." Mr. DeLamarter asked whether the Town can legally dig up the lateral line, depending upon whether the property on which it is located belongs to the Town or is privately owned. Mr. Bullock asked the location of the curb box and Mr. DeLamarter replied that it is located near Conklin Road. He added that there is no shut-off near the old Conklin Auto store. Town Attorney Cheryl Sacco asked if the driveway is a private road or a Town road. Mr. DeLamarter stated he believes it to be either a New York State road or a Broome County road, but not a Town of Conklin road. Ms. Sacco stated that research will be required, cautioning the

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Town to be careful of “gifting,” especially if the property is private and the water line is therefore Mr. Clark’s responsibility. Mr. Francisco stated that a water service provides water for the body shop and for houses that were on that stretch of road before they were demolished following the 2006 Flood. Ms. Sacco stated that if the roadway is public, repair of the water line is the responsibility of the Town. Mr. DeLamarter stated that the lateral line must be made of galvanized pipe all the way to the hydrant, explaining that if it were made of copper or PVC, there would be no rust. He also explained that the customer assumes the cost of the line from the shut-off junction with the main line. Ms. Jacobs will research Town records to see if there is any formal acceptance of “Pioneer Drive.”

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: CODE OFFICER

Refer to written report.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom DeLamarter reported that there was a burial at Shawsville Cemetery last week, with 88-year-old Harry Kalagian digging the grave.

Mr. DeLamarter reported that only one bid was received for the camera work on the sewer system, adding that the Board awarded the contract to Fred A. Cook, but Code Officer Ron Lake had requested a pre-project meeting and had received no response. Ms. Sacco stated that there is no binding contract between the Town and Fred A. Cook. She stated that Mr. Lake will send a letter to Fred A. Cook informing the company that the project will be re-bid in the spring of 2016.

Mr. DeLamarter reported that the leachate at the Town Landfill had been tested and released to the sewer system. He stated that the Shumaker report was good, with only six recommendations. Mr. DeLamarter reported that the Landfill was not tested during the Fourth Quarter because the testing was waived.

Mr. DeLamarter reported that the 2008 GMC truck needs a fuel line and brakes repaired, at a cost of approximately \$3,000. He stated that the truck has 35,000 miles on it and cost \$49,000 to purchase, adding that it is expensive to repair and parts are hard to obtain. Mr. DeLamarter stated that it is currently worth \$33,000. He suggested that the Town remove the storage box and sell the truck and purchase a replacement. Mr. Finch stated that the Town should check the New York State Bid List for prices for a 2016 truck. Ms. Sacco stated that the Town could consider utilizing Auctions International to sell the truck, which must first be declared surplus. Mr. Dumian suggested getting a price estimate, adding that it is a good idea if the Town can get money from sale of the 2008 GMC. He agreed that the box should be removed and added to the new truck. Mr. Boyle asked if the new truck would be purchased with cab and chassis specified and Mr. DeLamarter replied that he purchased the Ford truck that way. Assistant to the

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Supervisor Lisa Houston asked if the Town would pull the plates on the GMC truck if it is declared surplus and Ms. Sacco advised leaving the truck useable. Mr. Finch stated that the Town will wait until January 2016 to move forward on this project.

RESO 2015-209: DECLARE 2008 GMC TRUCK SURPLUS EQUIPMENT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin declares the 2008 GMC truck surplus equipment.

Seconded by Mr. Dumian.

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

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Brian Coddington stated that his department has completed the leaf pick-up for the year and is prepared for winter weather when it arrives.

OLD BUSINESS:

DISCUSSION/NUMBER OF MEMBERS/ZONING BOARD OF APPEALS

Mr. Francisco opened the discussion regarding the number of members on the Zoning Board of Appeals by stating that he had met with Bill Northwood, Chairman of the ZBA. The ZBA originally was comprised of seven members, with one member resigning and another member passing away. Discussion ensued regarding the number of people to be appointed to the ZBA, whether to keep it at seven or reduce the number to five. Another suggestion was to have a five member board with an alternate. The alternate would be required to attend all necessary training, and all meetings, sitting in the audience unless needed. Mr. Bullock asked if this would mean a sixth person on the payroll and Mr. Francisco stated that this would be the case.

In a letter addressed to the Town Board, Mr. Northwood stressed the need for a supermajority (odd number) as a tie-breaker. Ms. Sacco stated that a local law would be required to change the number officially, and perhaps a Form 239 from Broome County. Mr. Francisco commented that if the number is reduced to six, the Board cannot restore it to seven members in the future. Mr. Finch stated that the ZBA only held three meetings last year. Mr. Boyle stated that the Planning Board has five members plus an alternate. Mr. Francisco stated that Renee Hauss serves as Secretary to both the Planning Board and to the ZBA and could perhaps be considered as an alternate, adding that an alternate Secretary would be needed.

Mr. Dumian favored having a five member board plus an alternative. Ms. Sacco stated that with a five member board, three would be required to hold a meeting and vote, with four required for a supermajority to override a negative Form 239. Mr. Bullock stated that he favors a seven member board, adding that “the history is seven.” Mr. Boyle asked why the Town could not return to a seven member board if needed, and Ms. Sacco replied that it is New York State law. Mr. Dumian stated that he favors either keeping it at seven or making it five plus an alternate. He stated that it is not about the cost, but about making sure people appointed to the boards are

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committed to serving on them. Ms. Sacco recommended advertising for the two open positions to see what the interest level is among the residents.

RESO 2015-210: ADVERTISE/COUNTRY COURIER/PRESS & SUN
BULLETIN/TOWN WEBSITE/TWO OPEN POSITIONS/ZBA

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin advertises in the **Country Courier**, the **Press and Sun Bulletin**, and on the Town of Conklin website for the two open positions on the Zoning Board of Appeals, with applications due by January 31, 2016.

Seconded by Mr. Francisco.

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

Ms. Sacco will draft the advertisement. Mr. Finch, Mr. Francisco, and Mr. Northwood will interview the applicants. Any appointees would need to complete all of the necessary training.

MEETING ROOM IN CASTLE

Mr. Finch stated that the new carpet will be installed in the meeting room in the Castle on December 16. He thanked Mr. Bullock for painting the room and thanked Nick Platt and Colin Casey of the Parks/Water & Sewer Department for replacing the ceiling tiles.

NEW BUSINESS:

PROPERTY UPDATES

Mr. Finch stated that the Broome County Industrial Development Agency (BCIDA) is clearing land in the Corporate Park near Rogers Trucking in an attempt to ease the problem with the retention pond behind Ardagh Corporation. The DEC (New York State Department of Environmental Conservation) has deemed the retention pond non-functional.

Mr. Francisco stated that Broome County is clearing the lot near the former Dino's Bar and Grill, adding that the lot was sold to Mr. Rossi.

RESO 2015-211: RATIFY PAYMENT/U.S. POSTAL SERVICE/4TH QUARTER WATER
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 #10071, account code SW8310.4, in the amount of \$315.00 to the U.S. Postal Service for postage for the 4th Quarter Water Billing.

Seconded by Mr. Dumian.

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

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RESO 2015-212: APPROVE 2016 HOLIDAY SCHEDULE & TENTATIVE TOWN
BOARD MEETING SCHEDULE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following 2016 Holiday Schedule and tentative Town Board meeting schedule:

2016 HOLIDAY SCHEDULE

January 1, 2016 (Friday)	New Year's Day
January 18, 2016 (Monday)	Martin Luther King Day
February 15, 2016 (Monday)	Presidents Day
March 25, 2016 (Friday)	Good Friday
May 30, 2016 (Monday)	Memorial Day
July 4, 2016 (Monday)	Independence Day
September 5, 2016 (Monday)	Labor Day
November 11, 2016 (Friday)	Veterans Day
November 24, 2016 (Thursday)	Thanksgiving
November 25, 2016 (Friday)	Day After Thanksgiving
December 26, 2016 (Monday)	Observation of Christmas Day

2016 TENTATIVE TUESDAY BOARD MEETINGS

January 12, 2016	January 26, 2016
February 9, 2016	February 23, 2016
March 8, 2016	March 22, 2016
April 12, 2016	April 26, 2016
May 10, 2016	May 24, 2016
June 14, 2016	June 28, 2016
None	July 26, 2016
None	August 23, 2016
September 13, 2016	September 27, 2016
October 11, 2016	October 25, 2016
November 8, 2016	November 22, 2016
December 13, 2016	December 27, 2016

Seconded by Mr. Francisco.

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

RESO 2015-213: AUTHORIZE SUPERVISOR/MAINTAIN CHECKING & SAVINGS
ACCOUNTS/NBT BANK/FOR GENERAL ACCOUNT, PAYROLL & TRUST &
AGENCY ACCOUNT, & WATER & SEWER ACCOUNT/2016

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to maintain checking and savings accounts at NBT Bank for the General Account, the Payroll/Trust & Agency Account, and the Water and Sewer Account for 2016.

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Seconded by Mr. Dumian.

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

RESO 2015-214: AUTHORIZE SECRETARY TO SUPERVISOR/& ACCOUNT CLERK/TRANSFER FROM VARIOUS TOWN CHECKING ACCOUNTS TO PAYROLL & TRUST & AGENCY ACCOUNT/COVER 2016 PAYROLL

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Lisa Houston, Secretary to the Supervisor, and Mary Plonski, Account Clerk, to transfer from various Town of Conklin checking accounts to the Payroll/Trust and Agency Account to cover 2016 bi-weekly amounts only by approval.

Seconded by Mr. Francisco.

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

RESO 2015-215: DESIGNATE COUNTRY COURIER AS OFFICIAL NEWSPAPER/PRESS & SUN BULLETIN AS ADDITIONAL NEWSPAPER

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates the **Country Courier** as the Official Newspaper of the Town and the **Press & Sun Bulletin** as additional newspaper for 2016 when determined necessary by the Town Board.

Seconded by Mr. Bullock.

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

RESO 2015-216: AUTHORIZE HIGHWAY SUPERINTENDENT/USE HIGHWAY EQUIPMENT/2016/SPECIAL DISTRICTS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Highway Superintendent to use Highway equipment in 2016 in the Water Districts, Sewer Districts, Fire Protection District, Soil Conservation District, and in the Town Parks.

Seconded by Mr. Bullock.

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

RESO 2015-217: AUTHORIZE TOWN BOARD MEETINGS TO CONTINUE BEING HELD 2ND TUESDAY AT 6 P.M. & 4TH TUESDAY AT 5:30 P.M. (WORK SESSION) AND 6 P.M. (BOARD MEETING)

Mr. Bullock moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Board meetings to continue to be held on the second Tuesday at 6:00 P.M. and on the fourth Tuesday at 5:30 P.M. (Work Session) and 6:00 P.M. (Board Meeting) in the Town Hall in 2016.

Seconded by Mr. Dumian.

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

RESO 2015-218: AUTHORIZE SHUT-OFF DATE FOR RECEIVING VOUCHERS/15TH & 30TH OF MONTH/PRIOR TO 1ST & 2ND MEETING OF FOLLOWING MONTH/2016

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a shut-off date for receiving vouchers as of the 15th and 30th of the month prior to the first and second meeting of the following month in 2016, with the exception of the last month of the Town of Conklin's fiscal year.

Seconded by Mr. Dumian.

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

RESO 2015-219: SET BI-WEEKLY PAY PERIODS TO RUN CONCURRENTLY FROM SATURDAY THROUGH FRIDAY

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets bi-weekly pay periods to run concurrently from Saturday through Friday, with check and direct deposit to be distributed the following Thursday after end of pay cycle in 2016.

Seconded by Mr. Finch.

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

RESO 2015-220: APPROVE PAYMENTS/PRIOR INSPECTED 2016 PARK PERMIT & COMMUNITY CENTER RENTALS DEPOSIT REFUNDS

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payments of prior inspected 2016 Park Permit and Community Center rentals deposit refunds, account code A688, with Park Pavilion and Community Center rentals clean-up inspections performed by Thomas DeLamarter.

Seconded by Mr. Dumian.

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

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RESO 2015-221: APPROVE PAYMENTS/BANDS/CONCERTS IN THE PARK SERIES
2016

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payments to bands for the 2016 Concerts in the Park series as designated by Tom DeLamarter.

Seconded by Mr. Boyle.

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

RESO 2015-222: AUTHORIZE OFFICERS & EMPLOYEES TO RECEIVE
REIMBURSEMENT OF MILEAGE FOR USE OF PERSONAL VEHICLES FOR
PERFORMANCE OF THEIR DUTIES ON OFFICIAL BUSINESS ONLY

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the following officers and employees herein named to receive reimbursement of mileage for use of personal vehicles at the current IRS Standard Mileage Rate per mile for performance of their duties on official business only: Supervisor, Town Clerk, Zoning Board of Appeals members, Planning Board members, Town Historian, Town Justice, Secretary to the Supervisor, Town Assessor, Youth Commissioner, Parks and Water Department personnel, Code Department personnel, Town Board members, Justice Clerks, and Deputy Town Clerk.

Seconded by Mr. Francisco.

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

RESO 2015-223: AUTHORIZE PAYMENT/PRE-APPROVED CLAIMS/BILL LIST
DATED 11-24-2015/\$43,266.20

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved claims on Bill List dated November 24, 2015, in the total amount of \$43,266.20:

General	\$ 16,172.48
Highway	11,620.57
Fire Protection	446.72
Light Districts	2,595.36
Sewer Districts	1,683.98
Water Districts	7,430.09
Non-Budget	<u>3,317.00</u>
Total	\$ 43,266.20

Seconded by Mr. Boyle.

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

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RESO 2015-224: AUTHORIZE PAYMENT/PRE-APPROVED CLAIMS/
BILL LIST/\$37,702.01

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved claims on the Bill List for the total amount of \$37,702.01:

General	\$ 33,893.67
Highway	1,493.28
Sewer Districts	14.87
Water Districts	<u>2,300.19</u>
Total	\$ 37,702.01

Seconded by Mr. Dumian.

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

RESO 2015-225: AUTHORIZE MODIFICATION OF STATED FROM AND TO
BUDGET LINES/AS OF DECEMBER 8, 2015

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes modification of the stated from and to Budget lines, as of December 8, 2015 (see attached).

Seconded by Mr. Bullock.

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

LIGHTS AT CONKLIN VETERANS MEMORIAL

Mr. Francisco gave an update on the proposed lighting project at the Conklin Veterans Memorial. He stated that the Veterans Memorial Committee preferred the option of six individual lights plus one lighting the American flag, noting that the other proposal, of one large light, would leave the monument in darkness if that one light went out. The question was raised as to who would dig the trench for the lighting. Mr. Francisco stated that the Memorial Committee obtained a quote from AllPhase for labor, adding that it will cost \$625 for ditching. Mr. DeLamarter stated that he asked A.C. Spear for a quote as well. Mr. Francisco commented that the cost is at approximately \$3,590 so far, with only \$2,500 allocated for the project. Mr. Dumian asked about the cost of the six small lights and Mr. Francisco stated that an extra six lights would cost approximately \$400, adding that they are waterproof outdoor lights.

Mr. Francisco stated that the one current light on the American flag will be replaced with one that is “significantly brighter,” adding that the Committee will wait for the estimate from A.C. Spear before proceeding any further. Mr. Bullock asked if the Parks personnel can ditchwitch the trench and Mr. DeLamarter stated that they could do that, adding that it costs \$600 to rent a ditchwitch for one day. Mr. Dumian asked what A. C. Spear’s time line will be for providing a quote and Mr. DeLamarter stated that it will take “a couple of days.” Mr. Francisco stated that the Town will need to know the contractor’s schedule and availability.

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PUBLIC COMMENTS:

TUZZE SALT COMPANY

Mr. Bill Osborne of Hardie Road stated that Mr. Tuzze's salt trucks are running again, adding that he was recently "run out of the house with exhaust" from the trucks idling near Hardie Road. Mr. Finch stated that he will have Code Officer Ron Lake look at the situation. Mr. Osborne clarified that the trucks sit idling on Tuzze's property, near the entrance from Hardie Road.

CARLIN CREEK AT SCHNURBUSCH PARK

Mr. Bullock asked about the status of the clean out of Carlin Creek at Schnurbusch Park and Mr. Finch replied that he will check with Highway Superintendent Brian Coddington.

FIRST YEAR/DELL BOYLE

Mr. Boyle thanked the residents who had voted him into office, adding that the first year had been a learning experience, both positive and negative, and added that he hopes for more positives in 2016.

WATER SHUT-OFFS FOR DELINQUENT WATER BILLS

Mr. Dumian asked for an update on the legal ramifications of shutting off water service for delinquency in payment of water bills. Mr. Finch distributed a copy of the door tags to be placed at residences in danger of having the water service shut off, adding that Ms. Sacco had provided the legal language for the tags. Mr. Finch stated that delinquent customers are given a warning prior to a hearing being scheduled, as well as phone calls to try to collect the monies due. He stated that final notices will begin after the Second Quarter, noting that Mr. DeLamarter and a designee of the Town Board will be in attendance at the hearings. Mr. Dumian stated that there should be more than one designee and added that the shut-offs "should be done without prejudice," adding that the Town cannot shut off water service to the major offender. Ms. Sacco suggested that the Town Board discuss this policy further.

FREE INFORMATION BOOKLETS/UTILITIES

Mr. Francisco stated that New York State provides free booklets with consumer information regarding utilities, adding that he will order 25 or 30 for the Town Hall for distribution to residents.

CALLER I.D.

Town Clerk Sherrie Jacobs thanked the Board for its prompt action in having Caller I.D. added to her office phone, as well as to that of her Deputy Town Clerk.

HOLIDAY EVENTS

The Community Christmas Party will be held on December 12 from 1 to 3:30 P.M. at the Community Center. The Town Employee Party will be held on December 16 from 1 to 3 P.M. at the Town Hall. Mr. Finch will put an ad in the **Country Courier** wishing residents Happy Holiday wishes.

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There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:30 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk