

REGULAR TOWN BOARD MEETING
FEBRUARY 11, 2014

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on February 11, 2014, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
	Code Officer	Robert Jones
	Planning Board	Dell Boyle

GUESTS:	Country Courier	Elizabeth Einstein Laurie Francisco William Osborne, Jr. Ellen Osborne Bob Ronk John Colley Chris Kehoe William Osborne, Sr. Gary Whistle Rosemary Whistle Peter J. Motsavage Gary Huntley Joanne Huntley David Wagstaff
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MINUTES: JANUARY 14, 2014 REGULAR TOWN BOARD MEETING

Mr. Minoia moved to approve the January 14, 2014 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

MINUTES: JANUARY 28, 2014 REGULAR TOWN BOARD MEETING

The Town Board decided to hold over approval of the January 28, 2014 Regular Town Board Meeting minutes until the February 25 Town Board meeting.

COST OF PREPARATION OF UPDATE/TOWN OF CONKLIN COMPREHENSIVE
PLAN

Mr. Bullock stated that Mr. Finch had stated that the mandated update to the Town of Conklin Comprehensive Plan would cost the Town between \$4,000 and \$10,000 if it were completed by Broome County Planning Department. Mr. Finch replied that those figures are correct, adding that it will cost between \$500 and \$700 with the Town-appointed committee completing the work. Mr. Bullock distributed a memo from Broome County Planning Department which stated that “the cost to the municipality is \$4,000” (if the County was to complete the update).

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CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from Attorney Alan Pope and from the DEC (New York State Department of Environmental Conservation).

PUBLIC COMMENTS:

FLOOD INSURANCE INFORMATIONAL MEETING

Gary Whistle, an engineer and resident of Conklin, stated that his company will hold an informational meeting regarding flood insurance and ways to save money on flood insurance. The meeting will be held at 7:00 P.M. on February 20, 2014, at the Maines Community Center, 942 Conklin Road, and is free of charge. The public is welcome.

ICE SKATING RINK

Bob Ronk asked the cost of the new ice skating rink in Schnurbusch Park. Mr. Finch replied that the rink cost \$6,000, adding that the Conklin Kiwanis Club had donated \$500 toward the purchase. Mr. Ronk asked if the Board had voted on the rink and whether or not it was in the minutes. Mr. Finch replied that the Board voted in November. Mr. Ronk asked about the cost of running the lights in the evening and Mr. Finch replied that the Town is monitoring use but the rink is too new for the cost to be determined yet, adding that this cost is paid through the Youth Commissioner's budget line. Mr. Ronk stated that the lighted field lights are "expensive." Mr. Ronk questioned the location of the ice rink in the Little League field, stating that it would destroy the grass. Mr. Finch stated that the field will be re-done in the spring. Mr. Ronk stated that the rink should have been installed on the blacktop and Mr. Finch stated that the fence (around the Little League field) was needed to keep people from driving on the ice and vandalizing the rink.

TRUCK TRAFFIC ON HARDIE ROAD

William Osborne, Jr., resident of Hardie Road, submitted a list of trucks that entered and left Mr. Tuzze's salt distribution center on a particular date. He stated that he sent a dvd of the trucks to Broome County. Mr. Finch stated that a meeting will be held between the residents of Hardie Road, Mr. Tuzze, and a member of the Town Planning Board.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Brian Coddington reported that Truck 47 is back from being repaired and is in service. He stated that his crew took four loads of Christmas trees to the DEC site. He stated that the Highway Department has been repairing potholes, replacing and repairing sign posts, and performing truck maintenance. Mr. Coddington stated that his crew assisted the Water Department with some digs in the Corporate Park and thawed some frozen drainage pipes.

Mr. Bullock told Mr. Coddington to have his crew push the snow back farther when they plow the streets, stating that it is "not fair to the residents" if they cannot get to their mailboxes. Mr.

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Coddington agreed, stating that his crew is working on that currently. "Push the snow back at storm time, not afterwards," stated Mr. Bullock.

Mr. Dumian asked if Truck 47 would be traded in on a new truck and Mr. Coddington replied that this would happen sometime in the future. Mr. Francisco asked which truck will be paid for completely in 2014 and Mr. Finch replied that the Volvo would be paid for completely, adding that there are no maintenance issues with that truck. Mr. Finch stated that the Town at one time had a Five-Year Plan for truck replacement, which had been sidetracked by two catastrophic floods. Mr. Bullock commented that the Highway Department should have fewer expenses, since it now plows 25 miles less because the Town no longer plows roads belonging to Broome County.

REPORT: WATER AND SEWER DEPARTMENT

Refer to written report. Public Works Superintendent Tom Delamarter was excused from tonight's meeting due to illness.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones stated that he will be sending 15 applications for the 2011 Flood Buyout Program to SEMO (State Emergency Management Office), and copied to Town Attorney Cheryl Sacco, this week. Ms. Sacco asked Mr. Jones if he has requested an extension for completion of the Buyout process from SEMO representative Tom Abatti.

Mr. Jones stated that he issued 65 building permits in 2013, adding that he is updating his database. He stated that he has been working with various agencies on the proposed FedEx addition in the Broome Corporate Park, and with Town Engineer John Mastronardi on Rusty Luce's proposed fill project near Mr. Luce's car wash on Conklin Road.

Mr. Jones stated that he received a proposal to build a propane distribution center at 58 Terrace Drive. The property, which is near the CP Rail rail yard, was purchased from the railroad company and would have an entrance from Terrace Drive. Mr. Jones stated that there are numerous Code requirements to take into consideration. Mr. Francisco stated that there are no definite property lines on the property in question. Mr. Finch stated that this proposed distribution center would be larger than Suburban Propane, which was located near the proposed site. Attorney Sacco stated that this proposal would have to be approved by the Zoning Board of Appeals and the Planning Board, and possibly even by the Town Board. Mr. Finch commented that the Town Zoning Ordinance states that no gas storage tanks are allowed, yet the railroad has 10 to 15 railroad cars with propane and corrosives sitting on its rail yard siding. Mr. Francisco commented that this proposed distribution center would be a "24/7 operation." Mr. Bullock asked what the anticipated new employment will be and Mr. Jones replied that it would be six to eight people plus the truck drivers that would transport the propane. Mr. Jones stated that the plan is to distribute propane to locations within two hours driving time to the Town of Conklin. Mr. Dumian asked why this project couldn't be located in the Broome Corporate Park and Mr. Finch replied that the owners want to utilize the railroad, which is not available in the Corporate Park.

Mr. Francisco stated that the Town had been able to stop Mr. Luce from filling behind his car wash, which is in the flood plain, two or three years ago, and asked why his new proposal is even being reviewed. Mr. Jones stated that he received the proposal from Mr. Luce, adding that there

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is a meeting scheduled with Mr. Luce's attorney to discuss this proposal. Mr. Jones stated that the SWPPP (StormWater Pollution Prevention Plan) issued by the DEC will be reviewed, noting that another major flood has occurred since the SWPPP was originally approved in 2006. "How do we stop this?" Mr. Bullock asked Ms. Sacco. "The Town has a fill law, a local law," stated Ms. Sacco, "but the law must be properly applied, and due process taken." Mr. Bullock asked why Mr. Luce wants to fill the property in question, and Mr. Jones replied that he wants to develop the land, either to sell it or to build a business on it. Mr. Dumian asked if the Town Board can revise the existing local law to prohibit filling in the flood zone in the future. Mr. Jones replied that the new flood maps, which revise the boundaries of the existing flood zones, are still under review by Broome County.

Mr. Bullock asked if Mr. Jones' work on the Buyout Program is covered by FEMA (Federal Emergency Management Agency) and Mr. Jones stated that it is. "We should have hired someone to do the work instead of Bob" (Mr. Jones), stated Mr. Bullock, adding, "He can't get his Code work done." Mr. Jones stated that he has been unable to find some of the owners of properties listed in the Buyout Program. Mr. Minoia asked if the properties that are being used but are in the Buyout are a priority and Mr. Jones assured him that they are a priority. Mr. Bullock asked if the vacant land listed in the Buyout Program was appraised and Mr. Finch stated that it was appraised. Mr. Jones commented that the Maines property located on Conklin Road would see an exchange of fill on the property.

Mr. Minoia commented that there are still six or seven unregistered vehicles parked at 560 Conklin Road. Mr. Jones stated that they belong to the owner of the used car lot on the opposite side of Conklin Road. Ms. Sacco stated that she needs photographs of the parked cars and, after she receives the photos, will make the railroad property manager aware of the situation, since the railroad owns the property at 560 Conklin Road.

Mr. Minoia stated that the lot at City Cab on Conklin Road, owned by Bill Slater, does not have any lights on in the lot at night.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

OLD BUSINESS:

UPDATE/NYS RISING COMMUNITY GRANT

Mr. Finch reported that a decision by the Governor's office on the \$3 million New York State Rising Community Grant is due on March 1. This grant could be used to create an emergency evacuation route for the center of the Town of Conklin and to mitigate drainage. Mr. Bullock stated that there are drainage problems in the Stillwater Road area and near the two mobile home parks on Conklin Road, adding that a study was already done regarding the Carol Court drainage issues. Mr. Finch replied that the Town Engineer has been involved with the Rising Community Grant Committee, which he stated brought the suggestions to re-locate the Town Hall and Community Center and to build ball fields, all on the property in the area of Powers Road and Progress Parkway. "Whose property would we be buying?" asked Mr. Bullock. "Hobart's and the IDA's" (Industrial Development Agency), replied Mr. Finch. "Sure, help him out," replied Mr. Bullock, adding, "We need to discuss this as a Board." Mr. Finch stated that the Governor's Board includes Julie Sweet, Tim Grippen, and Vincent Pasquale. "How do they know our situation?" asked Mr. Minoia. Mr. Finch stated that there are meetings held regularly by the

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Rising Community Committee, some at Binghamton University, adding that they are open to the public and advertised in the newspaper, suggesting that the Councilmen might attend these meetings to get their questions answered. "I will not be disrespected because I asked a question," stated Mr. Bullock, adding that he often works evenings. Mr. Bullock, Mr. Minoia, and Mr. Dumian asked for a work session to discuss this proposed grant.

UPDATE/TRUCK TRAFFIC ON HARDIE ROAD

Mr. Finch stated that a meeting has been scheduled for March 7 with Mr. Tuzze, owner of the salt distribution center, residents of Hardie Road, Mr. Jones, and a member of the Planning Board. Ms. Sacco stated that neither the Planning Board nor Broome County is responsible for policing compliance at the salt distribution center, but rather that Mr. Jones is responsible for this task. She added that there is a revised site plan application. Mr. Bullock asked if this is for an expansion and Mr. Finch replied that it is for a railroad sidebar. Ms. Sacco stated that Mr. Tuzze's company is "not necessarily in violation of the original site plan." She stated that Mr. Jones should determine the number of trucks going in and out of the site on a daily basis. Mr. Bullock stated that he has seen trucks for the salt distribution center "idling by Shawsville Cemetery." Mr. Dumian commented that "a new site plan doesn't help the residents."

UPDATE/JOINT SEWAGE BOARD CONTRACT

Mr. Finch reported that he received a letter from Town Attorney Alan Pope scheduling a meeting with the attorney for the City of Binghamton to discuss rates for the contract with the Binghamton-Johnson City Joint Sewage Board, adding that the Town will agree to a one year contract. The Joint Sewage Board wants a contract for 30 years.

NEW BUSINESS:

2013 AUDIT

Assistant to the Supervisor Lisa Houston reported that the 2013 Audit will be completed by the end of March, with the report received in April.

RESO 2014-21: AUTHORIZE COLIN CASEY/ATTEND GRADE D WATER DISTRIBUTION OPERATOR COURSE/MARCH 17-21, 2014/CORTLAND

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Colin Casey to attend the Grade D Water Distribution Operator Course to be held in Cortland, New York, on March 17-21, 2014, with a course cost of \$550.00, payable to W2 Operator Training Group, LLC, account code SW8310-4.

Seconded by Mr. Dumian.

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

RESO 2014-22: AUTHORIZE PAYMENT/BILL LIST/\$93,294.09

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$93,294.09:

General	\$52,900.65
Highway	32,151.95
Light District	462.37
Sewer District #1	5,728.00
Water District	<u>2,051.12</u>
Total	\$93,294.09

Seconded by Mr. Dumian.

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

RESO 2014-23: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENT/GARY BULLOCK/\$40 PER MONTH FOR 2014/EFFECTIVE JANUARY 1, 2014

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of a monthly cell phone reimbursement to Gary Bullock, at a rate of \$40 per month for the year 2014, effective January 1, 2014, account code A8989.4.

Seconded by Mr. Minoia.

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

RESO 2014-24: APPOINT GARY BULLOCK/DEPUTY SUPERVISOR WITH FOLLOWING DUTIES: TOWN COMMUNITY CENTER, TOWN-WIDE INSURANCE, BUILDINGS & GROUNDS/PAY RATE \$2,000 PER YEAR/EFFECTIVE JANUARY 1, 2014

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Gary Bullock to the position of Deputy Supervisor with the following duties: Town Community Center, Town-Wide Insurance, and Buildings and Grounds, with a pay rate of \$2,000 per year, effective January 1, 2014, account code A1220-1-102.

Seconded by Mr. Dumian.

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

RESO 2014-25: APPROVE NAME CHANGE/MUNSON AVENUE TO MUNSON STREET

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the name change from Munson Avenue to Munson Street.

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Seconded by Mr. Francisco.

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

Mr. Finch explained that the change was necessary to bring Town and County records and the existing street signs into alignment.

RESO 2014-26: RATIFY PAYMENTS/2013 MEDICAL ABSTRACT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the listed medical abstracts for 2013, account codes A9060.802, DA9060.802, and SW9060.802 (see attached).

Seconded by Mr. Dumian.

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

TIME WARNER CABLE AGREEMENT

Ms. Sacco stated that she had been contacted by the municipality assistant at the Public Service Commission and that a meeting is scheduled with David Whalen of Time Warner Cable on February 13 at the offices of Coughlin & Gerhart, LLC. She stated that this should bring the Town closure, with a contract forthcoming and the ability to schedule the required Public Hearing. Mr. Finch stated that the Town will agree to eight years, rather than the 15 requested by Time Warner Cable, and will ask for extension of cable to Gratsinger Road residences, and security at the Town Highway Garage for three years.

ALL-AROUND EXCAVATING LAWSUIT

Ms. Sacco stated that she received a letter from the attorney representing Mr. Rusty Luce in All-Around Excavating's lawsuit against the Town of Conklin, adding that there has been "some forward movement." She stated that there was a "bid irregularity issue in another municipality."

COMMUNITY CENTER

Mr. Francisco reported that the lighting issues at the Community Center have been resolved. He stated that the representative he spoke to at NYSEG (New York State Electric and Gas Corporation) had stated that a light would be ordered for the flag at the Conklin Veterans Memorial, but the field representative from NYSEG stated that this cannot be done. Mr. Francisco stated that he attempted to contact Paul Deeley from the Veterans Memorial Committee but received no response. He stated that a "ditch witch" could be used to clear an area to attach a light to the existing electrical service, noting that the Town would need to "differentiate usage at the dates of the Town Fair."

RESO 2014-27: EXECUTIVE SESSION/LITIGATION

Mr. Dumian moved to close the Regular Town Board Meeting and move into Executive Session at 8:10 P.M. to discuss proposed, pending, or current litigation.

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Seconded by Mr. Francisco.

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 8:10 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 proposed, pending, or current litigation.

RESO 2014-28: 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 8:20 P.M.

Seconded by Mr. Minoia.

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. Minoia. The meeting adjourned at 8:20 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk