

WORK SESSION
AUGUST 23, 2016

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on August 23, 2016, 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
	Assistant to the Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
	Code Officer	Ron Lake
	Deputy Code Officer	John Rudy
	Administrative Assistant	Mary Plonski
	Zoning Board of Appeals	Tom Kelly
GUESTS:	Country Courier	Elizabeth Einstein
	Haylor, Freyer, & Coon	Tom Augustini
		Laurie Francisco
		Judy Kelly
		Al Shattuck II
		Dick Nemcek
		Bill Farley
		Bob Jenks
		LeRoy Jenkins
		Steven C. Airwyke

HEALTH INSURANCE INCENTIVE/POLICY MANUAL

The Town Board held a discussion regarding a proposed Health Insurance Incentive and relative changes to the Employee Policy Manual. Mr. Tom Augustini, the Town's insurance representative from Haylor, Freyer, and Coon, was present for the discussion. Mr. Augustini stated that such an incentive would be "taxable income but not reportable to the New York State Retirement System." Town Attorney Cheryl Sacco stated that the Town must be sure the incentive option is "affordable for the family members that you cover," to comply with the Affordable Health Care Act.

Mr. Dumian asked if there is a minimum number of employees of the Town that need to be enrolled in the Town insurance program in order to keep the program. He emphasized that the proposed incentive would be "an opportunity to opt out but it will not be required" of employees. Ms. Sacco reiterated that, under the Affordable Health Care Act, the Town "can be penalized if the insurance is not actually 'affordable'." She added that Mr. Augustini does "not seem to see that as a problem." Mr. Augustini stated that, since the Town has less than 50 employees, it is classified as a "small group" and the penalty doesn't apply. Mr. Dumian repeated his query of whether or not a minimum number of employees enrolled is required to maintain the current premium rate and Mr. Augustini stated that the rate only changes "if you have 100 full time employees."

Mr. Finch asked if similar incentive programs are used in other municipalities and Mr. Augustini stated that they are used in many towns, with different forms of incentives. "What is the right amount to entice someone to look elsewhere for insurance?" asked Mr. Augustini, adding that some municipalities use a fixed amount, rather than a percentage. Ms. Sacco stated that the issue

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with a fixed amount is that the Town would not know each set of circumstances and that there would be concern that the Town's savings could be exceeded. Mr. Dumian asked how a percentage would be determined. Mr. Augustini stated the Town must look for a balance between an amount that is attractive to the employee vs. the savings to the Town. A monthly incentive was discussed, perhaps a fourth of the Town's savings of the monthly premium. It was also stated that the alternate health insurance must cover at least one, or all of the eligible persons. Ms. Sacco suggested that the incentive become effective after the first month of savings to the Town. Assistant to the Supervisor Lisa Houston stated that employees currently pay 25% of the premium for health insurance through the Town. The savings would be a percentage of the Town's cost, not of the total cost. Mr. Augustini stated that all eligible people (employee plus dependents) must opt out and be covered elsewhere with insurance. The proposed incentive would be effective January 1, 2016 (retroactive).

Mr. Dumian stated that he thinks the incentive should only be available to full time employees/elected officials, not part-time. He asked how to define "active" in the first paragraph of the proposed amendment to the Employee Policy Manual, such as "active employee" or "active elected official." Mr. Bullock asked Mr. Dumian what his thought process was for limiting the incentive to full-time personnel only. Mr. Finch stated that it should not be offered to elected officials. Town Clerk Sherrie Jacobs asked how receiving an incentive would impact the law prohibiting exceeding the posted salaries of elected officials, which is part of the legal notice for the Public Hearing for the annual Town Budget. Ms. Sacco stated that the notice must be worded to exclude any "buyout incentives" as part of the salary.

Since the time for the Regular Town Board Meeting had arrived, Mr. Finch closed the Work Session and opened the Town Board meeting at 6:00 P.M.

REGULAR TOWN BOARD MEETING

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The Town Board of the Town of Conklin held a Regular Town Board Meeting on August 23, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided.

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

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Assistant to the Supervisor	Lisa Houston
Highway Superintendent	Brian Coddington
Code Officer	Ron Lake
Deputy Code Officer	John Rudy
Administrative Assistant	Mary Plonski
Zoning Board of Appeals	Tom Kelly

GUESTS:	Country Courier	Elizabeth Einstein
	Haylor, Freyer, & Coon	Tom Augustini
		Laurie Francisco
		Judy Kelly
		Al Shattuck II
		Dick Nemcek
		Bill Farley
		Bob Jenks
		LeRoy Jenkins
		Steven C. Airwyke

CONTINUED DISCUSSION/HEALTH CARE INSURANCE INCENTIVE

Discussion continued regarding the proposed health care insurance incentive and changes to the Employee Policy Manual, with questions raised concerning what percentage might be used and whether or not the incentive would be offered to elected officials. Mr. Bullock asked if this would be a one-time payment and Mr. Finch stated that it would be monthly and would be a renewable agreement annually. Language changes to Article 15 in the Policy Manual were also discussed. The question was raised as to whether an employee had the right to opt in and be entitled to the incentive if he or she had declined coverage prior to taking the job, noting that this would raise the cost to the Town, or if the incentive would only be offered to currently enrolled employees. Administrative Assistant Mary Plonski stated that her situation is an example, adding that the Town should “not punish” her for saving the Town money by buying health insurance elsewhere. Mr. Dumian stated that he needs more information and concrete figures before making a decision regarding this proposal. Mr. Bullock asked if businesses use this sort of incentive program and Mr. Augostini stated that typically they do not do so, adding that he sees this mostly with municipalities and school districts.

MINUTES: JULY 26, 2016 REGULAR TOWN BOARD MEETING

Mr. Bullock moved to approve the July 26, 2016 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.

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MINUTES: AUGUST 8, 2016 SPECIAL TOWN BOARD MEETING

The Town Board agreed to hold over approval of the minutes from the August 8, 2016 Special Town Board Meeting until the September 14 Town Board meeting.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from the Broome County Dog Shelter regarding renewal of its contact with the Town.

PUBLIC COMMENTS:

CHICKENS IN CONKLIN

Mr. Bob Jenks of June Street asked if chickens are allowed in areas of the Town that are zoned Residential, adding that his neighbor has chickens. He stated that the chickens are “penned but noisy.” Mr. Jenks stated that the property values in his area decreased after the two major floods and he does not think having chickens in the area helps the property value at all. Mr. Finch stated that the Code Office is having “problems throughout the Town with chickens.”

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Brian Coddington stated that he has obtained three quotes regarding removal of trees that are dying and that are located in the Town right of way, presenting a danger to safety and property. He stated that he has run into problems due to prevailing wage requirements and other restrictions. Ms. Sacco stated that this is an emergency situation, as public safety is threatened, and added that the Board can approve the expenditure to remove the trees without quotes. Mr. Finch asked if Mr. Coddington had contacted NYSEG (New York State Electric and Gas Corporation) and Mr. Bullock asked if he had contacted Broome County for assistance. Mr. Coddington stated that he contacted NYSEG but it will take them too long to get a chance to get the job done. He stated that he can have this project completed in two days if the expenditure is approved.

RESO 2016-119: ACCEPT QUOTE/PRO TREE SERVICE/REMOVAL OF EIGHT
TREES FROM TOWN RIGHT OF WAY

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a quote from Pro Tree Service to remove eight trees from Town of Conklin highway right of ways for a total cost of \$4,000, to relieve a public safety emergency situation.

Seconded by Mr. Finch.

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

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NEW HIGHWAY TRUCK

Mr. Coddington stated that he needs to buy a new truck to replace the current GMC truck and needs a letter of intent from the Town Board expressing an “interest in purchasing” a new truck from Stadium International Trucks on the Onondaga County Contract for a purchase price of \$147,598.90, with neither option taken. Ms. Sacco asked if the Town can pay for this new truck if it cannot bond for it in February 2017, for some reason. The bond would be for five years or longer. Mr. Francisco asked what will be done with the current trucks and Mr. Coddington stated that it would be sold outright, rather than traded in on the new purchase.

STRAW POLL/LETTER OF INTENT TO SHOW INTEREST IN PURCHASING NEW TRUCK

The Town Board conducted a straw poll confirming its interest in providing a letter of intent stating that the Town is interested in the purchase of a 2017 International 4300 SBA 4x2 truck with a Viking-Cives body/plow on Onondaga County Contract #7974 for a purchase price of \$147,598.90, with neither option taken, from Stadium International Trucks.

STRAW POLL VOTE: Bullock – Yes, Boyle – Yes, Dumian – Yes, Francisco – Yes, Finch – Yes. The straw poll indicated unanimous approval for the letter of intent.

REPORT: WATER & SEWER DEPARTMENT

Refer to written report. In addition, Mr. Finch stated that a batch plant was being installed at the site of the new Dick’s Warehouse Distribution Center and added that it would hook into the existing water main to use for concrete, utilizing only the municipal water (not sewer). He also stated that the recent water main break on Shaw Road was the Town’s responsibility, as it occurred in the Town’s part of the water system.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Ron Lake stated that the new Dick’s Warehouse Distribution Center will create “20 times the normal work load” for his office and asked for authorization to spend more time performing inspections at that site. He requested a 50% increase in the number of authorized hours for the 2017 Budget. Mr. Dumian asked if the Town is also purchasing a new Code truck and Mr. Finch suggested that the Town might use the Highway Department’s old Volvo truck for Code, instead of selling the Volvo.

CHICKENS IN CONKLIN (CONTINUED)

The discussion returned to the topic of chickens in Conklin, with Mr. Lake stating that the current Town Code only allows chickens in areas zoned Agricultural, not in areas Zoned R12 or R15 (both Residential zoning). Mr. Al Shattuck of 939 Conklin Road stated that he has chickens, even though the area is zoned residential, adding that there is “nothing until the river,” and only one neighbor. He stated that there is no problem and no noise and added that his chickens are “not hurting anyone.” Mr. Shattuck stated that he is “trying to provide healthy food for his children,” instead of “food filled with steroids.” He added that the Town allows a 100 foot by 100 foot compost pile (for the CHOW gardens) in a residential area, adding that “it reeks.” He asked how this could be allowed and chickens not be allowed in the same residential area. Mr. Finch asked if the compost pile is for CHOW, and Mr. Coddington replied that it is for CHOW and for topsoil, adding that he can move the compost pile if needed.

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Mr. Boyle stated that when he had his dairy farm, the area was zoned Agricultural, but it is now zoned half Agricultural, and half Residential, with the R15 zoning occurring where his barns are located. He added that urban farming is being encouraged by both the USDA (United States Department of Agriculture) and the New York State Department of Agriculture and Markets, noting that even the City of Binghamton allows residents to have two chickens per household. Mr. Boyle stated that the problem is with the roosters, which are noisy, not with the hens.

Ms. Sacco stated that the Town can ask for re-zoning, as long as it is not spot zoning, or can change the Code to allow certain types of livestock. Mr. Bullock asked what kinds of complaints have been received and Mr. Lake stated that complaints were about roosters crowing and chickens running at large. Mr. Dumian stated that he is in favor of changing the Code, as long as the chickens are kept confined. Ms. Sacco stated that Article 3 of Code Chapter 55 states that animals cannot be a nuisance, which the Code Office enforces. Mr. Bullock asked if the chickens could be free-ranging on the owner's property and Ms. Sacco replied that this is permissible. Mr. Lake stated that he could cite the owners of the chickens and they could appeal to the Zoning Board of Appeals. Ms. Sacco stated that the Board will need to enact a local law to change the zoning to allow chickens, but no roosters, in areas zoned R12, R15, and multi-family. She stated that she can draft a local law for discussion at the September 14 Town Board Meeting, adding that she will take a look at the Code for the City of Binghamton, and will draft the proposed law with the number of chickens allowed based on lot size, with the stipulation that they be confined. Mr. Shattuck stated that he has 20 chickens. Ms. Sacco stated that she can also look at New York State Department of Agriculture and Markets regulations. Mr. Lake asked if the chicken owners would be able to sell eggs and whether this would constitute a business. It was noted that the Town of Binghamton requires lots to be three acres or larger in order to have chickens. Mr. Dumian asked about the Town of Windsor and Ms. Sacco replied that it is mostly zoned Commercial or Agricultural. Mr. Bob Jenks of June Street stated that the rooster in his neighborhood is noisy. Ms. Sacco replied that Article 3 in Code Chapter 55 addresses noise complaints with animals, adding that Mr. Lake can speak to the owners about the problem.

REPORT: SUPERVISOR'S OFFICE

Refer to written report.

UPDATES

Mr. Finch stated that he met with representatives from Dick's Warehouse Distribution Center and construction will be done twelve hours per day, six days a week, in an effort to speed completion of the building along.

Mr. Finch stated that he had a meeting regarding the proposed evacuation route. He stated that the drainage project on Conklin Road near Fountain Bleu Mobile Home Park is on hold at the moment, but added that Mr. Masciarelli, owner of the mobile home park, has corrected some problems at the site, so there is no spillage occurring.

LEASING FLOOD BUYOUT PROPERTIES

Mr. Lake reported that FEMA (Federal Emergency Management Agency) has finally sent a letter to the Town approving leasing a parcel of property acquired by the Town through the FEMA Flood Buyout Program to Mr. LeRoy Jenkins. Mr. Lake asked if there would be a charge to lease it and if that charge would be \$25. Mr. Bullock stated he feels there should be no charge

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for the lease, since Mr. Jenkins will be mowing and maintaining the property. Mr. Dumian asked how long it takes Code personnel to prepare an application for leasing to send to FEMA for approval and Mr. Lake replied that it takes several hours to prepare each application. Ms. Sacco stated that each lease has covenants (constraints), some of which are set by FEMA, such as no permanent structures. It was noted that the Code office has a template for applications.

Mr. Lake asked who gets priority if several parties want to lease a particular property. Both the prior owner of the property and the owner of adjacent property were considered. Ms. Sacco asked if it is a question of cost, proximity, and use. Administrative Assistant Mary Plonski stated that the Code Office needs guidelines regarding this process. Mr. Francisco commented that the Town must follow FEMA guidelines. Ms. Plonski stated that the public should be made aware of the opportunity to lease these properties. Ms. Sacco suggested running an article in the **Country Courier** encouraging interested parties to submit an application for the Town Board's review. Mr. Dumian asked again about a fee, in light of the maintenance being done on the property by the person leasing it. Ms. Sacco stated that terms should be set and sent to FEMA. Mr. Lake added that a termination clause is needed. Mr. Dumian asked the length of the term of the lease and Mr. Francisco suggested that it be five years. It was noted that the lease would become void if the person leasing the property changes the maintenance agreement.

OLD BUSINESS:

PAINTING THE CASTLE

Mr. Lake stated that the Town received two bids on the painting of the Castle, with one bid being non-compliant.

**RESO 2016-120: REJECT BID/BUTCH'S PAINTING/
PAINTING THE CASTLE/NON-RESPONSIVE BID**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rejects the bid from Butch's Painting for the Painting the Castle project as a non-responsive bid.

Seconded by Mr. Francisco.

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

Mr. Dumian asked about the needed concrete work and Mr. Finch asked about the use of cinder blocks. Mr. Bullock stated that the Highway Department has been approved for overtime pay to tear off the old part of the building so that repairs can be made before it is painted. Mr. Bullock asked if Nick Pappas from the Town of Binghamton will be doing the replacement block work.

**RESO 2016-121: AWARD BID/MARCHUSKA BROTHERS CONSTRUCTION,
LLC/PAINTING CASTLE/NOT TO EXCEED \$28,500**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin awards the bid for the Painting the Castle project to Marchuska Brothers Construction, LLC, in an amount not to exceed \$28,500.

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Seconded by Mr. Dumian.

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

It was suggested that the project be given a completion deadline of one month, which would allow Mr. Coddington's crew to finish the cinder block removal part of the project.

UPSTATE TOWER LEASE

Mr. Finch stated that all of the sites have been selected for the towers to be installed by Upstate Tower, adding that the Town is searching for deeds and looking for alternative sites in case any of the proposed sites are not acceptable. Ms. Sacco explained that the Town cannot alienate park land that was accepted originally for the purpose of creating a park nor any land that is owned by a Special District. She added that she is working on the lease agreement.

TIME WARNER CABLE/CHARTER FRANCHISE AGREEMENT

Ms. Sacco stated that she has looked at the newest proposed version of the franchise agreement between the Town of Conklin and Time Warner Cable/Charter, adding that she will bring it to the Work Session on September 27 for the Board to discuss. Ms. Sacco stated that this new version is "worse than the last version," adding that Time Warner Cable/Charter has not offered any services as part of the agreement. Another cable service provider was contacted but that provider stated that the cost of installing the infrastructure needed to provide cable service is too great and it would not be able to use Time Warner Cable/Charter's existing infrastructure.

WIND/SOLAR/FARMWASTE ENERGY PILOT

Ms. Sacco explained that the Town can opt out of the tax exemption on wind, solar, and farmwaste energy and keep everything taxable, or it can choose to enact a local law to keep it exempt. Mr. Bullock stated that he does not think there should be fees for energy development in Residential or Agricultural zoned areas and Mr. Dumian agreed. It was stated that there would be no sale of energy in these areas, only in Commercial and Industrial areas. Ms. Sacco stated that energy production above a certain kilowatt measurement would be above normal usage and would be commercial. The Board stated that it would seek a PILOT (Payment In Lieu Of Taxes) for anyone other than residential homeowners.

RESO 2016-122: REQUIRE PILOT AGREEMENT/SOLAR OR WIND ENERGY SYSTEMS/MORE THAN CUSTOMARY NEEDS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin requires a Payment In Lieu Of Taxes (PILOT) agreement for Solar or Wind energy systems where the system is sized for more than the normal/customary needs of the residence or use on site.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Boyle – Abstain, Dumian – Abstain, Francisco – Yes, Finch – Yes.

Motion carried: 3 – Yes, 2 – Abstain.

Mr. Lake stated that the PILOT agreement should be in place before the permit for the energy system is issued.

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CONKLIN DOG PARK

Mr. Finch stated that he wants to establish a registry of users of the Conklin Dog Park, in which users would get a form to fill out, pay a fee, and get a special tag for their dog from the Town Clerk's office. He added that security cameras will be installed on the side of the Community Center, with the DVR recorder housed in the attached garage. Mr. Finch stated that he has two bids for the cameras, one from Randy Bidwell and a second bid from the Broome County Bid List, for a cost of approximately \$2,100. Discussion arose regarding who would enforce or monitor the dog park to make sure all the users' dogs have the special tags. Town Clerk Sherrie Jacobs will research the cost of tags. Mr. Boyle asked if the liability would not be the dog owner's responsibility, if there is an incident with another dog or with a person. Mr. Dumian stated that the Town already purchased extra insurance to cover the dog park, adding that indemnity for the Town is needed. Mr. Bullock asked that a decision on this issue be held over until the September 14 meeting.

NEW BUSINESS:

RESO 2016-123: INCREASE MINIMUM REQUESTED FOR PURCHASE ORDER
FROM \$500 TO \$1,000

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves increasing the minimum requested for a Purchase Order from \$500 to \$1,000.

Seconded by Mr. Francisco.

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

NEW HIGHWAY LABORER

Mr. Finch stated that Mr. Coddington has been interviewing potential Laborers for the Highway Department, to replace Tom Nickerson, who recently retired. He stated that Mr. Coddington is interested in hiring Tim Vinkuns at a pay rate of \$16 per hour. Mr. Vinkuns has his CDL (Commercial Driver's License). Mr. Finch suggested that the Board interview Mr. Vinkuns. The Board decided to discuss this further in Executive Session.

NEW CODE TRUCK

Mr. Finch stated that instead of purchasing a new truck for the Code Department, the Board should consider using the Volvo that is being replaced by the Highway Department, rather than selling the old truck. Mr. Bullock asked about the condition of the truck and Mr. Coddington replied that it is not reliable for snow removal, but it runs well and would work for the Code Officer.

RESO 2016-124: RATIFY ACH PAYMENT/PITNEY BOWES/POSTAGE METER
REFILL

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin ratifies an ACH payment in the amount of \$500.00 to Pitney Bowes for a refill of the postage meter, with charges distributed to various departments.

Seconded by Mr. Dumian.

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

RESO 2016-125: RATIFY PAYMENT/UNITED STATES POSTAL SERVICE/3RD
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 #11244, account code SW8310-4, in the amount of \$306.00 to the United States Postal Service for postage for the 3rd Quarter Water Billing.

Seconded by Mr. Finch.

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

RESO 2016-126: RATIFY PAYMENT/SUSAN SLAVIN/REIMBURSEMENT/REPAIR
OF DAMAGE TO RESIDENT HOME CAUSED BY FALLEN TREE LOCATED ON
TOWN PROPERTY

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #11189, account code A7110-4-402, in the amount of \$575.00 for reimbursement for the cost of repair of damage to a resident's home caused by a fallen tree located on the Town's property.

Seconded by Mr. Bullock.

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

Mr. Finch commented that this occurred in the Lotus Avenue/Shipman Road area. Mr. Boyle asked why this was not covered by Ms. Slavin's homeowner's insurance.

RESO 2016-127: AUTHORIZE SUPERVISOR/SIGN RENEWAL OF BROOME
COUNTY SATELLITE DMV AGREEMENT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor, James Finch, to sign the renewal of the Broome County Satellite DMV (Department of Motor Vehicles) Agreement.

Seconded by Mr. Francisco.

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

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RESO 2016-128: ACCEPT DONATION/\$200.00/DALE COOK/FIELD USE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation of check #975, account code A2705, in the amount of \$200.00 from Dale Cook for use of Town ball fields.

Seconded by Mr. Dumian.

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

RESO 2016-129: APPROVE CLOSEOUT/2011 FLOOD EMERGENCY FUND
(HA)/TRANSFER BALANCE OF MONIES

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the closeout of the 2011 Flood Emergency Fund (HA) and the transfer of the balance of monies to the following funds:

General Fund (A)	\$ 27,171.00
Highway Fund (DA)	126,810.64
Water Fund (SW)	<u>6,819.00</u>
Total	\$ 160,800.64

Seconded by Mr. Dumian.

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

RESO 2016-130: AUTHORIZE THE FINANCING OF THE PURCHASE OF STATE BID
LOADER EQUIPMENT AND STATING THE ESTIMATED MAXIMUM COST
THEREOF IS \$80,000.00 APPROPRIATING SAID AMOUNT THEREFORE,
AUTHORIZING THIS ISSUANCE OF NOT TO EXCEED \$80,000 SERIAL BONDS OF
SAID TOWN TO FINANCE SAID APPROPRIATION

Mr. Francisco moved for the following resolution:

WHEREAS, the Town Board of the Town of Conklin (Town Board”) is contemplating the purchase of necessary State Bid Loader Equipment, and

WHEREAS, the financing of the purchase constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and therefore no further action under SEQRA need be taken by the Town Board; and

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF CONKLIN, IN THE COUNTY OF BROOME, NEW YORK HEREBY RESOLVES (by favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Conklin, in the County of Broome, New York (herein called “Town”), is hereby authorized to finance the purchase of State Bid Loader Equipment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto (including but not limited to associated accessories and attachments) is \$80,000.00 less the value

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of any trade in and the financing thereof, is \$80,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$80,000.00 serial bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Said Bonds may not be issued with a prior right of redemption.

Section 2. Serial bonds, which shall be deemed to include Statutory Installment Bonds pursuant to Section 61.10 of the Law, of the Town in the principal amount of \$80,000.00, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the specific object or purpose for which serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law (Machinery and apparatus for construction and maintenance) is fifteen years and.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will be five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provision of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of section 50.00, Section 56.00 to 60.00 and Section 62.10 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes, statutory installment bonds, and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized , and of any bond anticipation notes issued in anticipation of said bonds, and the renewal of said bond anticipation notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or summary thereof, are not substantially complied with, and an action, suit or proceeding

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- (c) contesting such validity is commenced within twenty days after the date of such publication, or
- (d) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This bond resolution is subject to permissive referendum.

Section 9. Upon this resolution taking effect, a summary thereof shall be published in full in the official newspaper of the Town for such purpose in substantially the form provided in Section 81.00 of the Law.

Seconded by Mr. Bullock.

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

STATE OF NEW YORK)
 :ss.
COUNTY OF BROOME)

I, Sherrie L. Jacobs, Town Clerk of the Town of Conklin, do hereby certify that the foregoing is a true copy of the resolution adopted by the Town Board of the Town of Conklin on August 23, 2016.

Dated: August 23, 2016

Sherrie L. Jacobs, Town Clerk

**RESO 2016-131: APPROVE PAYOFF/NBT BOND NOTE #N4600.12F-G/HIGHWAY
DEPARTMENT 2010 VOLVO DUMP TRUCK**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the payoff of NBT Bond Note #N4600.12F-G in the amount of \$23,495.84 for Highway Department 2010 Volvo dump truck, with a principal of \$23,000.00 and interest of \$495.84.

Seconded by Mr. Francisco.

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

**RESO 2016-132: AUTHORIZE PAYMENT/PRE-AUTHORIZED 8-9-2016 BILL
LIST/\$78,749.40**

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-authorized August 9, 2016 Bill List in the total amount of \$78,749.40:

General	\$ 21,870.22
Highway	9,717.14

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Sewer District	\$ 46,156.00
Water District	<u>1,006.04</u>
Total	\$ 78,749.40

Seconded by Mr. Boyle.

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

RESO 2016-133: AUTHORIZE PAYMENT/8-23-2016 BILL LIST/\$57,937.06

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following August 23, 2016 Bill List in the total amount of \$57,937.06:

General	\$ 24,878.75
Highway	22,934.46
Light District	347.16
Sewer District	417.34
Water District	<u>9,359.35</u>
Total	\$ 57,937.06

Seconded by Mr. Boyle.

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

RESO 2016-134: RESCHEDULE REGULAR TOWN BOARD MEETINGS DUE TO ELECTIONS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin reschedules the following Regular Town Board Meetings due to the Primary and General Elections:

Tuesday, September 13, 2016	to	Wednesday, September 14, 2016
Tuesday, November 8, 2016	to	Wednesday, November 9, 2016

Seconded by Mr. Finch.

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

PUBLIC COMMENTS:

DOG PARK

Mr. Al Shattuck asked who would enforce the proposed registration of users of the Conklin Dog Park and asked how the cameras would be funded. He stated that there should be a waiver so that the dog owners take personal responsibility for their pets. Mr. Shattuck stated, “As a taxpayer, I don’t want to fund that.”

[Recess 7:55 – 7:58 P.M.]

CARLIN CREEK IN SCHNURBUSCH PARK

Mr. Bullock asked about cleaning out Carlin Creek in Schnurbusch Park to increase water flow and help with drainage, suggesting the use of shared services to accomplish this goal.

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GENERATORS AT TOWN HALL

Mr. Bullock asked about the status of the generators for the Town Hall. Mr. Finch stated that Public Works Superintendent Tom DeLamarter is in charge of this project and stated that he will ask Mr. DeLamarter about the status of the project. Assistant to the Supervisor Lisa Houston stated that the grant that was used for the generators is a “dead grant.” Currently the Town Hall has no generator back-up. “We need a plan,” stated Mr. Dumian.

DICK’S WAREHOUSE DISTRIBUTION CENTER

Mr. Francisco stated that he attended a pre-construction meeting for the Dick’s Warehouse Distribution Center project and was impressed that the builders are “adamant about safety on the site.”

Mr. Finch stated that the rumor that the PILOT agreement for the Dick’s Warehouse project is 0% for ten years is not true, adding that it is a construction PILOT only.

RESO 2016-135: CLOSE REGULAR TOWN BOARD MEETING/ENTER EXECUTIVE SESSION/HIRING OF AN EMPLOYEE/ & RECESS FOR LEGAL ADVICE

Mr. Dumian moved to close the Regular Town Board Meeting and move into Executive Session at 8:05 P.M. to discuss the hiring of an employee and into recess for legal advice.

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Boyle – 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 8:05 P.M. with Supervisor James Finch presiding. Present were: Supervisor Finch, Mr. Bullock, Mr. Boyle, Mr. Dumian, Mr. Francisco, Attorney Cheryl Sacco, Highway Superintendent Brian Coddington, and Code Officer Ron Lake. Attorney 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.

The Board was also in recess for legal advice.

RESO 2016-136: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:55 P.M.

Seconded by Mr. Dumian.

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

RESO 2016-137: HIRE TIM VINKUNS/90-DAY PROBATIONARY APPOINTMENT/GENERAL LABORER/HIGHWAY DEPARTMENT/PAY RATE \$16 PER HOUR/TO START ON OR AFTER SEPTEMBER 12, 2016

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of Tim Vinkuns for a 90-day probationary appointment to the position of General Laborer for the Highway Department at a pay rate of \$16 per hour to start on or after September 12, 2016.

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Seconded by Mr. Dumian.

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

The Town Board and the Highway Superintendent discussed the contract between the Town and the Highway Superintendent regarding the use of CHIPS (Consolidated Highway Improvement Program) funds and how the money is being spent. The status of road work was also briefly discussed.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Dumian. The meeting adjourned at 9:00 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk