

REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2016

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on September 14, 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	Mark S. Gorgos
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Brian Coddington
Assistant to Supervisor	Lisa Houston
Town Justice	J. Marshall Ayres
Public Works Superintendent	Tom DeLamarter
Code Officer	Ron Lake
Zoning Board of Appeals	Tom Kelly

GUESTS:	Ike Sturgeon
	Laurie Francisco
	Dick Nemcek
	Bill Farley
	Debra Jenks
	Robert Jenks
	John Colley
	LeRoy Jenkins
	Willis Platt
	Bill Mosher

MINUTES: JULY 26, 2016 REGULAR TOWN BOARD MEETING

Although it was noted that the July 26, 2016 Regular Town Board Meeting minutes have already been approved, Mr. Boyle asked for a clarification on page 10, paragraph 3 from the top, in the discussion regarding Jeanne Osenbaugh and the difficulties with New York Rising over flood maps. He stated that he would like to include “Mrs. Osenbaugh talked to (former Code Officer) Robert Jones about this and he recommended using the new flood maps.”

MINUTES: AUGUST 8, 2016 SPECIAL TOWN BOARD MEETING

Mr. Bullock moved to approve the August 8, 2016 Special Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

MINUTES: AUGUST 23, 2016 REGULAR TOWN BOARD MEETING & WORK SESSION

Highway Superintendent Brian Coddington stated that a correction needs to be made to page 7, paragraph 2 from the bottom, changing the word “Volvo” to “Chevy” in describing the Highway Department truck being considered for use by the Code Officer.

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Mr. Francisco moved to approve the August 23, 2016 Work Session and Regular Town Board Meeting minutes with that correction.

Seconded by Mr. Dumian.

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 Homeland Security Department stating that there is no money available for the planned evacuation route out of the center of Town. He explained that FEMA (Federal Emergency Management Agency) wants records of many of the details of the evacuation by helicopter during the 2006 flood – records which the Town does not have. Mr. Finch stated that without the requested information, NYS Homeland Security will not provide any money. He stated that New York State Rising Community Grants will instead be used to fund the approximately \$550,000 project.

PUBLIC COMMENTS:

CHICKENS AND DUCKS ON JUNE STREET

Mr. Bob Jenks of June Street stated that in addition to the chickens about which he complained at the last meeting, the owner of the chickens has now added a pond and ducks.

CONGRATULATIONS FROM TOWN JUSTICE

Town Justice J. Marshall Ayres congratulated the Conklin Fair Committee, Inc., for the quality of the Conklin Fair, held in July 2016, and congratulated Bill Dumian for his win in the Republican Primary for Town Supervisor.

Judge Ayres also asked when the lights in the back parking lot will be repaired and Mr. Finch stated that the Conklin Volunteer Fire Department is working on this and will provide a truck to use to change the light bulbs.

ISSUES WITH BATHROOM/SCHNURBUSCH PARK

Mr. Bill Mosher of State Line Road stated that he rented a pavilion at Schnurbusch Park the previous weekend to host a birthday party for his grandchild. While there, he stated that he found the park bathroom “filthy and the toilets were overflowing.” He stated that he asked Mr. Finch for a total refund of his \$60 rental fee and Mr. Finch refused. Mr. Mosher stated that the bathroom “should have been cleaned on Friday,” adding that Public Works Superintendent Tom DeLamarter came to the park when called and unplugged the toilet “but did not clean” the bathroom. “I want my \$50 back,” stated Mr. Mosher, who already received the \$10 security deposit refund for the rental. He distributed pictures of the bathroom condition to the Board.

Mr. DeLamarter stated that the bathrooms “are cleaned every day,” but added that there had been soccer practices and games between when the bathrooms were cleaned on Friday and the time of the party. He stated that the Board has refused to allow overtime pay for personnel to clean the bathrooms on the weekends. He added that he was headed out of Town but came back to solve the plugged toilet issue. Mr. DeLamarter stated that this is a “public bathroom, with a lot of usage.” He added that plungers are kept in the bathroom for plugged toilet issues.

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Mr. Mosher stated that the Town “should be proud of the Town Park,” adding that it is a “cleanliness issue.” Mr. Dumian stated that the Town receives complaints often and that “soap is stolen all the time.” Mr. Boyle stated that Mr. DeLamarter cleaned out the plug, and Mr. Mosher did use the pavilion, therefore he thinks only the \$10 security deposit should be returned. Mr. Bullock stated he thinks the Town should refund 50% of the \$50. Mr. Dumian asked how the Board should handle similar situations, and refunds, moving forward. Mr. Bullock stated that a “No Refunds” policy could be included in the rental agreement. Mr. Boyle stated that the Town could give back “a percentage, but not all \$50.”

RESO 2016-119: REFUND 50% OF PAVILION RENTAL/B.
MOSHER/UNSATISFACTORY CONDITIONS OF BATHROOM

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin refunds 50% (\$25) of the cost of pavilion rental to Bill Mosher due to unsatisfactory conditions in the bathroom at Schnurbusch Park.

Seconded by Mr. Dumian.

VOTE: Bullock – Yes, Boyle – No, Dumian – Yes, Francisco – Yes, Finch – No. Motion passed: 3 – Yes, 2 – No.

Mr. Francisco commented that the park is used by the school district and by people from out of town, so the condition of the bathrooms “is hard to control.” Mr. Dumian stated that the Board is setting a precedent for future similar situations, adding that the park needs clean facilities, as it is a reflection on the Town, and asked if the Board should approve overtime pay for personnel to make sure the bathrooms are clean. Mr. Francisco suggested renting portable toilets and locking the bathrooms on the weekend. Mr. DeLamarter stated that part of the problem is that the toilets in the public bathroom “are low-flow economy toilets, which plug easily,” adding that his department “is always fixing bathrooms.” Mr. Francisco suggested adding “The Town of Conklin is not responsible for the conditions of the bathroom” to the rental agreement. Mr. Dumian stated that moving forward the Board must protect the Town. Ms. Debra Jenks suggested have men’s and women’s bathrooms and having keys given to the pavilion renters for their use only. Mr. Francisco commented that renting portable toilets would be an added expense to the Town.

REPORTS FROM DEPARTMENT HEADS

Mr. Finch stated that reports from department heads will return to being due at the first meeting of each month, instead of the last meeting, since the Board has returned to its normal meeting schedule.

OLD BUSINESS:

UPSTATE TOWER LEASE

Mr. Finch stated that Upstate Towers is interested in an option to lease an area of the Town Landfill for a cell tower, as well as four other potential sites. Mr. Bullock asked when this project would begin and Mr. Finch replied that a Public Hearing must be held first.

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DICK'S WAREHOUSE DISTRIBUTION CENTER PROJECT

Mr. Finch stated that the PILOT (Payment In Lieu Of Taxes) agreement given to the Dicks' Warehouse Distribution Center by the BCIDA (Broome County Industrial Development Agency) was the same agreement that had been presented to the Town Board. He reported that two buildings on the site have been demolished to make room for the new building.

CONKLIN DOG PARK

Mr. Finch stated that the Town received two bids for three or four security cameras for the Dog Park. Security Alarms (the Broome County Bid provider) will provide 4 terabytes of storage for \$2,540, while ProCon Surveillance Systems will provide storage for \$2,100. Mr. Bullock asked who will monitor the cameras. Mr. Finch stated that the DVD recorder will be housed in the garage attached to the Community Center. He added that maybe the images could be sent to a computer in the Town Hall and Assistant to the Supervisor Lisa Houston stated that a server would be needed to do that. Mr. Bullock commented that the cameras would provide protection for the building and for the dog park. Mr. Francisco asked if there was a third bid and Mr. Finch replied that there is no third bid. Mr. Francisco stated that there are inconsistencies in the bids regarding the storage amounts available. The Board discussed installing a sign stating "Enter At Your Own Risk," and agreed that there will be no special tags or fees to use the Dog Park.

FRESO 2016-120: PURCHASE PROCON SURVEILLANCE SYSTEMS
CAMERAS/COMMUNITY CENTER & DOG PARK

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the purchase of security cameras and equipment from ProCon Surveillance Systems for the Community Center and Dog Park at a cost of \$2,100.

Seconded by Mr. Boyle.

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

MARCHUSKA CONSTRUCTION PROPERTY

Mr. Finch stated that water and sewer has been approved for the property owned by Marchuska Brothers Construction which borders the site of the Community Center. He added that the next request is for natural gas and stated that the line will be tapped at the main at the two doors into the Community Center.

2017 BUDGET

Mr. Finch presented the proposed 2017 Budget for the Town, adding that it is a "0% tax increase." Ms. Houston stated, "It is not 0% but it is under the tax cap." Town Clerk Sherrie Jacobs will distribute copies of the Budget to the Town Board at the close of the meeting.

MEGA COMMUNITY CHOICE AGGREGATION (CCA)

Mr. Francisco explained the proposal from MEGA (Municipal Electric and Gas Alliance), which includes their Community Choice Program. Mr. Finch stated that the Town gets power from

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MEGA now, but added that MEGA has a new, different program from the one that the Town utilizes. Under this new plan, everyone in the Town would fall under MEGA but could opt out and stay with NYSEG (New York State Electric and Gas Corporation) for their electricity and gas needs. Mr. Francisco stated that it “is better to be able to opt in, rather than have to get out,” adding that he “doesn’t see great savings.” He explained that the program needs up to 50,000 homes County-wide. The program has been approved in Watkins Glen and in Montour Falls. A Public Hearing would be required before the Town could enter into this program.

“I don’t see how we can make this choice,” stated Mr. Dumian. Mr. Francisco stated that the program is based on variable rates, adding that there would be a two-part bill with one part for MEGA and the second part, for service charges, for NYSEG. Code Officer Ron Lake asked if this is a franchise and Mr. Francisco stated that it is a non-profit franchise.

RESO 2016-121: APPROVE PURCHASE/ONE 2017 INTERNATIONAL 4300 SBA 4X2
AND ONE VIKING-CIVES BODY/PLOW BY PIGGYBACKING ON A CONTRACT BY
ONONDAGA COUNTY

PRESENT:

Supervisor James Finch
Councilman Gary Bullock
Councilman Dell Boyle
Councilman William Dumian, Jr.
Councilman Charles Francisco

ABSENT:

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

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

WHEREAS, the community and the Town of Conklin has determined that it was in the best interest of the citizens of the Town to purchase one (1) International 4300 SBA 4x2 for \$78,842.00 and one (1) Viking-Cives Body/Plow, with stainless steel body, for \$68,756.90 by piggybacking on a contract by Onondaga County;

WHEREAS, the original award was a contract, BID REF # 7823, let by the County of Onondaga, a municipality in New York State;

WHEREAS, the contract has been made available for use by other governmental entities;

WHEREAS, the contract was let to the lowest responsible bidder;

WHEREAS, the Town’s procurement policy allows for piggybacking;

WHEREAS, the Town has determined that the price of the contract is at or below where expected, and the savings from not having the administrative costs of the bidding process make piggybacking a cost effective measure; and

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NOW, THEREFORE, the Town Board of the Town of Conklin resolves to recommend the piggybacking on the Onondaga County contract for the purchase of one (1) International 4300 SBA 4x2 for \$78,842.00 and one (1) Viking-Cives Body/Plow (with stainless steel body) for \$68,756.90 from Navistar.

RESOLVED, that this resolution shall take effect immediately.

Resolution Adopted: 5 – Yes, 0 – No.

CERTIFICATION

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that the foregoing constitutes a true, correct, and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on September 14, 2016. Said resolution was adopted by the following roll call vote:

Supervisor James Finch	YES
Councilman Gary Bullock	YES
Councilman Dell Boyle	YES
Councilman William Dumian, Jr.	YES
Councilman Charles Francisco	YES

Dated: September 14, 2016

Town of Conklin Seal

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

The anticipated delivery date will be April 2017.

RESO 2016-122: AUTHORIZE PAYMENT/9-14-2016 BILL LIST/\$148,916.79

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the payment of the following September 14, 2016 Bill List in the total amount of \$148,916.79:

General	\$ 43,834.33
Highway	75,411.18
Light District	2,300.80
Sewer District	9,802.10
Water District	10,128.79
Water District 6	5,631.59
Non-Budget	<u>1,808.00</u>
Total	\$148,916.79

Seconded by Mr. Dumian.

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

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RESO 2016-123: APPROVE LEASE/5 MACGEORGE AVENUE/SUBJECT TO
PERMISSIVE REFERENDUM/AUTHORIZE SUPERVISOR TO EXECUTE
NECESSARY DOCUMENTS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the attached lease for 5 MacGeorge Avenue, subject to permissive referendum and with the addition of an “opt out” clause allowing either party to terminate the lease with 30 days’ notice, and authorizes the Supervisor, James E. Finch, to execute the necessary documents.

Seconded by Mr. Dumian.

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

Mr. LeRoy Jenkins will be leasing this property for a total cost of \$25 for a five-year lease. Mr. Boyle suggested waiving the fee if the property is adequately maintained. Mr. Dumian requested an “opt out” clause that would allow either party to terminate the lease with 30 days’ notice.

RESO 2016-124: AUTHORIZE FINANCING/PURCHASE OF 2017 INTERNATIONAL
4300 4X2 TRUCK AND VIKING-CIVES BODY/PLOW/AUTHORIZE ISSUANCE OF
SERIAL BONDS OR STATUTORY INSTALLMENT BONDS

Mr. Francisco moved for the following resolution:

WHEREAS, the Town Board of the Town of Conklin (Town Board”) is contemplating the purchase of a necessary 2017 International 4300 SBA 4X2 Truck and a Viking-CIVES Body/ Plow; 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.

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 a 2017 International 4300 SBA 4X2 Truck and a Viking-CIVES Body/ Plow. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto (including but not limited to associated accessories and attachments) is \$147,598.90 less the value of any trade in and the financing thereof, is \$147,598.90, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$147,598.90 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 \$147,598.90, 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.

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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 contesting such validity is commenced within twenty days after the date of such publication, or
- (c) 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.

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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.

RESOLVED, that this resolution will take effect immediately.

Seconded by Mr. Dumian.

CERTIFICATION

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on September 14, 2016. Said resolution was adopted by the following roll call vote:

Supervisor James E. Finch	YES
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Councilman William Dumian, Jr.	YES
Councilman Dell Boyle	YES

Town of Conklin Seal

Dated: September 14, 2016

Sherrie L. Jacobs
Town Clerk of the Town of Conklin

PETITION TO EXTEND WATER SERVICE TO PENNSYLVANIA STATE LINE

A petition was presented to the Board requesting that the municipal water service be extended down Route 7A to the Pennsylvania state line. Mr. Finch stated that he spoke with Town Engineer John Mastronardi, who told him this project would cost \$125 per foot, for a total of approximately \$675,000. Town Attorney Mark Gorgos stated that his office would need to examine the petition, adding that a special district would have to be created. Mr. Finch stated that the Board would have to ask if the Town of Kirkwood would sell water for this area to the Town of Conklin. Mr. Finch suggested forming a committee, chaired by Mr. Bullock, to pursue this possibility. Code Officer Ron Lake asked if the Board would hold an informal public meeting and Mr. Finch agreed with this idea.

CHICKENS IN CONKLIN

Mr. Lake stated that he has received more complaints about chickens running at large. The Board stated that roosters will not be allowed and chickens must be kept confined. Mr. Gorgos stated that his staff will look at samples of legislation regarding chickens from other municipalities for the September 27 Work Session. Mr. Dumian stated that there are differently zoned areas within the Town. Mr. Lake stated that where chickens are allowed, ducks and rabbits will follow.

PROPOSED LOCAL LAW/ "ZONING"

Mr. Gorgos distributed copies of a proposed local law entitled "Zoning," which he stated would bring the Town Code into compliance with New York State. He added that the Board will need to schedule a Public Hearing. Mr. Dumian commented that the Board needs to discuss this

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proposed local law before a Public Hearing is scheduled. Mr. Finch asked if this is a New York State Law and Mr. Lake stated that it is a State Law, adding that it supersedes other laws, including the Town law.

Since the law is in regard to modular homes, Mr. Bullock asked who decides if a permanent or a non-permanent foundation is required. Mr. Finch replied, "New York State." Mr. Lake stated that "there is only one permanent (not 'frost-free') foundation, and that is a cellar not a monolithic slab." Mr. Boyle answered, "That's interpretation." Mr. Dumian suggested looking at similar legislation from other municipalities. Mr. Lake stated that slabs would have been allowed until January 1, 2016, if it had been allowed in the Town Code. He stated that "New York State set the description." Mr. Dumian reiterated that he wants clarification before a Public Hearing is scheduled. Mr. Gorgos and Attorney Cheryl Sacco will research this further.

PUBLIC COMMENTS:

None.

STREET LIGHTS

Mr. Francisco stated that he submitted a lighting survey to NYSEG of street lights in need of repair, including some on Woodcrest Way and on Conklin Road. He suggested calling the Town Clerk with the address and/or pole number of any street lights that are not working properly. Town Clerk Sherrie Jacobs will forward this information to Mr. Francisco, who will contact NYSEG.

2016 RABIES CLINIC

Ms. Jacobs reminded the Board and those present that the Broome County Health Department will host a Rabies Clinic at the garage attached to the Community Center on September 27, 2016, from 6 to 7 P.M.

MINI-GOLF COURSE

Mr. Dumian thanked the Conklin Fair Committee for the "great job" it did in refurbishing the mini-golf course at the Paul Preston Fair Complex.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Boyle. The meeting adjourned at 7:10 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk