

WORK SESSION
NOVEMBER 9, 2016

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on November 9, 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
	Secretary to Supervisor	Lisa Houston
	Administrative Assistant	Mary Plonski
	Code Officer	Ron Lake
	Public Works Superintendent	Tom DeLamarter
	Planning Board	Chris Ostrowsky
	Zoning Board of Appeals	Hal Cole
	Zoning Board of Appeals	Tom Kelly
	Zoning Board of Appeals	Art Boyle

GUESTS:	Country Courier	Elizabeth Einstein
	Broome County IDA	Kevin McLaughlin
		Laurie Francisco
		Pete Motsavage
		John Colley
		Willis Platt
		George Frailey
		Bill Gardner
		AnnMarie Collins
		Linda Bailey
		Kathy Minoia
		Bob Ronk
		LeRoy Jenkins

CELL TOWERS

Town Attorney Cheryl Sacco stated that the proposed agreement with Upstate Towers to lease space for cell towers on property owned by the Town of Conklin may not be feasible because “three out of four potential locations were taken as recreation or park land,” which would result in “alienation of park land.” This means that if the Town were to use these sites for the installation of cell towers, it would have to replace the space with park land elsewhere in the Town and would be required to use the revenue from the cell towers for parks. She stated that it is unclear whether or not the Town Landfill, another potential site, has deed restrictions from the DEC (New York State Department of Environmental Conservation), and asked if the Board wants her to pursue this as a possibility. The proposed site on Millburn Drive is owned by Broome County, which has refused to deed the land over to the Town. FEMA (Federal Emergency Management Agency) will not allow cell towers to be built on property obtained by the Town during the Flood Buyout, as that must remain forever green space.

Mr. Bullock stated that “we have done what we can. We should let it go.” Mr. Dumian stated that the Town parks “were a long shot from Day 1.” Ms. Sacco stated that there is “no alignment between the Town of Conklin and Upstate Towers’ needs.” Secretary to the Supervisor Lisa Houston stated that the Town was given \$5,000 as a retainer for legal and engineering review, and wanted to know if this is to be refunded. Ms. Sacco explained that this money was the

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original retainer for development on private property and has nothing to do with the potential agreement between the Town and Upstate Towers regarding use of Town property. Ms. Sacco asked if the Board wants to continue to pursue this project. Mr. Francisco asked how the pumphouse was allowed on the park land in Schnurbusch Park if a cell tower cannot be built there. Ms. Sacco stated that there may have been a determination at the time the pumphouse was built that the land was not a park. She stated that there are certain requirements to use park land and that it is “not worth the money.”

JUNK CARS

Code Officer Ron Lake presented a report, including photographs, of a site on Powers Road with numerous Code violations. He stated that there are “maybe 100 sites (like this) through the Town,” adding that the tires and other debris at the site on Powers Road “have accumulated in the past two years.” Mr. Bullock stated that residents should “follow the law.” Mr. Dumian asked if inquiry letters have been sent to the property owner in question and Mr. Lake stated that the letters have not been sent, adding that he spoke to the property owner about the problem a year ago. Mr. Dumian stated that property owners must be notified of potential problems before an official violation letter is sent. Mr. Finch stated that these letters must be hand delivered. Mr. Bullock asked if there is a time frame in which property owners must contact the Town after a letter of concern is sent, and Administrative Assistant Mary Plonski stated that the time frame is one to two weeks. Mr. Lake stated that “after the last time the Board addressed this issue, residents were left thinking it is okay to have these conditions. Either enforce the law or change it.” Ms. Sacco stated that the Town must comply with New York State regulations. Mr. Boyle added that tires present a health hazard, as water stays in them and creates a breeding ground for mosquitos, adding that New York State has restrictions on tire storage.

Ms. Sacco stated that New York State Property Maintenance Code and the Town of Conklin Code “Junk Law” must be followed. Mr. Lake stated, “I can enforce it, but the Board doesn’t back me up.” He stated that he “spent an hour on the phone with the property owner with the junk cars on David Drive.” Mr. Bullock stated that the Town “must be consistent with each one.” Mr. Boyle stated that it is a maintenance issue. Mr. Bullock and Mr. Francisco stated that residents must “follow the law.” Mr. Dumian agreed, adding “after the process is followed.” Mr. Francisco confirmed that residents have ten days to respond.

Mr. Dumian asked about the requirement to hand deliver letters, and Ms. Sacco stated that this requirement refers to tickets, adding that it is required under the Town Code. She suggested changing the wording to “service legal under law,” noting that hiring someone to hand deliver an appearance ticket to someone who owns property in Conklin but lives out of the area could be costly. The new wording would allow tickets to be mailed. She suggested scheduling a Public Hearing for this proposed change to the local law.

CHANGE TO LABOR LAW

Ms. Sacco distributed copies of a proposed resolution regarding the changes to the Labor Law that allow for overtime pay or compensatory time off for salaried employees whose annual salary is below a certain threshold (currently \$47,000), which will be amended in the future. Overtime pay rate would consist of one and one-half times the hourly rate. This change does not apply to elected officials. The adoption of this resolution would bring the Town into compliance with New York State Law.

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CONFLICT OF INTEREST/CONKLIN FIRE DEPARTMENT

Mr. Francisco asked if there is a conflict of interest with Mr. Boyle and Mr. Bullock both being lifetime members of the Conklin Volunteer Fire Department and voting on the Fire Prevention Contract, noting that one Board member abstained from this vote and the other did not. Ms. Sacco stated that this is not a conflict of interest because there is no financial or pecuniary interest involved. She stated that the causes of conflict of interest, in which a Board member would have to abstain from a particular vote, are pecuniary interest (the Board member would gain financially) or an inability to be objective regarding a particular issue. She noted that conflict of interest is determined on a case by case basis, adding that the Board should try to also avoid the appearance of conflict of interest. However, she stated, this concern for appearance “cannot tie the hands of the Board” so that it cannot conduct ordinary business of the Town, citing the “rule of necessity.”

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CORRESPONDENCE:

Supervisor Finch acknowledged receipt of correspondence from Binghamton Mayor Rich David and City of Binghamton Comptroller Chuck Shager stating that the Town will be receiving \$77,208.98 in Capital Funds reductions from the Binghamton-Johnson City Joint Sewage Treatment Plant as reimbursement for overpayments.



PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 2, 2016
“ZONING” – REGARDING MANUFACTURED HOMES

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch declared the Public Hearing open at 6:05 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 2, 2016, “Zoning,” regarding manufactured homes. Ms. Sacco stated that this proposed local law will bring the Town of Conklin Code into compliance with New York State law.

George Frailey of Leslie Avenue asked if any size manufactured home, even one that is 40 years old, could be placed anywhere in the Town or if there are specifications which must be met. Code Officer Ron Lake stated that all manufactured homes must meet New York State standards to have a mortgage through HUD (Office of Housing and Urban Development). Mr. Frailey asked what the placement of manufactured homes throughout the Town will do to property values. “Can they put a piece of junk trailer anywhere in the Town?” asked Mr. Frailey. “As long as it meets requirements, including the required foundation,” stated Ms. Sacco. She added that the property must be maintained to Code. “Do you mean the maintenance Code you can’t enforce?” asked Mr. Frailey. Mr. Dumian clarified that he did not say the Code should not be enforced, adding “I said we need to work with the residents.”

Mr. Finch stated that the Board had proposed creating an overlay district for manufactured homes but the State would not approve this plan. Mr. Frailey asked if the HUD stamp was a requirement and Mr. Lake stated that manufactured homes must meet New York State Code requirements. Mr. Frailey reiterated that “the Junk Code is not enforced,” adding that his family “had to accept \$15,000 less than a property they were selling was worth because the next door neighbor was not forced to clean up and maintain his property.”

Town Clerk Sherrie Jacobs read the following letter from residents into the minutes:

“November 4, 2016

“Attn.: Town Clerk, Town Supervisor, Town Board
“Re: Manufactured home overlay district

“Due to a personal conflict, we cannot attend the Town Board meeting scheduled for November 9, 2016. We request that this letter be read aloud at the meeting and included with the official record thereof. Thank you.

“We reside at 373 Powers Rd., and have lived in the Town of Conklin for 37 years. We have read the article on page 6 of the **Country Courier**, dated October 12, 2016, regarding the creation of an “overlay district,” to allow placement of manufactured/mobile homes throughout

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most, if not all of the Town of Conklin. This is of great concern to us, and to summarize our position, we are against any change to allow mobile homes and double-wides throughout the town. To be clear, we are not against allowing the placement of most modular homes; our concern is specifically focused on manufactured/mobile homes that are inherently and aesthetically distinct from “stick-built” homes.

“The Town of Conklin has been through a lot over the last ten or more years. Property values have not appreciated as most homeowners would reasonably expect. Increasing the possibility of new mobile homes in our town will only work to further suppress real estate values. The prospect of me, or my neighbors, or other town residents waking up one day to find a mobile home or double-wide being placed on the lot next door (or across the road), is not a welcome development. Further, we are all hopeful that some of the 450 jobs at the new Dick’s Sporting Goods facility will result in people looking to move to our town. They will want to move to an area where there is a better chance that home values will increase, not remain flat or decrease.

“We respectfully urge the Town Board to resist any change to zoning and other regulations that will further weaken property values in our town and decrease its appeal to current residents and potential newcomers.

“Thank you for your consideration.

Jonathan Burgman

Pamela Burgman”

Ms. Sacco quoted Chapter 140 of the Town Code which states that the manufactured homes must have the HUD seal. Mr. Finch reiterated that New York State law mandates that manufactured homes can be moved into the Town. Mr. Frailey asked if there is a square footage requirement and Mr. Lake replied that the Town cannot set this requirement because no such requirement is set for stick-built homes, and manufactured homes cannot be held to a different standard than stick-built homes. Mr. Frailey commented, “It’s easier to ask forgiveness than get permission.

Mr. Art Boyle, member of the Zoning Board of Appeals, stated that the correct term is “manufactured home” not “mobile home,” and added that the manufactured homes must be manufactured in 1976 or newer to be able to be placed anywhere in the Town other than the three mobile home parks. He stated that manufactured homes have the HUD stamp, adding that mobile homes constructed prior to 1976 are only allowed in mobile home parks in the Town of Conklin.

Mr. Bullock stated that he has the same concerns as those expressed by Mr. Frailey. Mr. Boyle asked if the changes to the Local Law match the New York State law. Ms. Sacco stated that the proposed changes match New York State’s law, reading the proposed changes in conjunction with Chapter 140-11-A of the Town Code. Mr. Finch asked if the Town can add to the law a restriction stating that manufactured homes currently located in one of the three mobile home parks cannot be moved to residential areas and Ms. Sacco stated that this restriction would not be legal if the manufactured home in question meets the standards. She stated that the Town can restrict lot size, lot coverage, and/or setbacks but must apply the same standards to stick-built homes. A question was raised concerning the currently required 4 foot by 12 foot pitch, and Mr. Dumian replied that the pitch requirement has been removed with the proposed changes to the local law.

Mr. Bill Gardner of Powers Road asked who decides the assessment value if a mobile home is placed next to your property, and Ms. Sacco stated that this is the job of the Assessor. Mr. Lake

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stated that your realtor determines if the property value is decreased. Ms. Sacco stated, "The market decides." She added, "The buyer might not like having a manufactured home next door." Ms. Sacco stated that real estate agents make decisions on the potential sales value of a home, using comparisons with other similar homes.

Mr. Frailey explained that his concern is not with "the new double-wides, but with the old trailers." Mr. Hal Cole, a member of the Zoning Board of Appeals, stated that standards have improved through time for stick-built and manufactured homes, and recommended that the Town recommend to New York State that it require HUD stamp to be recent (not vintage 1976). Mr. Lake explained that the Town cannot require that the manufactured home be "new."

There being no further public comments or questions, Mr. Finch declared the Public Hearing closed at 6:35 P.M.

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COMMUNITY DEVELOPMENT BLOCK GRANT/DICK'S WAREHOUSE

Mr. Kevin McLaughlin of the Broome County Industrial Development Agency (BCIDA) spoke to the Board regarding the Community Development Block Grant (CDBG) for which Dick's Warehouse Distribution Center is applying to secure funding for acquisition of equipment for the new facility. He stated that the Town Board held a Public Hearing on October 18, 2016, regarding the grant application and no public comments were received. Mr. McLaughlin stated that the draft has been sent to New York State and has been approved. The resolution he is seeking from the Town Board tonight will allow the BCIDA to submit the application. Mr. Dumian asked if the Town is protected from any obligation if Dick's Warehouse does not create the promised 60 jobs tied to the grant, and Mr. McLaughlin stated that there is a guarantee from Dick's Warehouse that there will be no obligation to the Town. He added that the new facility plans to create 466 jobs within the next five years. It was noted that the Town of Conklin will receive the service fee for this grant. Mr. McLaughlin stated that the Town of Conklin "has been wonderful" in working with the BCIDA and Dick's Warehouse to apply for this grant.

RESO 2016-162: AUTHORIZE AN APPLICATION BY THE TOWN OF CONKLIN
FOR A NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) FUNDS FOR ECONOMIC DEVELOPMENT IN THE AMOUNT OF
\$750,000 FOR THE DEVELOPMENT OF THE DICK'S SPORTING GOODS, INC.
DISTRIBUTION CENTER, WHICH PROPOSES SIXTY (60) NEW JOBS TO
BENEFIT SIXTY (60) LOW-TO-MODERATE INCOME INDIVIDUALS

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

ABSENT: None

Offered By: Councilman Bullock **Seconded By:** Supervisor Finch

The Town Board of the Town of Conklin (hereinafter "Town"), duly convened for a regular meeting on November 9, 2016. The Town Board hereby resolves as follows:

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WHEREAS, the Town Board hereby desires to file an application seeking New York State Community Development Block Grant (CDBG) funds for economic development of the Dick's Sporting Goods, Inc. Distribution Center; and

WHEREAS, pursuant to the implementing regulations of Article 8 of the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Town Board of the Town of Conklin that this action constitutes a Type II Action as defined under said regulations and is not subject to review.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Conklin hereby resolves to authorize the Town Supervisor to execute and file an application seeking New York State Community Development Block Grant (CDBG) funds for Economic Development of the Dick's Sporting Goods, Inc. Distribution Center; and

RESOLVED, that this resolution will take effect immediately.

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 the 9th day of November, 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: November 9, 2016

Sherrie L. Jacobs
Town Clerk of the Town of Conklin

LONG-FORM SEQRA/LOCAL LAW 2, 2016/"ZONING"

Ms. Sacco stated that proposed Local Law 2, 2016, "Zoning," is a Type 1 Action, requiring completion of the long-form SEQRA (State Environmental Quality Review Act) review. The Board answered "No" to all questions on the SEQRA review and thus issued a Negative Declaration, meaning that there will be no adverse environmental impact from the proposed local law.

RESO 2016-163: APPROVE ADOPTION OF LOCAL LAW 2, 2016
AMENDING CHAPTER 140 OF THE TOWN CODE ENTITLED "ZONING"

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

ABSENT: None

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Offered By: Councilman Boyle

Seconded By: Councilman 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 Town Board held a public hearing at Conklin Town Hall, 1271 Conklin Road in said Town, on November 9, 2016, commencing at 6:05 P.M. to hear all interested parties on a proposed local law amending Chapter 140 the Town of Conklin Town Code, specifically Section 140-11 "Permitted uses" regarding manufactured homes; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town, and posted on the Town Clerk's signboard; and

WHEREAS, said public hearing was duly held at 6:05 P.M. on November 9, 2016, and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed local law, or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type I Action, and after review of the Long Environmental Assessment Form, the Town Board has determined that the Local Law will not result in any significant adverse environmental impact and therefore a negative declaration should be issued; and

WHEREAS, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law.

NOW, THEREFORE, BE IT RESOVED, that the Conklin Town Board hereby adopts said local law entitled "A Local Law Amending Chapter 140 of the Town of Conklin Code entitled 'Zoning'"; and

RESOLVED, the Town Clerk be and hereby is directed to enter said local law in the minutes of this meeting and to give due notice of the adoption of said local law to the Secretary of State; and

RESOLVED, that this resolution will take effect immediately.

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 November 9, 2016. Said resolution was adopted by the following roll call vote:

Supervisor James E. Finch	NO
Councilman Gary D. Bullock	NO
Councilman Charles Francisco	YES
Councilman William Dumian, Jr.	YES
Councilman Dell Boyle	YES

Town of Conklin Seal

Dated: _____

Sherrie L. Jacobs
Town Clerk of the Town of Conklin

Mr. Bullock stated, "I think New York State went too far." Mr. Finch stated, "I agree. I don't

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approve this without modifications.” Mr. Bullock stated, “We can go back at the State, “ suggesting that a letter be sent to local representatives. Mr. Dumian stated that he wants to discuss this with Mr. Lake before a letter is sent to Assemblyman Clifford Crouch.

PUBLIC COMMENTS:

CORRECTION TO COMMENTS REGARDING BAILEY PROPERTY

Ms. Linda Bailey stated that she saw an article in the **Country Courier** quoting Mr. Finch as stating that her property on Montrose Drive had been sold to Lopke Contracting, Inc., and that Giammarino Construction was exploring for bluestone. Ms. Bailey stated that none of this is true: She is not the “former owner;” “Giammarino is not exploring” her property, but merely passing through it; and the property “was not sold to Lopke.”

LANGUAGE IN CODE VIOLATION LETTERS

Mr. Hal Cole stated that the Town should not use the word “may” be in violation in the letters sent to residents. “Either you are or you aren’t in violation,” he stated.

ANASTACIA DRIVE

Mr. Chris Ostrowsky stated that the new road in the housing development that he owns has been finished and asked what the next step would be in the Town assuming possession of this road. Mr. Finch stated that a letter from Highway Superintendent Brian Coddington accepting the road is required, adding that the road must be built to Town of Conklin specifications. Mr. Ostrowsky replied that he “spent \$25,000 to build it to engineering specifications.” He added that there is a potential for more building lots to be developed. Mr. Ostrowsky stated that he brought the buyers of the new house into Conklin “to raise the tax base.” “It is not a highway,” he added. Ms. Sacco stated that Town Law states that the Highway Superintendent has the right to accept or decline a new road. She asked if he would be willing to subdivide his property if necessary. “Work with me,” stated Mr. Ostrowsky, “don’t charge me extra taxes.” He went on to state, “The tax structure is ridiculous. This is not how you bring people into Town.”

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

Refer to written report.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom DeLamarter stated that soccer season is finished, and the concession stands in Schnurbusch Park have been winterized. He stated that the Shawsville Cemetery was mowed and leaves raked. Mr. DeLamarter stated that the FEMA inspections from the 2011 Flood are two-thirds completed. He stated that the hydrant flushing is completed and the Health Department inspected the water system with good results.

Mr. DeLamarter stated that ScadaTech and A. C. Spear had to be called to look at Well 6 because it developed a burning smell then quit working. The windings were found to be damaged and must be repaired. Mr. Francisco asked if a test run on the pump was performed at the repair shop and Mr. DeLamarter stated that it was run for an hour and “ran fine.” Ms. Sacco asked if it is under warranty and Mr. DeLamarter replied that the windings are the originals and

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are not under warranty. Ms. Sacco asked if ScadaTech missed the damage to the windings or caused it. Mr. DeLamarter stated that the bearings are new but the windings are older, adding that he is getting a second opinion about the problem.

Mr. Francisco spoke about the handicapped access park equipment in the City of Binghamton, which he stated included a “handicapped access swing” at Recreation Park. Mr. Dumian stated that this equipment is part of the “Come Out and Play” program, which Ms. Sacco stated is part of the Magic Paintbrush project. Mr. Dumian stated that these swings are fairly inexpensive. Mr. Francisco stated that the Town “needs to be aware of everyone’s needs,” adding that he thinks the Town should research the possibility of adding a similar to feature to Schnurbusch Park. Mr. Finch stated that he is getting information from the City of Binghamton Parks Department. Mr. DeLamarter will research pricing on the equipment.

RESO 2016-164: APPROVE RESPONSE TO OFFICE OF THE CITY OF
BINGHAMTON COMPTROLLER/OPTION B FOR REFUND OF
OVERPAYMENT/BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT
PLANT

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves sending a response to the Office of the City of Binghamton Comptroller approving sending a check in the amount of \$77,208.98 (Option B) as a net refund allocation as a refund of the prior year expense (overpayment of funds to the Binghamton-Johnson City Joint Sewage Treatment Plant).

Seconded by Mr. Finch.

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

REPORT: CODE OFFICE

Refer to written report.

OLD BUSINESS:

TOWN EMPLOYEE HEALTH INSURANCE

It was noted that Tom Augustini from Haylor, Freyer, and Coon will be presenting information to Town employees regarding health insurance plans at a meeting scheduled for 10 A.M. on November 10, 2016.

UPDATE/RISING COMMUNITY GRANT

Mr. Francisco reported that the approximately \$1.3 million grant from the Rising Community Committee to construct an evacuation route from the center of Town is “a go.” He stated that there will also be money to relocate either the Community Center or the Highway Garage to higher ground. Mr. Francisco reported that the Stillwater Road Drainage Project is still on hold.

NEW BUSINESS:

RESO 2016-165: APPROVE COUGHLIN & GERHART, LLP/PROCESS LAW SUIT
FOR UNCOLLECTED UTILITY BILLING OF AUCTIONED PROPERTIES/
8 GEE STREET AND 815 CONKLIN ROAD

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Coughlin & Gerhart, LLP, to process a law suit for uncollected utility billing of auctioned properties located at 8 Gee Street and 815 Conklin Road, tax I.D. numbers 161.34-1-36 and 162.09-1-51,

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previously owned by Anthony Fischetti.

Seconded by Mr. Finch.

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

Ms. Sacco explained that the Town's options were litigation to recover the uncollected funds or due process, which includes a hearing, then possibly a shut-off of the municipal water to the residences. The Town Board chose to pursue the litigation option.

RESO 2016-166: RATIFY ACH PAYMENT/PITNEY BOWES/POSTAGE METER REFILL

Mr. Bullock moved for the following resolution:

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 postage meter refill for various departments.

Seconded by Mr. Francisco.

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

RESO 2016-167: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF COMMERCE/REGISTRATION FOR NOVEMBER 15, 2016 MEETING HELD IN ENDICOTT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #11517, account codes for various departments, in the amount of \$198.00 to the Greater Binghamton Chamber of Commerce for registration for the November 14, 2016 meeting held in Endicott, New York.

Seconded by Mr. Finch.

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

RESO 2016-168: APPROVE PAYMENT/BILL LIST/\$77,497.14

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List in the total amount of \$77,497.14:

General	\$ 12,631.05
Highway	7,430.31
Light Districts	1,957.06
Sewer District	49,987.32
Water District	2,928.40
Non-Budget	<u>2,563.00</u>
Total	\$77,497.14

Seconded by Mr. Francisco.

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

PUBLIC COMMENTS:

None.

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RESO 2016-169: SCHEDULE PUBLIC HEARING/DECEMBER 13, 2016/6:05 P.M./
PROPOSED LOCAL LAW 3, 2016/REGARDING APPEARANCE TICKETS

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 6:05 P.M. on December 13, 2016, to receive input regarding proposed Local Law 3, 2016, which amends language in Chapter 5 of the Town Code concerning appearance tickets.

Seconded by Mr. Francisco.

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

Mr. Lake stated that the issuance of appearance tickets for Code violations would be a “last resort.”

RESO 2016-170: AMEND “POLICY AND BENEFITS STANDARDS FOR EMPLOYEES
OF THE TOWN OF CONKLIN”/OVERTIME

PRESENT:

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

ABSENT:

Offered By: Mr. Bullock

Seconded By: Mr. Finch

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 Town of Conklin adopted its “POLICY AND BENEFIT STANDARDS FOR EMPLOYEES OF THE TOWN OF CONKLIN” (hereinafter “Standards”) by a resolution; and

WHEREAS, The Town of Conklin Town Board has previously amended the Standards by resolution several times, including on or about December 14, 2004, September 10, 2008, August 8, 2011, and November 23, 2013, and

WHEREAS, Within the Policy and Standards, Article 8 addresses Overtime and Compensating Time Off and

WHEREAS, The Town of Conklin Town Board, after a discussion, has determined that it is in the Town of Conklin’s best interest to modify this Article to be in compliance with New York State Labor Law regarding overtime of certain salaried employees; and

NOW, THEREFORE, this 9th day of November, 2016

BE IT RESOLVED by the Town Board of the Town of Conklin, as follows:

RESOLVED, In Article 8 (entitled OVERTIME AND COMPENSATING TIME OFF) Section 3 (d) shall be amended to read:

It is recognized that certain Town employees are paid on an annual fixed salary and not by an hourly rate. In accordance with the law, certain employees, based upon factors including a salary threshold, are entitled to overtime pay; while others are not. This is a factor that is taken into account in establishing such salaries. However, when allowed under law, compensating time off may be allowed for the performance of certain

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additional job duties occurring outside of the regularly scheduled work day. Approval for the award and use of compensating time off must be given in advance by the Supervisor. An analysis must be done, on a case by case basis, to determine, if compensating time off is allowable under the law, for any such salaried employee who requests it.

RESOLVED, this resolution shall take effect immediately.

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 November 9, 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 J. Dumian Jr.	YES
Councilman Dell Boyle	YES

Dated: November 9, 2016

Town of Conklin Seal _____

Sherrie L. Jacobs Town Clerk of the Town of Conklin

DOT RESPONSE TO REQUEST TO LOWER SPEED LIMIT ON ROUTE 7

Mr. Bullock stated that he is disappointed in the response from the DOT (New York State Department of Transportation) to the request by the Town to have the speed limit decreased on Route 7 (Conklin Road) between Shaw Road and the Community Center. The NYS DOT found no reason to decrease the speed limit in this area. Mr. Francisco stated that the speed limit needs to be reduced and asked if there is any other recourse in addressing this issue.

FRONT OF CASTLE/BUILDING MAINTENANCE

Mr. Bullock thanked the Highway Department for all of the work they did on repairs to the front of the Castle. Mr. Dumian also thanked Highway Superintendent Brian Coddington and his department, adding that their work “saved the Town a lot of money.”

Mr. Bullock stated that the windows and floors in the Town Hall need to be cleaned, suggesting that the cleaning company which the Town hires to clean the Town Hall be asked to also clean the windows. Mr. Dumian stated that the Town “needs someone who is responsible for building maintenance.”

**MEETING/UPPER SUSQUEHANNA RIVER BASIN COMPREHENSIVE FLOOD
DAMAGE REDUCTION STUDY**

Mr. Dumian stated that there is a meeting to be held on November 22, 2016, at 1:30 P.M., and a second meeting to be held at 6:30 P.M., regarding the Upper Susquehanna River Basin Comprehensive Flood Damage Reduction Study. The meetings will be held at the Chenango Community Meeting Room in the Chenango Town Hall, and public input is welcomed.

LEAF PICK-UP

Mr. Francisco stated that the Highway Department is doing a “tremendous job with the leaves,”

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noting the “timely manner” in which the leaves are being picked up.

RESO 2016-171: ALLOW BLUESTORM TECHNOLOGIES UTILIZE TOWN POSTAL PERMIT FOR ONE-TIME ONLY MAILING RELATED TO BETA TEST PROJECT

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin allows BlueStorm Technologies to utilize the Town’s postal permit for a one-time only mailing related to the company’s Beta Test Project in which the Town is participating.

Seconded by Mr. Bullock.

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

TUZZE/SALT DISTRIBUTION FACILITY

Mr. Finch stated that Mr. William Osborne had been to the Town Hall earlier in the day to ask about the status of the issues with truck traffic associated with Mr. Tuzze’s salt distribution facility. Mr. Dumian stated that he and Mr. Boyle are meeting with Mr. Tuzze and representatives from Ocean Steel on November 10 to see if an agreement can be made with Ocean Steel to provide them with municipal water in exchange for allowing Mr. Tuzze’s trucks to utilize their driveway.

RESO 2016-172: ACCEPT RESIGNATION/TOWN COUNCILMAN/GARY BULLOCK

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Gary Bullock from the position of Town Councilman, effective December 31, 2016.

Seconded by Mr. Dumian.

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

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

