

**REGULAR TOWN BOARD MEETING**  
**JANUARY 14, 2014**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on January 14, 2014, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b> Town Board Members	Bullock, Minoia, Dumian, Finch (Chuck Francisco excused due to illness.)
Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Town Assessor	John McDonald
Assistant to Supervisor	Lisa Houston
Public Works Superintendent	Tom Delamarter
Highway Superintendent	Brian Coddington
Highway Foreman	Stanley Albrechta
Code Officer	Robert Jones
Planning Board	Dell Boyle

<b>GUESTS:</b> Country Courier	Elizabeth Einstein
Broome County Sheriff	David Harder
Conklin Vol. Fire Dept.	Bill Gorman
	John Colley
	Gary Whistle
	Rosemary Whistle
	Don Einstein
	Peter J. Motsavage
	Ellen Osborne
	William Osborne, Jr.
	George Frailey

**MINUTES: DECEMBER 10, 2013 REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to approve the December 10, 2013 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

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

**CORRESPONDENCE;**

Mr. Finch acknowledged receipt of correspondence from Griffiths Engineering stating that the company is raising its rate to \$90 per hour, adding that most other engineering companies charge \$120 per hour. He also acknowledged receipt of correspondence from Brian Coddington, from a bank regarding credit card capability, and from Rising New York.

**OLD BUSINESS:**

**TAX STRUCTURE/ASSESSOR JOHN MCDONALD**

At the request of Supervisor Finch, Town Assessor John McDonald read the following memo, dated January 14, 2014, into the minutes:

“Flood Buy-Out Assessments for 2013 Tax Year (July 1, 2013, through June 30, 2014)

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“Dear Town Board Members:

“Supervisor Finch has asked me to attend tonight’s Town Board meeting, supply you with a written memo concerning tax assessments on FEMA buy-out properties for the 2013 tax year, and attempt to answer any questions that you may have.

“To begin, it should be noted that the assessment process for FEMA buy-out properties was the same in 2013 as it was after the 2006 flood. It should also be noted that the process was explained to, and discussed with, the Town Supervisor prior to implementation on both occasions.

“By New York State law, the owner of a property at the time tax bills are issued is responsible to pay taxes in full. As a result, if the Town of Conklin took title to any flood buy-out properties prior to July 1, 2014, the Town would be responsible to pay all property taxes to the Susquehanna Valley School District, Broome County, and the Town itself levied on those properties after the date of acquisition.

“The tax roll, (again by New York state law), must be completed by the assessor and submitted so that it can be presented on May 1 each year. It cannot by law be changed during the fiscal year. As of May 1, 2013, we had approximately 70+/- properties on the flood buy-out list. Even in their various states of damage, 70+/- properties could have cost the Town well in excess of \$100,000 in property tax expenditures if the buy-outs were completed by FEMA in a timely fashion, thus dramatically increasing the Town’s budget or creating a huge budget shortfall.

“To prevent this ridiculously high expense from being incurred by the Town, we reduced the assessments on the flood buy-out properties to \$101, (\$100 for the land and \$1 for the building). We sent a notice to each of the affected parties after May 1 telling them that this was solely because the properties were projected to be purchased by the Town, demolished, and the land required to remain “forever green” by deed restriction as part of the FEMA buy-out program requirements. We also stated in that notice that should they drop out of the buy-out program, their assessment would be increased for the next tax year.

“As I discussed with the Town Supervisor prior to implementation, this process was the only way from an assessment standpoint to prevent the Town of Conklin from potentially incurring huge tax liability to the school district and Broome County. Had it not been implemented and this cost had been incurred, I can only imagine the Town’s outcry regarding a six-figure budget shortfall.

“Should you have any questions, I would be happy to attempt to answer them.

“Respectfully submitted,

“John McDonald  
“Tax Assessor”

Mr. McDonald reiterated that the Town would be responsible for school and County taxes on any properties that it owned during the period from July 1, 2013, through June 30, 2014, which could have totaled approximately \$113,000 on the potential Buyout properties. He stated that he has talked with Councilman Minoia twice regarding this issue, to answer Mr. Minoia’s questions about the decreased assessment. Mr. McDonald stated that some of the original property owners

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that were on the Buyout list have dropped out and their properties will be re-assessed at a higher value for the 2014 tax rolls. He added that Code Officer Robert Jones will be updating the list of properties still on the Buyout program. Mr. Dumian asked if some of the properties on the Buyout list are currently being used by their owners and Mr. McDonald confirmed that this is the case. Mr. Bullock asked who is currently paying the school taxes on the properties in the Buyout program and Mr. McDonald replied that Broome County makes the Town whole 100% for tax revenue. Mr. Finch asked about a property owner with multiple rentals on the same property, which is on the Buyout list, and Mr. McDonald stated that there is no recourse for that particular situation. Mr. Finch asked about the three buildings on the parcel in question, stating that two are scheduled to be demolished but the third is not. Attorney Cheryl Sacco stated that FEMA (Federal Emergency Management Agency) does not split buildings on a parcel in the Buyout program; therefore all buildings on a parcel will be demolished.

Mr. Minoia asked if there is a priority on processing businesses in the Buyout program and Mr. Jones replied that the parcel in question is “#1 on the list.” He added that FEMA has stated that funds for the Buyout will be available. Ms. Sacco asked Mr. Jones if the Town has requested an extension on completing the Buyout process and Mr. Jones stated that the Town’s FEMA contact, Tom Abatti, had told him that it is too early to apply for an extension. Mr. Minoia wanted to know when the deadline would be to ask for an extension and Mr. Jones replied that there is no deadline. Ms. Sacco stated that SEMO (State Emergency Management Office) will review the applications, then make an offer to purchase the properties to the property owners, who have 30 days in which to accept or decline the offer. Mr. McDonald stated that as of April 20-25, 2014, the Town will be bound in its assessments for another tax year, as the assessments must be turned in to Broome County at that time so that the tax rolls can be created. He stated that he will need the numbers from the Buyout program by March 15, 2014. Mr. Dumian asked Mr. Jones what his goal is for the Buyout process and Mr. Jones replied that he plans to send out all applications to SEMO by mid-February, adding that SEMO will take two weeks to approve or deny the applications.

Mr. Finch asked if there is an update on the litigation regarding the demolition contract on the Buyout properties and Ms. Sacco replied that there is no update, adding that the Town can “do everything except demolish” the buildings. She added that the Town has 60 days after the closing date in which to complete demolition of the properties.

**PUBLIC COMMENTS:**

**BROOME COUNTY SHERIFF DAVID HARDER**

Broome County Sheriff David Harder presented a report from his department, stating that in 2012, his department responded to 749 complaints in the Town of Conklin. He explained that his department employs 33 deputies, six detectives, and six narcotics specialists, and works cooperatively with the Broome County Drug Task Force. Sheriff Harder added that there is “not a serious drug problem in the Town of Conklin.” He stated that heroin is the drug of choice now, adding that it incites other crimes.

Sheriff Harder stated that the Broome County Jail holds 536 beds, adding that in 2012, the County boarded in prisoners from other areas, raising \$1.2 million in revenue, but is currently so crowded that it has to board out prisoners to other jails, at a cost of \$80 per person per day. He stated that the Broome County Jail can hold up to 60 female prisoners. He stated that, contrary to popular rumor, federal prisoners are not released in the Binghamton area, but are instead sent

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back to the area where they originated, adding that the County sees revenue of \$100 per day for each of these federal prisoners that it houses.

Sheriff Harder stated that his department has three canines and that it works with the New York State Police, with the “closest car” responding to a call.

Sheriff Harder stated the Broome County will be expanding the Jail, adding a medical pod, at a cost of \$16 million, to hold 16 males and 12 females. He stated that the former gymnasium will be converted into a dormitory with 48 beds, which he called a “band-aid effect” for the over-crowding, adding that he believes the building should be increased by one story. Sheriff Harder stated that any resident can tour the Jail facilities by calling to make an appointment.

Sheriff Harder stated that the Town of Conklin is home to five Level 1 sex offenders, five Level 2 offenders, and no Level 3 offenders (the most likely to re-offend). He stated that monitors from the Sheriff’s Department call on the homes of listed sex offenders to make sure they are following the rules of their release.

Mr. Finch asked if the taxpayers pay for prisoners’ medical bills, and Sheriff Harder stated that this is the case. He stated that this includes space for a baby born in prison for up to age 18 months, psychological counseling, and overtime for officers assigned to stand guard on prisoners who are in the hospital. Sheriff Harder explained that hospital regulations stated that prisoners in the hospital cannot be housed in the same room, so there must be an officer for each prisoner. He stated that the Jail also must provide a dentist on site, as well as a barber and beautician. Sheriff Harder stated that there is no longer a “scared straight” program because the Jail is not very scary. He stated that the prisoners are provided with three meals a day, heat and air conditioning, and eyeglasses as needed. Ellen Osborne asked if a list of sex offenders is available and Sheriff Harder stated that it is available on both the Sheriff’s Department website and on the New York State registry website.

Sheriff Harder made available forms on which one can write one’s medical history and store in the glove compartment of one’s car, with a yellow dot to put on the window, advising medical personnel that the medical history is located in the car.

**GARY WHISTLE/ENGINEERING & ELEVATION CERTIFICATES**

Gary Whistle, a professional engineer who lives in the Town of Conklin, spoke about the need for a professional engineer, rather than a land surveyor, to provide certificates of elevation for FEMA for flood insurance. He stated that the cost of flood insurance is going to increase dramatically, adding that “FEMA is broke. It is \$18 billion in the red.” He stated that his company can help people in the area, whom he stated need “an expert engineer to help modify their houses” and so reduce the rate of their flood insurance. Mr. Whistle stated that he would like to set up an informational program to educate the public as to what is happening with flood insurance and what the public can do to mitigate these increases. Mr. Finch asked Mr. Whistle if he is providing a specific price for work in the flood areas, adding that he should advertise, hold a meeting and present his information. Mr. Whistle stated that he would need about three hours to do this. Mr. Finch stated that Mr. Whistle should get his information to Code Officer Jones.

**REPORT: SUPERVISOR’S OFFICE**

Refer to written report.

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**REPORT: TOWN CLERK**

Refer to written report. Mr. Finch commented that Town Clerk Sherrie Jacobs had found some documents that might assist in the negotiations with the Joint Sewage Board over the contract renewal.

**REPORT: HIGHWAY SUPERINTENDENT**

In addition to his written report, Highway Superintendent Brian Coddington reported that his crew had been busy with snow plowing and salting roads, vehicle repair, and cold patching town wide. He stated that the Highway Department assisted the Parks Department in the installation of the new ice rink. Mr. Bullock asked the status of Truck 47 and Mr. Coddington replied that it is being used currently but needs more work done on it.

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Public Works Superintendent Tom Delamarter reported that the leachate at the Town Landfill has been tested and he has been awaiting approval to release it into the sewage system, but Shumaker Consulting did not respond. Mr. Delamarter stated that when the leachate reached the 30,000 gallon capacity and threatened to spill over, he released it into the sewer system. He explained that there is a certain time period in which the leachate must be released or it must be retested, at a cost of \$3,000.

Mr. Delamarter stated that the inspection by Broome County Health Department went very well. He stated that the new ice rink has been installed, adding that the liner will be installed and the rink will be flooded on January 16.

**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that he issued no building permits in December. He stated that he has been addressing various complaints, including garbage on Millburn Drive, vehicles on Powers Road, truck traffic on Hardie Road, construction materials on Cherry Drive (which he said have to be removed by March 1, 2014), and debris on Shipman Road. Mr. Jones stated that the property owner on Shipman Road is removing the debris. He stated that there are 14 mobile homes in Fountain Bleau Mobile Home Park that are in poor condition and need to be removed. He stated that the property owner at 809 Conklin Road has removed the garbage from that site. Mr. Jones stated that he has been working on annual reports for New York State and for the U.S. Census Bureau. Mr. Jones stated that FedEx representatives will be attending the January 16 Planning Board meeting, adding that a Public Hearing must be scheduled, perhaps for the second Town Board meeting of February.

Mr. Finch addressed William and Ellen Osborne of Hardie Road, who have complained about truck traffic from the Salt Distribution Center, stating that he talked with Mr. Tuzze, owner of the Salt Distribution Center, and Mr. Tuzze is willing to meet with the residents of the area to discuss the problems. Mr. Finch stated that Broome County, which owns Hardie Road, is also monitoring truck traffic on the road.

Mr. Minoia stated that more tires have been dumped on the property on Conklin Road belonging to Mr. Soucie. Mr. Finch told Mr. Jones to get some security cameras for the site and to call Mrs. Soucie and inform her that it is the property owner's responsibility to remove the tires. He

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stated that one can store tires on one's property but they must be stored 50 feet from the property line.

Mr. Minoia asked about 560 Conklin Road, the former City Line Garage, stating that there are now four unregistered vehicles parked on that lot, which he added is a violation of the Town Code. Mr. Minoia stated that the Town should cite CP Rail, owner of the property, for the violations. Ms. Sacco stated that the railroad company should be given the opportunity to move the vehicles before violation citations are issued. She stated that the Town could pursue demolition of the building on that site under the Unsafe Structures Law, but cautioned that it could prove to be expensive. Mr. Finch asked if there were still fuel tanks in the ground at the site and Mr. Jones confirmed that there are still tanks there.

**NEW BUSINESS:**

**TIME WARNER CABLE CONTRACT**

Ms. Sacco reported that she has received no update from the Public Service Commission regarding the contract between the Town and Time Warner Cable.

**BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD**

Mr. Finch stated that the Binghamton-Johnson City Joint Sewage Board wants the Town of Conklin to agree to a 30-year contract, noting that the Town of Conklin is the only outside user without an automatic contract renewal. He stated that he is meeting next week with the Binghamton City Council to discuss the matter. Mr. Finch stated that the Town would be willing to sign a one-year contract, adding that the DEC (New York State Department of Environmental Conservation), and the Susquehanna River Basin Commission both have concerns with the Joint Sewage Board. Mr. Finch stated that the Town wants lower rates, adding that the Town of Conklin is the only municipality to send reports in on time (adding that this is done by his assistant, Lisa Houston, and Public Works Superintendent Tom Delamarter). He stated that the City of Binghamton will accept any flow rate from the Town of Conklin.

**NEW YORK RISING**

Mr. Finch stated that representatives from New York Rising have taken several tours of the area to look at proposed project sites in the Town. He stated that the Town of Conklin looks like it has a good chance of being approved for the \$3,000,000 grant. He stated that prevailing wages must be paid on any projects, which will use quite a bit of the grant. Mr. Finch stated that he met with the Broome County Industrial Development Agency (BCIDA) and Broome County government regarding the possibility of building a type of senior housing on Corporate Drive. He also stated that the grant would allow the Town to change the direction of drainage in the southern part of Town, noting that one of the dams is out of compliance with DEC standards. Mr. Minoia commented that this is the area behind his house, where he stated a utility company blocked a channel, which now allows the water that drains from Corporate Park to flood his property, adding that the water has no way to drain from his property. Mr. Bullock stated that the dam in question was breached during the 2011 flood.

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**WATER USAGE CONTRACT/MAINES PAPER & FOOD SERVICE**

Mr. Finch stated that the Town sent a bill for water usage in the amount of \$22,000 to Maines Paper and Food Service, Inc., and received back a payment of \$15,000 and a statement that Maines wishes to return to their former rates of payment. Ms. Sacco stated that she will be setting up a teleconference between Mr. Finch and Attorney Mark Gorgos to discuss this issue.

**GRANTS**

In addition to the NY Rising grant, Mr. Finch stated that the Town is also investigating federal grants. Priority projects would be expansion of the Town's water and sewer system, creation of a drainage district, and creation of an evacuation route for the center of Town. Mr. Finch stated that the BCIDA wants a developer for senior housing and residential development, perhaps two-bedroom bungalows on 75 foot by 100 foot lots.

Ms. Sacco stated that the Towns of Conklin, Windsor, Kirkwood, and Deposit could work together to seek a grant through Thoma Development Consultants, a grant-writing company. It would cost \$4,000 (\$1,000 per municipality). She stated that one benefit would be to help with zoning for natural gas development in the Comprehensive Plan, adding that Public Hearings and Information Sessions would need to be held to make changes to zoning. Ms. Sacco stated that as the Dryden-Middlefield lawsuits have sought to keep gas drilling out of certain areas, the Town's Comprehensive Plan could plan for places within the Town where it would be acceptable to drill. Mr. Bullock asked if the Broome County Planning Department would be willing to help with the update to the Town's Comprehensive Plan and Mr. Finch stated that this is a possibility, however, it would cost the Town \$10,000. Ms. Sacco stated that the Towns of Kirkwood and Deposit have agreed to this joint project. Mr. Dumian stated that he thinks outside help would be a good idea, but would like to see a list of grant requirements before joining this venture.

**RESO 2014-1: ACCEPT 2014 RATE SCHEDULE/GRIFFITHS ENGINEERING**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the 2014 Rate Schedule of Griffiths Engineering.

Seconded by Mr. Dumian.

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

**RESO 2014-2: ACCEPT RESIGNATION/BRIAN CODDINGTON/HIGHWAY LABORER/EFFECTIVE 12-31-2013**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Brian Coddington from the position of Highway Laborer, effective December 31, 2013.

Seconded by Mr. Minoia.

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

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**RESO 2014-3: RATIFY ACH WIRE PAYMENT/PITNEY BOWES/POSTAGE METER**  
**REFILL PURCHASE**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies an ACH wire payment, account code A-1674.4-400, in the amount of \$500.00 to Pitney Bowes for purchase of postage meter refill.

Seconded by Mr. Dumian.

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

**RESO 2014-4: AUTHORIZE PRE-APPROVED 2013 BILL LIST/\$66,674.95/**  
**PAID 12-24-2013**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the payment of the following pre-approved 2013 Bill List in the total amount of \$66,674.95, paid December 24, 2013:

General	\$43,894.69
Highway	14,158.65
Light Districts	2,267.34
Sewer District	1,548.27
Water District	2,664.00
Non-Budget	<u>2,142.00</u>
<b>Total</b>	<b>\$66,674.95</b>

Seconded by Mr. Bullock.

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

**RESO 2014-5: AUTHORIZE PAYMENT/2014 BILL LIST/\$319,590.34**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2014 Bill List in the total amount of \$319,590.34:

General	\$134,895.72
Highway	48,974.03
Sewer Districts	22,943.00
Water Districts	9,902.59
Non-Budget	<u>102,875.00</u>
<b>Total</b>	<b>\$319,590.34</b>

Seconded by Mr. Dumian.

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

Mr. Finch noted that \$80,000 of this total was the final payment for the 2006 Flood.

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**RESO 2014-6: AUTHORIZE PAYMENT/2013 BILL LIST/\$92,693.62**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following 2013 Bill List in the total amount of \$92,693.62:

General	\$ 7,421.08
Highway	8,078.25
Light Districts	428.97
Sewer District #1	74,591.50
Water District	<u>2,173.82</u>
<b>Total</b>	<b>\$92,693.62</b>

Seconded by Mr. Bullock.

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

**RESO 2014-7: AUTHORIZE TOM DELAMARTER/ATTEND ASSOCIATION OF TOWNS 2014 TRAINING SCHOOL AND ANNUAL MEETING/NYC/2-16-2014/REGISTRATION FEE OF \$100**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Tom Delamarter to attend the Association of Towns 2014 Training School and Annual Meeting, to be held in New York City on February 16, 2014, with a registration fee in the amount of \$100.00 to be paid to the Association of Towns, account code SW-8310.4.

Seconded by Mr. Minoia.

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

**RESO 2014-8: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET LINES/AS OF 12-31-2013**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the modification of the stated from and to Budget lines, as of December 31, 2013 (see attached).

Seconded by Mr. Bullock.

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

**RESO 2014-9: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUES/AS OF 12-31-2013**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenues, as of December 31, 2013 (see attached).

Seconded by Mr. Dumian.

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

**COMPREHENSIVE PLAN UPDATE/ESTIMATED COSTS**

Mr. Bullock asked about the estimated costs of the update to the Town Comprehensive Plan. Ms. Sacco replied that costs would include mailing, publication fees, engineering fees, secretarial fees, and the survey for the residents.

**LIGHT ON FLAG POLE/COMMUNITY CENTER**

Mr. Bullock asked for an update on the light on the flag pole at the Veterans Memorial at the Community Center. Mr. Francisco is working with NYSEG (New York State Electric and Gas Corporation) to install a flood light.

**CITY LINE GARAGE SITE & CP RAIL**

Mr. Minoia stated that he thinks the Town should cite CP Rail for the unregistered cars violation at the former City Line Garage site, not the car lot owner across Conklin Road (which may be the owner of the unregistered cars). He stated that the cars should be towed if they are not moved voluntarily. Mr. Finch stated that it is difficult to deal with the railroad company, noting that a business wants to build on 50 acres which it purchased from CP Rail, but the access road still belongs to the railroad company. He stated that even the fire department must obtain permission to go on property belonging to the railroad even to fight a fire.

**NEW YORK RISING GRANT**

Mr. Dumian asked if there is a list of projects, and costs for the projects, for the New York Rising Grant. Mr. Finch stated that there is a list of projects but no cost estimates yet, adding that the Town of Conklin is in the third round with this grant discussion. He stated that there are three projects being considered: an evacuation route on Powers Road, extension of water and sewer services to the mobile home parks, and development of a new retention area for drainage. Mr. Finch stated that the committee includes Gail Domin, a Conklin resident, Tim Grippen, and Vince Pasquale. An answer from Governor Cuomo is supposed to be forthcoming by March 31.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Dumian. The meeting adjourned at 8:40 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk