

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

The Town Board of the Town of Conklin held a Regular Town Board Meeting on January 8, 2008, at 7:00 P.M. at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Minoia, Ayres, Finch, Preston
	Town Counsel	Mark S. Gorgos
	Highway Superintendent	Patrick Latting
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Town Engineer	Dan Griffiths
	Dog Control Officer	Darlene Weidman
	Town Clerk	Sherrie L. Jacobs
	Zoning Board of Appeals	William C. Northwood
	Zoning Board of Appeals	Paul Preston
	Zoning Board of Appeals	Elizabeth Einstein
	Zoning Board of Appeals	Art Boyle
	Zoning Board of Appeals	Hal Cole
	Planning Board	Chuck Francisco

GUESTS:	Country Courier	Elizabeth Einstein
	Country Courier	Don Einstein
	Conklin Vol. Fire Dept.	George Frailey
	The Partners Insurance	Bill Oliver
		Ruth Joyner
		Joe Bartosik
		Bonnie Gates
		John Colley
		Laurie Francisco
		Keith Wilson
		Dell Boyle
		Peter J. Motsavage, Jr.

MINUTES: DECEMBER 11, 2007 REGULAR TOWN BOARD MEETING

Mr. Finch moved to accept the December 11, 2007 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Bullock.

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

MINUTES: DECEMBER 14, 2007 SPECIAL TOWN BOARD MEETING

Mr. Ayres moved to accept the December 14, 2007 Special Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

VOTE: Bullock – Abstain, Minoia – Yes, Ayres – Yes, Finch – Yes, Preston – Yes. Motion carried: 4 – Yes, 1 – Abstain.

MINUTES: DECEMBER 28, 2007 SPECIAL TOWN BOARD MEETING

Mr. Finch moved to accept the December 28, 2007 Special Town Board Meeting minutes as presented.

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

Seconded by Mr. Ayres.

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

CORRESPONDENCE:

Supervisor Preston acknowledged receipt of reports from the Town Clerk, the Water & Sewer Superintendent, the Dog Control Officer, the Code Officer, the Highway Superintendent, and from the Youth Commissioner.

PUBLIC COMMENTS:

TRAPPED WATER/FLOODING/MILLBURN DRIVE

Mr. John Colley of Millburn Drive stated that he has had standing water trapped in his backyard causing flooding for the past month. Supervisor Preston stated that Town Engineer Dan Griffiths will be giving an update on all of the engineering projects and problems in the Town later in the meeting.

CATS ON MELODY LANE

Bonnie Gates of Melody Lane thanked the Town for its help in resolving the problem of the abandoned house on Melody Lane but added that the previous owner had left five cats behind with no one to care for them. Ms. Gates stated that she has been feeding the cats but wondered if the Town is aware of any volunteer organizations that could help with the spaying and neutering of the cats, adding that she owns a heart trap that would capture the cats without hurting them. Ms. Gates stated that she will accept the cats back into her care but cannot afford to have all five spayed or neutered. Code Officer Jones has the name of an organization will take the cats, have them spayed or neutered and will find homes for them. He will contact this organization for Ms. Gates. Mr. Finch commented that the Montrose Humane Society had helped with a similar problem at one of the Town's mobile home parks. Supervisor Preston asked if the abandoned house had been sold and Mr. Peter Motsavage of Roxbury Street stated that it has been sold. Ms. Gates stated that animal abuse and neglect charges should be brought against the former owner of the abandoned house.

CORRECT SPELLING OF SC(H)OFIELD ROAD

Mr. Dell Boyle of Scofield Road stated that he has been doing research and has discovered nine roads that are incorrectly named, including Sco(h)field Road. Supervisor Preston stated that Highway Superintendent Patrick Latting and Broome County could find no proof that Schofield Road should be spelled without the "h." Mr. Boyle stated that his family, the Scofields, had settled the area in 1874 and that Scofield Road is named after his family and should be spelled without the "h." He added that the "h" was added mistakenly in 1924 by the Binghamton Light, Heat and Power Company. Mr. Boyle stated that a resolution from the Town Board would be necessary to correct the spelling of the road. The board discussed the situation and decided to clarify the spelling as "Scofield Road."

RESO 2008-1: CLARIFY SPELLING/SCOFIELD ROAD

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin clarifies the spelling of Scofield Road, without an "h," noting that this is a clarification of spelling and not a renaming of the road.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

DISCUSSION/REDUCE ZONING BOARD OF APPEALS FROM SEVEN MEMBERS
TO FIVE MEMBERS

Mr. William Northwood, Chairman of the Town of Conklin Zoning Board of Appeals, read a letter into the minutes offering his opinion regarding the Town Board's proposal to reduce the number of members of the Town Zoning Board of Appeals from seven to five. Mr. Northwood is opposed to reducing the number of members of the Zoning Board, for a variety of reasons. He stated that the Broome County Department of Planning and Economic Development reviews most cases by a "239" review and if the County disapproves a request, the Zoning Board of Appeals must have a majority plus one, or supermajority, to override the County's decision. A reduction in the number of members of the board would make this more difficult, stated Mr. Northwood. He added that illness, or travel for business or personal reasons, could also make it more difficult to have the number of members present either for a quorum or for a supermajority vote if needed. Mr. Northwood's letter in its entirety is attached to these minutes.

Mr. Finch stated that since Mr. Joseph Wiegand had resigned and Mr. William Brodsky was up for reappointment this would be "a good time to reduce the number." He added that the Town Board and Planning Board are both comprised of five members, so it is logical that the Zoning Board of Appeals should also be comprised of five members. Supervisor Preston explained that a local law would be introduced which would reduce the number of Zoning Board members from seven to five, with a Public Hearing to be scheduled and the vote on whether or not to adopt the proposed local law to occur after the Public Hearing.

Mr. Ayres asked if the necessity of overriding a County decision with a supermajority vote occurs often and Mr. Northwood stated that it does not happen often, although sometimes there is "a run of disapprovals."

Supervisor Preston asked Mr. Gorgos to explain the difference in function between the Planning Board and the Zoning Board of Appeals. Mr. Gorgos explained that the Planning Board is responsible for overall planning and site plan review for the Town, and also requires a supermajority (3 members plus one) to override a County disapproval based on a 239 Review. He explained that the Zoning Board of Appeals is a "quasi-judicial" entity to whom applicants can appeal the Code Officer's decisions. Mr. Gorgos explained that the ZBA is "more independent" than the Planning Board and that its work is "more time-sensitive."

Mr. Finch commented that four of the five Town Board members have at one time served as liaison to the Zoning Board of Appeals. Supervisor Preston commented that the ZBA saw only three cases in 2007, although the Planning Board was "very busy."

Mr. Hal Cole of the Zoning Board of Appeals stated that the Town Board and the citizens of Conklin are "very fortunate to have Bill Northwood as chair" of the ZBA, adding that Mr. Northwood is "gracious to the audience, the applicants, and to the board members." Mr. Cole urged the Town Board members to "take (Mr. Northwood's) letter seriously." Mr. Cole added that there have been more comments from Broome County recently on their 239 Reviews, and noted that Town of Conklin residents serve on the ZBA, so they are handling cases for their own people. Mr. Gorgos commented that the "measure of the Zoning Board of Appeals and of the Chairman is the number of court challenges" made to the ZBA's decisions. Mr. Gorgos stated that in the time he has been the Town Attorney there has been only one such Article 78 challenge. Supervisor Preston agreed.

Mr. Northwood stated that Mr. Brodsky, whose term expired December 31, 2007, "represents an area of the town not otherwise represented," adding that "his loss will be felt."

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting stated that the last amount of fuel was used from the underground fuel tank at the Highway Garage on December 17, 2007, and that the tank was removed on December 20, 2007, by Giammarino Construction Company, meeting the December 31, 2007, deadline Mr. Latting had set for its removal. He

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

added that the soil samples from the area have been “clean” and that John Mastronardi from Griffiths Engineering is working on a fuel storage certification update. Mr. Latting stated that the Town now has only one above-ground diesel fuel storage tank, located at the Highway Garage on Carlin Road.

Mr. Latting stated that Mr. Dan Griffiths, Town Engineer, will discuss the large projects involving the Highway Department later in the meeting.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that 134 Building Permits were issued in 2007. He stated that this includes 17 new stick-built homes, 10 mobile homes, five double-wide mobile homes, and 27 demolition permits. Mr. Jones stated that the drain system on the roof of the Castle has been repaired and that the water lines in the Castle were replaced as an emergency repair.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that his department had discovered another water main break near Burke’s Pest Control on Conklin Road, bringing the total number of breaks to four.

Mr. Delamarter reported that the auto-readers for the water department have arrived and will be paid for with money received from FEMA (Federal Emergency Management Agency). He added that there is some FEMA money left over, which can be used toward a backup for the Town water system or toward the proposed development of an extension to the Town sewer system. Supervisor Preston stated that the proposed extension will include water and sewer and stated that the meeting has been set to discuss the project. She added that there may be enough FEMA money to pay the entire cost of the sewer and water extension, which would encourage new construction that could help the Town of Conklin recover from the loss to the tax base caused by the 2006 Flood. Supervisor Preston stated that the Town is also looking at a backup for the Town water supply from the Town of Kirkwood. Mr. Finch asked if the Town is involved in the “loop” at the City of Binghamton line and Supervisor Preston stated the Town of Conklin is not involved with this because “they wanted \$100,000.” Supervisor Preston reiterated that “we need growth in the south end of Town.”

Supervisor Preston stated that the recurring water breaks are caused by the ground settling from the 2006 Flood and predicted that the Town will experience more breaks. She stated that the Town is often asked why it hires out “digs” instead of doing the work with Town personnel. Mr. Delamarter replied that the Town is not able to meet OSHA (Occupational Safety and Health Administration) requirements with the personnel and equipment which the Town currently has in place. Supervisor Preston added that the Town does not hire out all digs and that sometimes the Town Highway Department helps with these projects. Mr. Delamarter added that it depends upon the depth of the dig being performed. Supervisor Preston commented that “we are not here to jeopardize employees.”

Mr. Minoia asked about the lightning suppression system for the wells and Mr. Delamarter replied that it is “all in place.”

Mr. Delamarter reported that repairs to the Town Pool are progressing, although they are “weather sensitive,” adding that the rivets were being ground earlier today and that the pool liner will be delivered.

Mr. Bullock asked about unleashed dogs in Schnurbusch Park and was informed by Dog Control Officer Darlene Weidman that unleashed dogs are a violation of the Town of Conklin’s leash laws. Mr. Bullock stated that this prohibition is not listed on the sign posting the rules for use of the park. Supervisor Preston stated that the rule about unleashed dogs will be added to the sign, adding that a dog cleanup dispenser will be installed in the park.

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

REPORT: DOG CONTROL OFFICER

In addition to her written report, Dog Control Officer Darlene Weidman asked if the Town Board would consider creating a dog park on some of the Town's newly acquired property.

REPORT: TOWN CLERK

Refer to written report.

CONKLIN VOLUNTEER FIRE DEPARTMENT

Fire Chief George Frailey stated that he does not have a report for this month. Supervisor Preston stated that she is working on the Town's Disaster Preparedness Plan and needs to schedule a meeting with members of the Fire Department to receive their input. When completed, the plan will be given to Town Counsel Mark Gorgos for his review.

OLD BUSINESS:

UPDATE ON PROJECTS/TOWN ENGINEER/GRIFFITHS ENGINEERING

Town Engineer Dan Griffiths of Griffiths Engineering gave the Town Board an update on the various projects on which his firm is working in the Town of Conklin. He started by presenting the Board with blueprints for the Fallbrook Road bridge, adding that the design has been sent to SEMO (State Emergency Management Office). Mr. Griffiths presented a demolition plan and the plan to redo the abutment, adding that the Town needs to advertise for bids in February. He added that this is the best time of year to advertise for bids because construction companies are looking for work and will offer the best prices. Mr. Griffiths stated that the road will be closed during the time that the bridge repair is taking place. Mr. Finch asked what the timeline for construction will be and Mr. Griffiths replied that it will be approximately two months. Mr. Finch asked if the creek will be made deeper and Mr. Griffiths replied that it will be "put back to its normal depth." Mr. Griffiths stated that he will need to meet with Mr. Gorgos to work out specifications and easements.

Mr. Griffiths stated that the Fallbrook Road stabilization project also needs to be bid in February and that the specifications and easements for this project are needed. He stated that the Gratsinger Road slope stabilization project also is in need of specifications, although the necessary easements are in place.

Mr. Griffiths stated that a letter was sent to SEMO regarding the Felters Road drainage issue and that his company is awaiting a response. He stated that property owner Mr. Miller refused to allow the drain in the proposed location, as it would bisect his property. Mr. Gorgos stated that a new location, around the perimeter of Mr. Miller's property, is being suggested, adding that there are "not a lot of options."

Mr. Griffiths reported that he is working on the Town's annual compliance report and goals for the MS4 Stormwater Runoff Program, adding that he is working with the Town Highway Department on housekeeping matters.

Mr. Griffiths stated that, as a means of addressing the problem of flooding in the Carol Court area, hydrologist Rick Woidt had suggested lowering the dam in the Donnelly Wetlands by nine inches. However, stated Mr. Griffiths, this action would impact the Wetlands and would bring repercussions from the DEC (New York State Department of Environmental Conservation). Mr. Griffiths instead suggests widening the dam to 25 feet in width. Supervisor Preston stated that this should not be an expense to the Town and added that a meeting with the Susquehanna Valley School District, which owns the land where the Wetlands and dam are located, is needed so that work on this project can begin "before the spring runoff begins."

Mr. Griffiths explained that the Town is not lowering the height of the dam because "if you change the height of the water, the DEC and Army Corps of Engineers become involved,"

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

adding that it would take six to 12 months to obtain any answers and “all new fees.” He added that the vegetation and soil could be impacted if the water level is changed. Mr. Griffiths stated that the 25 foot width “is the same as a nine inch drop” in the height of the dam. Mr. Minoia asked why the area cannot be put back to the way it was prior to the construction of the dam and the Donnelly Wetlands, which he stated were constructed without DEC input. Mr. Griffiths replied that expanding the width of the dam at its current height is the “quickest way out” of the problem situation. Supervisor Preston added that the Town has already been working on this problem for three years. Mr. Griffiths stated that it is a Wetlands violation if the Town removes four feet from the dam (to return it to its pre-Donnelly Wetlands status) and will cost thousands of dollars and involve the DEC and Army Corps of Engineers before a study is completed. Mr. Griffiths stated that if the dam is widened, along with cleaning the culverts with the help of the Highway Department, removing the beavers, and prohibiting the disposal of grass clippings in the area of the wetlands, the area will be safe from flooding under normal storm conditions.

Supervisor Preston will meet with Susquehanna Valley School District Superintendent Gerardo Tagliaferri, Mr. Griffiths, Mr. Gorgos, and Mr. Latting to work out details of the project, including costs. Mr. Minoia suggested that the Town pursue with the DEC the possibility of lowering the dam at a future time. Mr. Bullock asked when the project could be started, if the school district is in agreement, and Mr. Griffiths stated that Mr. Latting’s department has already begun clearing in the area, adding that the project is dependent upon weather and temperature because of the need to bring in heavy equipment. Mr. Gorgos added that the cost to the Town should be limited through a shared services cost agreement. Mr. Minoia reiterated that the Town should pursue lowering the height of the dam, and therefore the height of the reservoir, as a long term solution to the problem. Supervisor Preston replied that the Town has been working on this problem for three years, with studies and meetings, adding that “the money has been spent and we need results.”

In discussion of the water and sewer extension at the southern end of Town, Mr. Griffiths stated that the bridge on Millburn Drive had been “red-flagged” by New York State six weeks ago and the weight limit dropped from 16 tons to 3 tons. He stated that the Town could have a Level 1 load ratings study done, which might increase allowed weight to five or six tons, and would estimate construction costs. Mr. Griffiths stated that he has a quote from Delta Engineering of \$4,000 to complete a Level 1 assessment. Supervisor Preston asked how soon this could be started and Mr. Griffiths stated that he would contact Delta Engineering to find out. Mr. Griffiths suggested that the Town close the bridge for safety reasons. Supervisor Preston agreed that closing the bridge is necessary. Mr. Latting commented that even achieving a 10 ton weight allowance “will not help Boland,” the excavating company located near the bridge. Fire Chief George Frailey commented that the smallest fire truck weighs 10 tons.

RESO 2008-2: APPROVE TEMPORARY CLOSING/MILLBURN DRIVE BRIDGE

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the temporary closure of the bridge on Millburn Drive as a safety precaution.

Seconded by Mr. Finch.

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

RESO 2008-3: AUTHORIZE DELTA ENGINEERING/THROUGH GRIFFITHS
ENGINEERING/CONDUCT LEVEL 1 INSPECTION/COST NOT TO EXCEED
\$5,000/STUDY CURRENT WEIGHT LIMIT & FUTURE OPTIONS/MILLBURN DRIVE
BRIDGE

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

Be It Resolved: that the Town Board of the Town of Conklin authorizes Delta Engineering, reporting to Griffiths Engineering, to conduct a Level 1 Inspection, with a cost not to exceed \$5,000, to study current weight limit and future options for Millburn Drive Bridge.

Seconded by Mr. Finch.

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

It was noted that this inspection is required by the New York State DOT (Department of Transportation). Mr. Griffiths stated that the bridge will never be able to bear 20,000 pounds without being replaced and stated that “Jersey barriers” should be put in place to keep motorists from driving on the bridge. Mr. Gorgos stated that several entities must be notified of the bridge closure. He will notify the school district. The Conklin Fire Chief is present at the meeting so he is advised. Mr. Latting will notify Broome County Emergency Services, the Broome County Highway Department, and Boland’s Excavating. Mr. Latting stated that a “proper closing will not be done tomorrow afternoon,” noting that signs must be ordered. Supervisor Preston stated, “Do all you can now.”

Mr. Griffiths stated that he will look at the situation at Mr. John Colley’s home at 1389 Millburn Drive, where water trapped by the railroad tracks fills the ditch and creates flooding issues.

Mr. Griffiths reported that City of Binghamton Engineer Brian Kessler stated that it is “all a go” for the proposed extension of the Town of Conklin water and sewer system under new terms and a new agreement. A report will be generated for a proposal for scope of services. Supervisor Preston stated that a grant will pay the cost of this engineering report, adding that some financial responsibility “will fall to the two major developers who will benefit from the expansion.” She stated that the extension would be from the Corporate Park exit south down Routes 7 and 7A to the Pennsylvania border plus alternatives and estimates for construction costs. Mr. Griffiths stated that the USDA grant to pay for the design study is pending and is not available for work done prior to the grant being awarded.

RESO 2008-4: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/GRIFFITHS
ENGINEERING/PREPARE ENGINEERING REPORT/CONTINGENT UPON
APPROVAL OF USDA GRANT/WATER & SEWER EXTENSION/SOUTHERN PART
OF TOWN OF CONKLIN

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with Griffiths Engineering, contingent upon approval of a grant from the USDA, to prepare an engineering report for the design for a proposed water and sewer system extension in the southern part of the Town of Conklin.

Seconded by Mr. Ayres.

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

To complete his report on Town of Conklin projects, Mr. Griffiths stated that there is “nothing else major.” Mr. Finch asked about the possibility of redirecting the creek in Schnurbusch Park and Mr. Griffiths stated that he will meet with Mr. Finch and Mr. Delamarter to consider the possibilities.

NEW BUSINESS:

INSURANCE UPDATE/NYMIR

Mr. Bill Oliver of The Partners Insurance, part of the New York Municipal Insurance Reciprocal (NYMIR, was present to answer questions about the Town’s insurance coverage. Mr. Ayres stated that the Town had also received a quote from Selective Insurance, which he stated was

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

about \$200 less expensive than the NYMIR cost, but included a \$2,500 deductible amount, as opposed to a \$1,000 deductible amount on the NYMIR policy. Mr. Ayres stated that both quotes were 8% less than the cost in 2007. Mr. Oliver offered to work with Mr. Gorgos and Mr. Griffiths on bid specifications for the upcoming projects, as well as to review bids for compliance. Mr. Gorgos thanked Mr. Ayres for keeping Mr. Oliver apprised on all of the property acquisitions being made by the Town, and Mr. Ayres stated that credit should go to Secretary to the Supervisor Lisa Houston.

OLD BUSINESS:

DEFIBRILLATORS & TRAINING

Supervisor Preston stated that the three defibrillators obtained through a grant obtained by Assemblyman Clifford Crouch have been delivered. Mr. Bullock will acquire the names of those who will be trained to use the defibrillators and will then set up a training session. Mr. Bullock asked if all of the coaches for Town-sponsored sports programs will be required to take part in the training and Supervisor Preston directed him to talk to Youth Commissioner Fran Bealo about this question. Mr. Gorgos suggested that Mr. Bullock get as many coaches involved with the training as possible. Mr. Delamarter stated that the lifeguards have already received training in use of the defibrillators. Mr. Bullock will set up a date for training and will get the number of people needing training from Ms. Houston. Supervisor Preston urged Mr. Bullock to “move quickly” on this project.

ZONING BOARD OF APPEALS

Supervisor Preston stated that Mr. Gorgos will be introducing a proposed local law to decrease the number of members of the Zoning Board of Appeals from seven to five later in the meeting.

NEW BUSINESS:

2007 LIAISON REPORTS/TOWN BOARD MEMBERS

BUILDINGS & GROUNDS (Gary Bullock) – Mr. Bullock reported that repairs have been made to the Town Hall and Castle to the roof and to the heating and air conditioning systems, noting that he has been working with Code Officer Robert Jones to accomplish these results.

SENIOR CITIZENS CLUB (Gary Bullock) – Mr. Bullock reported that “everything is good” with the Conklin Senior Citizens Club.

PLANNING BOARD & ZONING BOARD OF APPEALS (Jerry Minoia) – Mr. Minoia stated that the Planning Board was moderately busy in 2007, with two large decisions (the FedEx Ground project and the Fallbrook Subdivision), and the Zoning Board of Appeals was minimally busy. He reported that four small businesses opened on Conklin Road in 2007, and anticipates that both boards will be busier in 2008. Mr. Minoia stated that the local laws enacted in 2007, particularly Local Laws 3, 4, and 5 of 2007, which establish MS4 Stormwater Runoff requirements, and Local Law 6 of 2007, which defined the language dealing with manufactured homes in residentially-zoned areas of the Town, had an important effect on both boards with regard to their site plan reviews. He stated that the Town Board has discussed conducting a review of the Town Code and Ordinances in 2008, which he favors.

SHAWSVILLE CEMETERY (Jerry Minoia) – Mr. Minoia reported that repair work and maintenance need to be done on the gravestones in the old area of Shawsville Cemetery, adding that he plans on doing some of the work personally.

INSURANCE (Jim Ayres) – Mr. Ayres reported that the renewal of the insurance policies has been completed, as per the earlier discussion regarding NYMIR. He stated that he and Mr. Delamarter had ascertained the specific street addresses for the buildings owned by the Town of Conklin to provide to the Town’s insurance carrier.

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

CONKLIN VOLUNTEER FIRE DEPARTMENT (Jim Ayres) – Mr. Ayres commented that Fire Chief George Frailey’s attendance at the Town Board meetings and his monthly updates on the Fire Department have made Mr. Ayres’ job as liaison “very easy” and he thanked Mr. Frailey for his helpfulness.

PARKS DEPARTMENT (Jim Finch) – Mr. Finch reported that the roads in the parks were repaved in 2007, and the swampy area of Schnurbusch Park was filled in. He stated that repairs are underway at the Town Pool, and that repairs to the fence between Julius Rogers Park and Hobart Stone are being planned. Mr. Finch reported that the Parks Department had purchased new equipment with money from FEMA reimbursements and complimented Mr. Delamarter on his work in securing the new equipment to replace that which was lost in the 2006 Flood. He added that the utility building at the Julius Rogers Park was also repaired.

HIGHWAY DEPARTMENT (Jim Finch) – Mr. Finch reported that the Highway Department purchased new equipment, including a new leaf vacuum, in 2007 and stated that Mr. Latting is doing a “great job” and that Mr. Latting makes Mr. Finch’s job as liaison “very easy.”

RESO 2008-5: INTRODUCE LOCAL LAW 1, 2008/REDUCE NUMBER OF MEMBERS OF ZONING BOARD OF APPEALS FROM SEVEN TO FIVE/SET PUBLIC HEARING/FEBRUARY 12, 2008 AT 7:05 P.M.

Mr. Ayres moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin introduces Local Law 1, 2008, a Local Law reducing the number of members of the Town of Conklin Zoning Board of Appeals from seven to five, and schedules a Public Hearing on said law on February 12, 2008, at 7:05 P.M.

Seconded by Mr. Minoia.

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

Mr. Gorgos noted that currently the Zoning Board of Appeals must have four of its current five members present for quorum at both the January 15, 2008, and the February 5, 2008, meetings, and must also have four members present at both meetings if a supermajority (majority plus one) vote is needed to override a Broome County “disapproval” of an applicant’s request.

RESO 2008-6: APPROVE CONVEYANCE/CERTAIN PROPERTIES/TO TOWN OF CONKLIN/PURSUANT TO 2006 FLOOD BUYOUT PROGRAM

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin hereby authorizes and accepts the conveyance of the following designated properties to the Town of Conklin pursuant to the 2006 Flood Buyout Program in accordance with the policies and procedures of the New York State Emergency Management Office (SEMO) and as approved by legal counsel for the Town:

<u>GRANTOR</u>	<u>PROPERTY ADDRESS</u>	<u>TAX MAP NUMBER</u>
Gordon C. Palmer and Lucinda M. Palmer	1247 Conklin Road, Town of Conklin, Broome Co., NY	194.12-1-32
Gerald L. Avery and Diane E. Avery	2 Terrace Drive, Town of Conklin, Broome County, NY	162.14-1-9
Lorene Sherman f/k/a Lorene A. Stark	3 Miller Street, Town of Conklin, Broome County, NY	161.08-1-49

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

Seconded by Mr. Bullock.

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

RESO 2008-7: RATIFY APPOINTMENT/RENEA POMEROY/PRIMARY
SUBSTITUTE SCHOOL CROSSING GUARD/PART-TIME/EFFECTIVE 12-01-
2007/PAY RATE \$29.97 PER DAY

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the appointment of Renea A. Pomeroy to the position of Primary Substitute School Crossing Guard, part-time, effective December 1, 2007, with a pay rate of \$29.97 per day.

Seconded by Mr. Ayres.

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

RESO 2008-8: RATIFY PAYMENT/OFFICE OF NYS COMPTROLLER/NEW YORK
STATE SHARE OF NOVEMBER 2007 JUSTICE FINES & FEES COLLECTED

Mr. Ayres moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5937, account code A690, in the amount of \$5,427.50 to the Office of the State Comptroller for New York State's share of November 2007 Justice Fines and Fees collected. The local share was \$2,697.00.

Seconded by Mr. Bullock.

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

RESO 2008-9: RATIFY PAYMENT/DEBRA A. PRESTON/MILEAGE
REIMBURSEMENT/12-03-2007 THROUGH 12-14-2007

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #5946, account code A1220.4, in the amount of \$88.80 to Debra A. Preston for mileage reimbursement for the period December 3, 2007, through December 14, 2007.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Minoia – Yes, Ayres – Yes, Finch – Yes, Preston – Abstain. Motion carried: 4 – Yes, 1 – Abstain.

RESO 2008-10: RATIFY PAYMENT/R. DEVINCENTIS CONSTRUCTION/FINAL
PAYMENT/WELLHOUSE ELECTRICAL CONTRACT #TC1-E-2006

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6039, account code HA8760.4F, in the amount of \$6,059.66 to R. DeVincentis Construction for final payment of Wellhouse electrical contract #TC1-E-2006.

Seconded by Mr. Finch.

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

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

**RESO 2008-11: RATIFY PAYMENT/R. DEVINCENTIS CONSTRUCTION/FINAL
PAYMENT/WELLHOUSE GENERAL CONSTRUCTION CONTRACT #TC1-G-2006**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6040, account code HA8760.4F, in the amount of \$3,900.00 to R. DeVincentis Construction for final payment of Wellhouse general construction contract #TC1-G-2006.

Seconded by Mr. Finch.

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

**RESO 2008-12: RATIFY PAYMENT/SAM'S CLUB/FOOD/2007 CHILDREN'S
CHRISTMAS PARTY**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6042, account code A7550.4, in the amount of \$80.66 to Sam's Club for food for the 2007 Children's Christmas Party.

Seconded by Mr. Finch.

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

**RESO 2008-13: RATIFY PAYMENT/THE HARTFORD GROUP/4TH QUARTER 2007
DISABILITY INSURANCE PAYMENT**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6061, account codes A9055.8, DA9055.8, and SW9055.8, in the amount of \$427.50 to The Hartford Group for the 4th Quarter 2007 Disability Insurance payment.

Seconded by Mr. Ayres.

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

**RESO 2008-14: APPOINT YOUTH
COMMISSION/2008/BRUETSCH/STOCK/STORM/LINEBAUGH**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints the following to the Town of Conklin Youth Commission for the year 2008: Joseph Bruetsch, Brian Stock, Rusty Storm, and Rob Linebaugh.

Seconded by Mr. Ayres.

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

**RESO 2008-15: AUTHORIZE OFFICERS & EMPLOYEES OF TOWN/RECEIVE
REIMBURSEMENT/MILEAGE/USE OF PERSONAL VEHICLES FOR
PERFORMANCE OF DUTIES/OFFICIAL BUSINESS ONLY**

Mr. Bullock moved for the following resolution:

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

Be It Resolved: that the Town Board of the Town of Conklin authorizes the officers and employees of the Town of Conklin herein named to receive reimbursement of mileage for use of personal vehicles based on the federal rate for performance of their duties on official business only: Supervisor, Town Clerk, Highway Superintendent, Zoning Board members, Planning Board members, Town Historian, Town Justice, Secretary to the Supervisor, Supervisor Clerk, Code Officer, Town Assessor, Youth Commissioner, Water Supervisor, Town Board members, Deputy Town Clerk, and Justice Clerks.

Seconded by Mr. Minoia.

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

RESO 2008-16: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENT/D.
PRESTON/\$30.00/2008

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a monthly cell phone reimbursement, account code A1220.4, to be paid to Debra Preston in the amount of \$30.00 for the year 2008.

Seconded by Mr. Finch.

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

RESO 2008-17: AUTHORIZE MONTHLY CELL PHONE REIMBURSEMENT/T.
DELAMARTER/\$35.00/2008

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes a monthly cell phone reimbursement, account code A7110.4, to be paid to Tom Delamarter in the amount of \$35.00 for the year 2008.

Seconded by Mr. Bullock.

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

RESO 2008-18: AUTHORIZE PAYMENT OF CLAIMS #1127-#1227 FOR 2007

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following claims #1127 - #1227 for the year 2007 in the total amount of \$120,025.01:

General	\$ 27,516.95
Highway	32,530.16
Emergency Disaster HA	2,093.34
Property Buyout HB	35,925.00
2006 Highway Roads/Bridges HH	12,298.82
Light Districts	1,633.31
Sewer District 1	3,568.67
Water District	<u>4,458.76</u>
Total	<u>\$120,025.01</u>

Seconded by Mr. Ayres.

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

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

RESO 2008-19: AUTHORIZE PAYMENT OF CLAIMS #1 - #17 FOR 2008

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following claims #1 - #17 for the year 2008 in the total amount of \$137,839.14:

General	\$ 63,856.66
Highway	63,944.03
Water District	<u>10,038.45</u>
Total	\$137,839.14

Seconded by Mr. Bullock.

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

RESO 2008-20: AUTHORIZE SUPERVISOR/RENEW CONTRACT/BROOME COUNTY/SNOW & ICE REMOVAL/2008

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to renew the contract between the Town of Conklin and Broome County to provide for snow and ice removal for the year 2008.

Seconded by Mr. Bullock.

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

RESO 2008-21: AUTHORIZE SUPERVISOR/ENTER AGREEMENT/BROOME COUNTY/UTILIZE OFFICE AT TOWN HALL/DEPARTMENT OF MOTOR VEHICLES

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to enter an agreement with Broome County to allow the Department of Motor Vehicles to utilize an office at the Conklin Town Hall.

Seconded by Mr. Minoia.

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

RESO 2008-22: AUTHORIZE PAYMENT OF MEDICAL ABSTRACT FOR 2007

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the medical abstract for the year 2007.

Seconded by Mr. Minoia.

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

RENAMING OF MAPLE LANE TO DARDEN WAY

Mr. Gorgos explained that the Town Board was premature in approving the re-naming of Maple Lane to Darden Way because the Town of Conklin does not yet own the road in question, although the Town does own Hickory Lane in the Corporate Park. He explained that the Town is

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

awaiting the deed description, which should arrive within the next six weeks, at which time the road will be dedicated to the Town of Conklin. Mr. Gorgos explained that the 911 address, required for the new Maines Paper and Food Service building to obtain telephone lines, is "215 Corporate Parkway."

STOP SIGN & FIRE HYDRANT CONCERNS

Mr. Bullock reported that the stop sign at the intersection of Lotus Avenue and Shipman Road is missing. He also reported that the pipe in front of the Van Hart residence on Fallbrook Road is exposed from erosion and Mr. Latting stated that the Highway Department will take care of that problem.

Mr. Bullock asked Code Officer Jones about the number of fire hydrants at the new Maines building and at the new FedEx Ground site. Mr. Jones replied that only one fire hydrant is required at the Maines site, and that he is awaiting the submission of the fire protection plan from the FedEx Ground site. Supervisor Preston asked how many hydrants are needed and Mr. Jones replied that she should check with the Fire Department regarding the FedEx Ground site. Fire Chief George Frailey volunteered that Maines Food and Service Company representatives had met with the Fire Department before construction of the new building and had presented a site plan which indicated that there would be a fire hydrant on each corner of the building. He suggested that Mr. Jones check to see if the planned hydrants were actually installed as indicated on the site plan.

FENCE AT JULIUS ROGERS PARK & HOBART STONE

Mr. Finch stated to Mr. Jones that a meeting needs to be scheduled with Mr. Jones, Mr. Hobart of Hobart Stone, and John Mastronardi of Griffiths Engineering to develop a plan to repair or replace the fence on the property line between Hobart Stone and Julius Rogers Park. Mr. Finch expressed concern that a child playing at the park could be injured on the stones sticking through the fence into the park area.

LIAISON REPORT/WATER & SEWER DEPARTMENT

Supervisor Preston, as liaison to the Water and Sewer Department, reported that everything is good with the Water and Sewer Department, and that a focus of 2008 will be the extension of the water and sewer system into the southern part of the Town. She stated that re-reads on the water and sewer bills are negligible. Supervisor Preston stated that the new Water truck, approved by the Town Board, was a necessity and noted that it has been paid for in full. She reminded those present that Assemblyman Clifford Crouch had secured a grant with which tools, a generator, and a compressor were purchased, and which are stored on the new Water truck. Supervisor Preston added that the new truck is a valuable piece of equipment and, as such, needs to be driven and used.

RESO 2008-23: DESIGNATE D. PRESTON/DELEGATE/ASSOCIATION OF TOWNS
ANNUAL MEETING/NEW YORK CITY/FEBRUARY 20, 2008

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin designates Debra Preston as delegate to the Association of Towns of the State of New York Annual Meeting to be held on February 20, 2008, in New York City.

Seconded by Mr. Minoia.

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

REGULAR TOWN BOARD MEETING
JANUARY 8, 2008

ANNUAL STATE OF THE TOWN ADDRESS

Supervisor Preston reminded those present that she will be delivering her annual State of the Town address on January 22, 2008, at 7:00 P.M.

RESO 2008-24: SET UP COMMITTEES/2008

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin sets up the following Committees for the year 2008:

Supervisor – Preston	Serves on all Committees
Deputy Supervisor	Jim Finch
Castle	Jim Ayres
Senior Citizen Liaison	Gary Bullock
Insurance	Jim Ayres
Parks & Pool	Jim Finch
Cemeteries	Jerry Minoia
Fire Department Liaison	Jim Ayres
Youth Liaison	Jim Finch
Buildings & Grounds	Gary Bullock
Planning & Zoning Liaison	Jerry Minoia
Highway Department Liaison	Jim Finch
Drainage Districts	Jerry Minoia

Seconded by Mr. Minoia.

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

RESO 2008-25: EXECUTIVE SESSION/REAL PROPERTY ACQUISITION & PERSONNEL LITIGATION

Mr. Ayres moved to close the Regular Town Board Meeting and move into Executive Session at 9:40 P.M. to discuss property acquisition and personnel litigation.

Seconded by Mr. Bullock.

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

RESO 2008-26: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 10:03 P.M.

Seconded by Mr. Minoia.

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

There being no further business to come before the board, Mr. Ayres moved for adjournment, seconded by Mr. Bullock.

The meeting adjourned at 10:04 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

