

**REGULAR TOWN BOARD MEETING**  
**JANUARY 22, 2008**

The Town Board of the Town of Conklin held a Regular Town Board Meeting on January 22, 2008, at 7:00 P.M. at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Ayres, Finch, Preston
	Town Counsel	Cheryl Insinga
	Highway Superintendent	Patrick Latting
	Secretary to Supervisor	Lisa Houston
	Administrative Clerk	Josephine DeLamarter
	Personnel Clerk	Nancy Banick
	Town Assessor	John McDonald
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
	Town Clerk	Sherrie L. Jacobs
	Planning Board	Tom Voloshen
	Zoning Board of Appeals	Hal Cole
	Zoning Board of Appeals	William Northwood
	Zoning Board of Appeals	Paul Preston
	Highway Laborer	Stan Albrechta

<b>GUESTS:</b>	Broome Co. Legislature	Thomas Hull
	SV Supt. of Schools	Gerardo Tagliaferri
	<b>Country Courier</b>	Elizabeth Einstein
	<b>Press &amp; Sun Bulletin</b>	Connie McKinney
	WICZ-40	Mike Whittemore
	WICZ-40	Ashley Bigalow
	Channel 34	Pete Quinn
		Ruth Joyner
		Joseph T. VanWert
		Dolly Stout
		Joseph Bartosik
		Julianne Sweeney
		Marissa Welsh
		Daniel Flynn
		Robert Page
		Gene Banick
		John Colley
		Lisa Lash
		JoMay Ives
		Peter J. Motsavage, Jr.

**MINUTES: JANUARY 8, 2008 REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to accept the January 8, 2008 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Minoia.

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

**CORRESPONDENCE:**

None.

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**ANNUAL STATE OF THE TOWN ADDRESS**

Supervisor Preston presented her annual State of the Town address, a copy of which is attached to these minutes. Highlights of her address included a synopsis of the efforts made by various departments of the Town in rebuilding the Town infrastructures after the damage done by the 2006 Flood, financial decisions fueled in part by the loss to the tax base caused by the Flood, and gratitude expressed to the officials and employees and friends of the Town for their hard work in helping the Town rebuild. Supervisor Preston also outlined goals for 2008, including: continuation and completion of buyouts from 2006 Phase 1; continuation of addressing drainage problems throughout the Town; continuation of encouraging new businesses to locate to Conklin; continuation of encouraging developers to build homes for people to move to, or back to, Conklin; finding a site for a second senior housing development; continuation of work with federal, state, and local organizations for stream mitigation and river restoration; continuation of supporting the residents of the Town and making “this community an even better place to live and raise their families.” Supervisor Preston expressed her gratitude to the owners of Maines Paper & Food Service for their generous donation and restoration of the building near the go-cart track at the former Conklin Sports Park, and the land nearby. The building will become a new Community Center for the Town of Conklin.

In addition to her written remarks, Supervisor Preston in her address clarified her position as full-time Supervisor, noting that this position was voted upon and approved by the residents of the Town in 2006, with FEMA (Federal Emergency Management Agency) paying the total cost of the additional pay (\$35,000) to allow her time to complete the paperwork and other details needed to finalize the Buyouts. She explained that FEMA approved extension of this payment and will be funding this part of her position as full-time Supervisor until January 2009.

Supervisor Preston explained that in addition to the paperwork for the Buyouts, she also helps families deal with the emotional work of giving up their homes, stating that it is “like losing part of your family.” Supervisor Preston stated, “I am here to do the job I started. I have no plan to make this position full-time like the Town of Owego.”

Supervisor Preston ended her address by presenting officials and employees of the Town with certificates of appreciation and chocolate roses, and by honoring Town Counsel Mark Gorgos and his law firm of Coughlin & Gerhart with a plaque for services that “exceed all expectations.” The meeting was paused for all to enjoy cake, punch, and coffee.

(Break 7:27 – 7:45 P.M.)

**PUBLIC COMMENTS:**

**FILLING AND RELATED PROBLEMS THROUGHOUT TOWN**

Mr. Joseph Van Wert of 1166 Conklin Road expressed his concern over the fill dirt being dumped on the property owned by Rusty Luce, which abuts Mr. Van Wert’s property, adding that he really appreciates all of the help given to him by Code Officer Robert Jones to try to resolve this problem. Supervisor Preston stated that Mr. Jones attempted to serve a Stop Work Order on Mr. Luce and he refused to accept the order. She explained that the DEC (New York State Department of Environmental Conservation) has been contacted, as has the Broome County Sheriff’s Department, and neither agency is able to enforce the Stop Work Order. Supervisor Preston stated that she was told that the Town needs a court order to enforce the Stop Work Order, so the Town Attorney has been requested to file with the Supreme Court for an injunction. She added that Mr. Luce refuses to stop the filling. Mr. Van Wert commented that Mr. Luce “filled in land three years ago with no concern for his neighbors.”

Supervisor Preston stated that she wants the dirt removed from the filled area, adding that Mr. Luce does not have any of the required paperwork in place to fill an area, including the mandated Stormwater Prevention Plan (SWPP). She expressed frustration that the DEC cannot enforce the law, adding that the Town Board wants to be able to make Mr. Luce remove the dirt and wants to also impose fines on him, adding that the local law needs more “teeth.”

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Mr. Van Wert asked about the creek, noting that the beavers living in the area are building dams and creating flooding conditions again. He asked if the creek had been widened three years ago and what could be done now. Supervisor Preston replied that the creek is not owned by the Town, but is shared by Mr. Van Wert and the Susquehanna Valley School District.

Mr. Finch asked about the possibility of issuing a moratorium on all filling in the Town. Town Counsel Cheryl Insinga stated that this could be introduced tonight but a public hearing would be required before a moratorium could be enacted. Supervisor Preston stated, that with areas in three places on Conklin Road being filled, plus an area on Banta Road, either a moratorium is needed or more “teeth” are needed in the local law. Mr. Ayres suggested adding fines plus requiring dual approval from both the Town Board and the Planning Board. Mr. Finch asked the Attorney to research what “teeth” the Town Board has with the MS4 Stormwater legislation to override the DEC decisions. Supervisor Preston stated that the filling in the area of the car wash, also owned by Mr. Luce, is “in violation of federal and state law.” Mr. Minoia asked about the effects of Local Laws 3, 4, and 5 of 2007, all of which dealt with Stormwater Management, and Supervisor Preston stated that the Town needs power to enforce this legislation. Mr. Finch stated that the largest possible fines should be part of the penalty. Mr. Ayres added that a time limit should be imposed for removal of dirt, if removal is required.

Mr. Hal Cole of the Zoning Board of Appeals stated that he feels there is confusion regarding the use of the terms “wetlands, flood plain, flood way, flood-prone, and MS4,” as well as confusion over which agency – the DEC, Army Corps of Engineers, or the Town Board – has jurisdiction in the issuance of fill permits. He stated that a clarification in a logical format is needed.

Supervisor Preston replied that the DEC could not enforce the MS4 on Powers Road (Mr. Luce’s property) because “it is clean fill and the land is not wetlands, nor in the flood plain or flood way.” She added that the injunction process takes time and Mr. Luce “refuses to comply.”

Mr. Daniel Fitzsimmons of 7 Roxbury Street stated that he has several issues with the Town of Conklin, beginning with two “Rottie-pit bull mixes” belonging to his neighbor, Mr. Robert Sullivan, which are allowed to run loose and which chased his seventeen-year-old autistic son into the nearby swamp. Mr. Fitzsimmons stated that it wasn’t until another neighbor’s cat was injured that the dogs’ owner was contacted by the Town and forced to keep his dogs confined. Mr. Fitzsimmons stated that this same neighbor, Mr. Sullivan, is now building up the dirt level on his property, which abuts that of Mr. Fitzsimmons, and will “make a swamp” of his yard. Referring to an easement on his mother’s property on Gratsinger Road, Mr. Fitzsimmons stated that the Town is “taking” his land on Gratsinger Road, and now will not protect his property on Roxbury Street. “I’m not very happy with the Town of Conklin,” stated Mr. Fitzsimmons. He stated that the dirt level on the property next door has been raised two and one-half feet so far, making it higher than Mr. Fitzsimmons’ property, and added that Mr. Sullivan is filling with clay, from which water will run into the gravel base of Mr. Fitzsimmons’ property.

Mr. Bullock asked if the dirt being dumped in various areas of the Town is from the construction of the FedEx Ground building in Corporate Park and Mr. Jones affirmed that the dirt is from that source. Mr. Bullock asked if Gorick Construction is the hauler of the dirt and Supervisor Preston stated that Mr. Gorick has been contacted and is no longer hauling dirt to the various areas of the Town. She added that Rusty Luce has his own hauler. Supervisor Preston stated that John Mastronardi from Griffiths Engineering will meet with Mr. Jones on January 23 to discuss the property on Conklin Road that abuts Mr. Fitzsimmons’ property on Roxbury Street.

Mr. John Colley of Millburn Drive thanked the Town Board for addressing the problem of drainage in the Town. He stated that water ponding caused by CP Rail and a drainage ditch which was filled by a resident years ago has created a hazard for children, noting that two young children, six or seven years of age, were seen playing on the ice in the flooded area this past week.

Mr. Hal Cole commented on the incident with Mr. Fitzsimmons’ son, stating that the dogs need to be controlled, because dogs can be especially terrifying to a child with autism.

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**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**RESO 2008-27: RATIFY WIRE PAYMENT/POSTAGE ON CALL/REPLENISH  
POSTAGE METER MACHINE**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies a wire payment, account codes A1355.4 and A1670.4, in the amount of \$1,000.00 to Postage On Call to replenish the postage meter machine.

Seconded by Mr. Bullock.

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

**RESO 2008-28: RATIFY PAYMENT/D. PRESTON/MILEAGE REIMBURSEMENT/01-  
02-08 THROUGH 01-11-08**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6187, account code A1220.4, in the amount of \$88.88 to Debra A. Preston for mileage reimbursement for the period January 2, 2008, through January 11, 2008.

Seconded by Mr. Ayres.

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

**RESO 2008-29: APPROVE PAYMENT/BINGHAMTON-JOHNSON CITY JOINT  
SEWAGE BOARD/2008 1<sup>ST</sup> QUARTER ESTIMATED BILLING**

Mr. Ayres moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment, account code SS1-8130.4, in the amount of \$36,205.46 to the Binghamton-Johnson City Joint Sewage Board for 2008 First Quarter estimated billing.

Seconded by Mr. Finch.

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

**RESO 2008-30: AUTHORIZE TRANSFER/STATED AMOUNTS TO STATED  
ACCOUNTS/AS OF 12-31-2007**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the transfer of the stated amounts to the stated accounts (see attached sheet) as of December 31, 2007.

Seconded by Mr. Bullock.

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

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**RESO 2008-31: AUTHORIZE APPROPRIATION OF APPROVED INCREASE OF REVENUE THROUGH FUND TRANSFERS TO PAY OFF DEBT SERVICE/KARIC ROAD B.A.N.**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of approved increase in Revenue through fund transfers to pay off the Debt Service on the Karic Road B.A.N. (see attached sheet).

Seconded by Mr. Finch.

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

**RESO 2008-32: AUTHORIZE APPROPRIATION/UNANTICIPATED REVENUES/ AND INCREASE APPROPRIATED FUND BALANCE TO PAY OFF DEBT/HWC**

Mr. Ayres moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenues and the increase of the appropriated fund balance to pay off the Debt Service on account HWC (see attached sheet).

Seconded by Mr. Finch.

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

**RESO 2008-33: AUTHORIZE APPROPRIATION/APPROVED INCREASE IN REVENUE THROUGH FUND TRANSFERS TO PAY OFF DEBT SERVICE/KARIC ROAD B.A.N.**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of approved increase in Revenue through fund transfers to pay off the Debt Service on the Karic Road B.A.N. (see attached sheet).

Seconded by Mr. Finch.

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

**RESO 2008-34: AUTHORIZE RECLASSIFICATION/VOUCHER #28/CHECK #4787/SUSQUEHANNA RIVER BASIN/TRANSFER GROUND WATER APPLICATION FOR WELL 5 FROM WATER FUND TO FLOOD EMERGENCY FUND**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the reclassification of Voucher #28, check #4787, in the amount of \$3,000.00 to the Susquehanna River Basin Commission, transferring the ground water application for Well 5 from the Water Fund, account code SW8340.201, to the Flood Emergency Fund, account code FEMA HA8760.4F.

Seconded by Mr. Ayres.

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

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**RESO 2008-35: AUTHORIZE RECLASSIFICATION/VOUCHER #1017/CHECK #5835/DELAWARE ENGINEERING/TRANSFER POOL ENGINEERING FEES FROM GENERAL FUND TO POOL IMPROVEMENT FUND**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the reclassification of Voucher #1017, check #5835, in the amount of \$3,000.00 to Delaware Engineering, transferring the Town Pool engineering fees from the General Fund, account code A7150.4, to the Pool Improvement Fund, account code HP1440.4.

Seconded by Mr. Minoia.

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

**VETERANS MEMORIAL/SCHNURBUSCH PARK**

Mr. Robert Page distributed letters to the Town Board from Mr. Peter Savage, with whom Mr. Page is working to create an updated and expanded Veterans Memorial in Schnurbusch Park. The letter requests permission from the Town Board for Mr. Page and Mr. Savage to pursue designs, specifications and drawings for this memorial, which would be constructed at no cost to the Town. A copy of Mr. Savage's letter in its entirety is attached to these minutes.

Supervisor Preston and the Town Board expressed strong support for this project, which Mr. Page stated would be similar to the Veterans Memorial in the Kirkwood River Park. Mr. Ayres stated that a memorial board listing the names of veterans from Conklin who served in World War II is located in the Castle and offered to meet with Mr. Page to show him this memorial board in the hope that it will aid in researching the names that should be included on the new memorial.

**MILLBURN DRIVE BRIDGE INSPECTION**

Mr. Minoia asked if an update had been received on the inspection of the bridge on Millburn Drive, closed temporarily for safety reasons, and Supervisor Preston stated that Delta Engineering is working on the inspection and has six weeks in which to complete the inspection and ensuing report. Mr. Minoia commented on the situation of which Mr. Colley spoke earlier in the meeting, stating that the ice is thin on ponds of water now because of the recent variation in temperature and noted that the water in the area of Millburn Drive of which Mr. Colley spoke could be quite deep.

**FURTHER COMMENT ON FILLING IN TOWN**

Mr. Ayres commented that the fact that businesses "do business with the Town of Conklin doesn't mean they can do anything they want" referring to the businesses involved with the dumping of dirt in various areas of the Town.

**ST. PATRICK'S DAY PARADE**

Mr. Ayres stated that the Town has been invited to participate in the St. Patrick's Day Parade on March 1, 2008, and recruited volunteers to ride the float, which will be the replica of the Castle. He stated that the replica is stored at Wellhouse 4, and noted that the application form needs to be submitted.

**FOLLOW-UP ON TRAILERS/STILLWATER ROAD/HEALTH DEPARTMENT**

Mr. Finch asked Mr. Jones if he has heard anything from the Broome County Health Department concerning the trailers on Stillwater Road, which belong to Robert Fernandez. Mr. Jones commented that he needs to follow up with Broome County Health Department about the septic systems for these six trailers, noting that one new system was installed and that was inspected by

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Broome County. Mr. Jones stated that he last spoke with someone from the Broome County Health Department approximately one and one-half months ago. Mr. Finch asked about the trailers which had been flooded, and some say condemned and possibly contaminated with mold, and which, stated Mr. Finch, now "have people living in them." Mr. Jones stated that he had heard nothing from the Broome County Health Department about this issue.

On a separate issue, Supervisor Preston stated that the property at 72 Stillwater Road is part of the Buyout Program and the property owner must clean up the junk on the property.

Returning to the discussion of the six trailers, Mr. Ayres asked if the trailers receive Town of Conklin water and Mr. Jones replied that they do. Mr. Ayres asked if the six trailers are treated as separate properties, with separate water meters, and Mr. Jones replied that this is not the case. Mr. Ayres asked if this criterion defines the six trailers as a mobile home park, and Town Counsel Cheryl Insinga replied that she would consult with Town Attorney Mark Gorgos about this question. Water and Sewer Superintendent Tom Delamarter stated that the Town has had problems with the property owner in the past, in a case where there was an issue with the water on a weekend and the owner turned off the water to his renters rather than contacting the Town to have the problem corrected.

**FENCE/HOBART STONE & JULIUS ROGERS PARK**

Mr. Finch asked Mr. Jones for an update on the replacement or repair of the fence separating Hobart Stone from Julius Rogers Park. Mr. Jones replied that he had met with Mr. John Mastronardi of Griffiths Engineering to discuss the situation and Mr. Mastronardi suggested installing "Jersey" (concrete) barriers across the back of the Hobart Stone property, to separate it from the park. Mr. Jones added that Mr. Mastronardi is working on a plan to divert runoff water so that it does not enter and damage Julius Rogers Park. Supervisor Preston stated that the barriers would help but a fence is still needed to contain the stone and keep it from being accessible to children in the park.

**PRESIDENTIAL PRIMARY ELECTION & VOTING MACHINES**

Town Clerk Sherrie Jacobs reminded those present that Tuesday, February 5, 2008, will be the New York State Presidential Primary Election, which will necessitate the moving of the voting machines to the polling places. She reported that Mr. John Sejan of the Broome County Board of Elections stated at the last monthly Broome County Clerks Association meeting that a new electronic voting machine will probably be available, along with the mechanical model, at each polling place by the September 2008 Primary Election. Town Clerk Jacobs also reported that Mr. Sejan had stated that Broome County may be considering consolidation of polling places sometime in the future.

**BROOME COUNTY EMERGENCY PREPAREDNESS TRAINING**

Supervisor Preston stated that a workshop on Emergency Preparedness will be offered by Broome County at the Conklin Town Hall on Wednesday, February 27, 2008, at 7:00 P.M.

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

The meeting adjourned at 8:40 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk