

REGULAR TOWN BOARD MEETING
MARCH 11, 2008

The Town Board of the Town of Conklin held a Regular Town Board Meeting on March 11, 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
Assistant to Supervisor	Lisa Houston
Code Officer	Robert Jones
Highway Superintendent	Patrick Latting
Town Engineer	Dan Griffiths
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
Dog Control Officer	Darlene Weidman
Town Clerk	Sherrie L. Jacobs
Planning Board	Charles Francisco
Zoning Board of Appeals	Daniel Fitzsimmons

GUESTS:

Country Courier	Elizabeth Einstein
Press & Sun Bulletin	Connie McKinney
Conklin Vol. Fire Dept.	Stan Albrechta
Woidt Engineering & Consulting	Rick Woidt
	Joe Bartosik
	Dolly Stout
	Kiley McAvoy
	Daniel McAvoy
	Jim Cullin
	Dennis Kachmar
	Ruth Joyner
	Bill Robinson
	Judy Kelly
	Gary F. Blaisure
	Jim Clapper
	Laurie Francisco
	John Colley
	Jo May Ives
	Paul Ives
	Peter J. Motsavage, Jr.

MINUTES: FEBRUARY 26, 2008 REGULAR TOWN BOARD MEETING

Mr. Finch moved to accept the February 26, 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:

Supervisor Preston acknowledged receipt of reports from the Town Clerk, the Highway Superintendent, the Code Officer, the Water and Sewer Superintendent, and from the Dog Control Officer. She also acknowledged receipt of a letter from Theresa M. Rickard, President of the Conklin Players Club, stating their intention to renew their on-premise liquor license. Supervisor Preston also acknowledged receipt of a letter from Jack Bell thanking the Board for considering him for appointment to the Zoning Board of Appeals.

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**ABC APPLICATION/CPC ENTERTAINMENT, INC./D/B/A PLAYERS CLUB/NO
OPPOSITION LIQUOR LICENSE**

Supervisor Preston acknowledged receipt of correspondence from Theresa M. Rickard, President of CPC Entertainment, Inc., d/b/a Conklin Players Club, applying for renewal of the on premise liquor license to sell alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

PUBLIC COMMENTS:

RUNOFF WATER PONDING/MCAVOY HOME

Kiley McAvoy of 4 Wilbur Way stated that the runoff water from last week's storm ran down the hill so that everyone's runoff formed a "lake" in her driveway, which ran into the first floor of her home. She asked what could be done to remedy this situation, which has occurred in the past also. Supervisor Preston stated that Highway Superintendent Patrick Latting will meet with Town Engineer Dan Griffiths March 12 or 13 to look at the situation.

PUBLIC HEARING

**TO RECEIVE PUBLIC INPUT REGARDING PROPOSED ZONING ORDINANCE TO
RE-ZONE TWO PARCELS/1222 AND 1224 CONKLIN ROAD (TAX MAP #194.012-1-5
& 194.012-1-6) FROM R-12 (RESIDENTIAL) TO AR (AGRICULTURAL)**

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Supervisor Preston declared the Public Hearing open at 7:05 P.M. and asked those present to speak either for, or in opposition to, the proposed Zoning Ordinance to re-zone two parcels, 1222 and 1224 Conklin Road, tax map #194.012-1-5 and 194.012-1-6, from R-12 (Residential) to AR (Agricultural).

Town Counsel Mark Gorgos explained that the property in question is being donated to the Conklin Cemetery Association to expand the cemetery, and that the re-zoning is necessary because a cemetery is allowed in an Agriculturally-zoned district but not in a Residentially-zoned district. He added that the Town Planning Board has recommended the rezoning be approved and explained that the Public Hearing tonight fulfills a legal requirement.

There being no further public comments or questions, Supervisor Preston declared the Public Hearing closed at 7:07 P.M.

**RESO 2008-70: APPROVE RE-ZONING/1222 & 1224 CONKLIN ROAD/TAX MAP
#194.012-1-5 & 194.012-1-6/FROM R-12 (RESIDENTIAL) TO AR (AGRICULTURAL)**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves re-zoning of two parcels, 1222 and 1224 Conklin Road, Tax Map No. 194.012-1-5 and 194.012-1-6, from R-12 (Residential) to AR (Agricultural).

Seconded by Mr. Ayres.

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

PUBLIC COMMENTS (CONT.):

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BROOME COUNTY SHERIFF'S DEPARTMENT REPRESENTATIVE

Supervisor Preston introduced Lt. Kate Newcomb of the Broome County Sheriff's Department, the new representative to the Town of Conklin, who is replacing Lt. Dale Hamilton, who recently retired. Supervisor Preston thanked the Sheriff's Department for patrolling the Town during the recent rising water situation.

RUNOFF WATER ISSUES

Dennis Kachmar of Berota Court stated that the water backed up to Berota Court was higher than normal after the last rainstorm and questioned whether the drainage plan for the Broome Corporate Park needs to be re-examined to determine whether or not it is still effective. Supervisor Preston agreed that the water in this area was a "substantial increase" in this storm and stated that Town Engineer Dan Griffiths would be giving a presentation at 7:30 P.M. to discuss various drainage issues in the Town.

REPORT: HIGHWAY DEPARTMENT

In addition to his written report, Highway Superintendent Patrick Latting announced plans for the annual spring brush and white goods cleanup. He stated that curbside brush and white goods pickup will take place from Monday, April 28, 2008, through Tuesday, May 6, 2008, on weekdays only. Mr. Latting added that residents will be able to drop off tires and metal at the Town Highway Garage on Carlin Road from March 12 through May 26, 2008.

**RESO 2008-71: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/SPRING
WHITE GOODS & BRUSH PICKUP/TIRE & METAL DROPOFF AVAILABLE**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for the annual Spring White Goods and Brush Pickup, which will take place Monday, April 28, 2008, through, Tuesday, May 6, 2008, weekdays only, and for the Tire and Metal Dropoff, which will be available at the Town Highway Garage on Carlin Road from March 12 through May 26, 2008.

Seconded by Mr. Finch.

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

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Water & Sewer and Parks Superintendent Tom Delamarter reported that a problem had occurred at the sewer station in the Julius Rogers area on March 9, 2008. He stated that the starter in the control box malfunctioned and shut down the sewer station. Suburban Septic and Excavating Service, Inc., was called in to remove several loads of waste and the sewer station was repaired on March 10, 2008. Mr. Delamarter stated that the cause of the problem was the flushing of unsanitary items into the Town sewer system. Supervisor Preston asked Elizabeth Einstein, editor of the **Country Courier**, to run an article in the next issue of her newspaper warning residents of the problems that can be caused by flushing such items into the sewer system. A notice listing items that are not acceptable to put into the sewer system will be included in the next water and sewer billing.

Mr. Delamarter reported that the recent reading of the water meters had gone well, with very few errors to be corrected.

REPORT: CODE OFFICER

In addition to his written report, Code Officer Robert Jones reported that February had been a good month for his office, adding that his new office furniture arrived and Deputy Town Clerk

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Marilou Gabello has been assigned to his office for eight hours per week to help with reorganizing his office and with processing paperwork.

Mr. Jones reported that there are five applicants scheduled to appear at this month's Planning Board meeting and two applicants scheduled to appear at the March Zoning Board of Appeals meeting. He stated that he has been monitoring the ongoing issues in the Town with filling, monitoring the process on the FedEx Ground project in the Broome Corporate Park, and monitoring various permit projects. Mr. Jones reported that seven permits were issued in February 2008: five for demolition, one for a new mobile home, and one for a concrete pad.

REPORT: DOG CONTROL OFFICER

Refer to written report.

REPORT: TOWN CLERK

Refer to written report.

OLD BUSINESS:

None.

NEW BUSINESS:

UNAUTHORIZED PLOWING OF TOWN ROADS

Supervisor Preston reported that a resident has been plowing a Town of Conklin road, which is not allowed, and has been creating problems while doing so. She stated that a letter has been sent to this resident warning him to stop this action, adding that further legal action will be taken if necessary.

FLAGPOLE/SCHNURBUSCH PARK

Supervisor Preston stated that she received a letter from Mr. Daniel Pierce stating that he had heard the Town plans to remove and/or replace the flagpole in Schnurbusch Park when the new Veterans' Memorial is installed on the site. She stated that Mr. Pierce added that the Town Board may not be aware of the history of the flagpole currently in Schnurbusch Park. He stated that the materials for the flagpole were donated by Levene & Son and the flagpole was installed by the Lawrence family. Mr. Pierce stated that the flagpole was handcrafted by Sonny Cooper in memory of his son, Joey Cooper, who was killed in a car accident on Conklin Road. The flagpole contains a plaque that bears Joey Cooper's name. Mr. Pierce suggested that if the existing flagpole cannot be used in the new Veterans' Memorial at Schnurbusch Park, it should be brought to the Town Hall to replace the current flagpole, so that the history and significance is not lost. The Town Board agreed that the flagpole should be moved to the Town Hall if it cannot be used in the new memorial.

RESO 2008-72: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/ISSUANCE OF 2008 PARK PERMITS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for the issuance of Park Permits for 2008.

Seconded by Mr. Ayres.

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

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Supervisor Preston stated that fees and contract terms for rental of the new Community Center will be decided at a later time.

RESO 2008-73: RATIFY WIRE PAYMENT/POSTAGE ON CALL/REIMBURSE
POSTAGE METER

Mr. Minoia moved for the following resolution:

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

Seconded by Mr. Ayres.

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

RESO 2008-74: RATIFY PAYMENT/SAM'S CLUB, INC./PURCHASE OF 8 LONG
TABLES & 8 ROUND TABLES/NEW COMMUNITY CENTER

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6360, account code A8989.2, in the amount of \$1,347.28 to Sam's Club, Inc., for the purchase of eight long tables and eight round tables for use in the new Community Center.

Seconded by Mr. Ayres.

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

In response to a query from Mr. Bullock, Supervisor Preston stated that some of the chairs currently used in the Castle will be taken to the Community Center for use at that site.

RESO 2008-75: RATIFY PAYMENT/GORICK CONSTRUCTION/DEMOLITION
CONTRACT/1247 CONKLIN ROAD & 2 TERRACE DRIVE

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6359, account code HB8760.401, in the amount of \$13,500.00 to Gorick Construction for payment of the demolition contract for 1247 Conklin Road and 2 Terrace Drive.

Seconded by Mr. Bullock.

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

RESO 2008-76: RATIFY PAYMENT/GORICK CONSTRUCTION/DEMOLITION
CONTRACT/44 HARDING AVENUE & 3 MILLER STREET & 5 VICTORY AVENUE

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #6365, account code HB8760.401, in the amount of \$21,600.00 to Gorick Construction for payment of the demolition contract for 44 Harding Avenue, 3 Miller Street, and 5 Victory Avenue.

Seconded by Mr. Ayres.

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

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RESO 2008-77: AUTHORIZE PAYMENT OF CLAIMS #141 – 240 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 #141 - #240 for the year 2008 in the total amount of \$111,155.49:

General	\$ 46,981.92
Highway	31,774.10
FEMA Buyout HB	513.24
2006 Highway Roads/Bridges HH	11,178.00
Light Districts	2,361.21
Sewer District 1	4,785.48
Sewer District 3	2,492.00
Water District	5,333.50
Water District 6	<u>5,736.04</u>
Total	\$111,155.49

Seconded by Mr. Bullock.

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

RESO 2008-78: APPROVE CONVEYANCE OF CERTAIN PROPERTIES TO TOWN OF CONKLIN PURSUANT TO 2006 FLOOD BUYOUT PROGRAM

Mr. Finch 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>
Clyde F. Miller & Marion G. Miller	14 River Boulevard, Town of Conklin, Broome Co., NY	162.14-2-46
Gary Bullock	1235 Conklin Road, Town of Conklin, Broome Co., NY	194.12-1-26
E. Camille Mutz/Elizabeth Camille Mutz	16 Shipman Road, Town of Conklin, Broome Co., NY	162.09-1-35
E. Camille Mutz/Elizabeth Camille Mutz	42 Harding Avenue, Town of Conklin, Broome Co., NY	161.08-1-42
Agnes H. Gabriel	15 Clearview Avenue, Town of Conklin, Broome Co, NY	162.09-1-11
David D. Ely and Julia Ely	882 Conklin Road, Town of Conklin, Broome Co., NY	162.03-1-16
Thomas R. Jenks	1100 Powers Road, Town of Conklin, Broome Co., NY	178.04-2-33

Seconded by Mr. Minoia.

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

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Mr. Gorgos stated that a visual map of the buyout properties is being created by his law firm of Coughlin & Gerhart as a tool for the Town of Conklin.

USDA GRANT UPDATE/SEWER & WATER EXTENSION

Supervisor Preston reported that she has received a letter from the USDA regarding the grant for which the Town has applied to help fund the study for the proposed extension of the water and sewer system, adding that it “looks promising” that the Town will receive the grant.

SPORTSPLEX/EASEMENT FOR TEST WELL AREA

Mr. Finch asked if the Town has an easement for the site of the test well at the site of the new proposed Sportsplex. Supervisor Preston stated that the Town neither owns nor wants to own the area of the test well because it does own the property on which the Town’s working wells are located.

“LANSING AVENUE”/ROBERT BAER

Supervisor Preston stated that Mr. Robert Baer of Harding Avenue wishes to purchase “Lansing Avenue,” a grass covered lane connecting Harding Avenue and June Street which probably served as an access road while the subdivision in that area was being developed. Although the Town does not possess a deed to Lansing Avenue, Mr. Gorgos stated that the Town can abandon the street to neighboring property owners, as was done at the June Street end of Lansing Avenue years ago. The parcel in question is at the Harding Avenue end of Lansing Avenue. Mr. Gorgos explained that Mr. Baer would be required to appear before the Town Planning Board in order to develop the property. Supervisor Preston suggested that the Town formally close the road and make this part of the agreement with Mr. Baer. Mr. Baer would also be required to have a survey of the property completed. Mr. Bullock asked if this property could be filled in and Supervisor Preston replied that it is in the flood plain. Mr. Gorgos will develop the paperwork necessary to close the road and enact an agreement with Mr. Baer.

RESO 2008-79: RESOLUTION OF SUPPORT/NEW YORK STATE/CAP ON PROPERTY TAX

Mr. Finch moved for the following resolution:

WHEREAS, the tremendously high property tax burden on New York families and businesses is the number one issue facing our community today, and the sheer cost of living in New York has forced many residents and businesses to leave, thus slowing the economic engine of the state; and

WHEREAS, young people are finding it difficult to purchase homes, seniors are struggling to maintain their homes, and businesses are facing immense challenges to create and retain jobs; and

WHEREAS, New Yorkers face the highest property taxes in the nation, and when measured as a percentage of home value, nine of the top 10 property tax rates in the entire country belong to counties in New York; and the State must act now to thwart the detrimental effects that high property taxes are having on local governments; and

WHEREAS, Assembly Minority Conference Members have introduced the “New York State Property Taxpayers Protection Act” (Assembly Bill 8775-A), which puts forth new and innovative ideas for property tax reform that limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; in addition, the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling; and

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WHEREAS, the “New York State Property Taxpayers Protection Act” will help fix New York’s broken property tax system, providing homeowners, businesses, and municipalities significant and lasting relief from the crushing burden of skyrocketing property taxes; and

NOW, THEREFORE, BE IT RESOLVED that this Legislative Body pause in its deliberations to acknowledge New York State’s property tax crisis and urge the immediate passage and chaptering of the “New York State Property Taxpayers Protection Act,” which will help local governments reinvigorate New York’s economy by providing incentives for people and businesses to move and stay here; and

BE IT FURTHER RESOLVED that a copy of this Resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York Assembly, and to each member of the New York State Legislature.

Seconded by Mr. Ayres.

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

UPDATE/FILL & DRAINAGE ISSUES/D. GRIFFITHS & R. WOIDT

Supervisor Preston, referring to the issues with filling and drainage problems throughout the Town, stated that there can be “no more filling in the flood plain.” She added that there should be financial consequences for disobeying the law and that the “law must be followed and people must be responsible.” Supervisor Preston stated that problems arise when water pools on property that belongs to residents rather than to the Town of Conklin, adding that the Town “can’t fix every drainage problem in every yard unless it is caused by the Town or affects Town roads.”

Town Engineer Dan Griffiths, of Griffiths Engineering, and Rick Woidt, of Woidt Engineering & Consulting, gave updates on the various fill and drainage issues throughout the Town.

Fallbrook Road Bridge & Wingwall – Mr. Griffiths stated that the bids for this project will be opened on March 17, 2008. He added that the Fallbrook Road Slope Stabilization bid specifications are almost completed, noting that easements are needed to complete this project.

RESO 2008-80: AUTHORIZE ADVERTISEMENT TO BID/FALLBROOK ROAD SLOPE STABILIZATION/BID OPENING APRIL 8, 2008 AT 2:00 P.M.

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement of Invitation to Bid on the Fallbrook Road Slope Stabilization Project, with bid opening scheduled for 2:00 P.M. on April 8, 2008.

Seconded by Mr. Bullock.

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

The Town Board discussed ways of publicizing the Invitation to Bid, in addition to advertisement in the **Country Courier**, and Mr. Gorgos suggested that Town Clerk Sherrie Jacobs send letters to all of the construction companies that have bid on other similar projects in the recent past.

Gratsinger Road Slope Stabilization – Mr. Griffiths stated that the bids for this project will be opened on March 17, 2008.

Felters Road – Mr. Griffiths stated that Mr. Miller, property owner, wants the drainage to be routed around the perimeter of his property, rather than across it, as the plans to resolve the area

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drainage problem had indicated. Mr. Griffiths stated that he has a quote for the Town from Southern Tier Survey Company to survey Mr. Miller's property at a cost of \$860 plus \$1,050 to do an elevation study. Supervisor Preston commented that the survey could be completed but the Town would still not have a commitment from Mr. Miller that the new drainage plan would be acceptable to him.

Mr. Ayres asked if financial responsibility could be directed to Mr. Tokos, developer, whose housing subdevelopment drainage is causing the problem, and Supervisor Preston stated that the drainage problems are the Town of Conklin's responsibility, since the Town Planning Board approved the drainage system planned by Mr. Tokos for the subdevelopment. Mr. Griffiths suggested checking the Town of Vestal's local law regarding logging, adding that the Town of Conklin needs an ordinance to control logging and the ensuing drainage problems. Supervisor Preston stated that the drainage issues caused by the Tokos subdevelopment are affecting the Town of Binghamton and that studies have been conducted for the past three years in an attempt to resolve this problem. Mr. Gorgos reiterated that the Tokos project was approved by the Town of Conklin Planning Board and had the approval of the then Town Engineer (Clark Patterson), but that the flows exceeded the drainage plan that was presented. Mr. Gorgos added that there is approximately \$5,000 in escrow from the developer that might be used to pay for the survey if the escrow can be released. He will research this possibility.

Water & Sewer Extension/Southern End of Town – Mr. Griffiths reported that the Town is awaiting approval from the USDA for the grant, which he added "looks good," and from the City of Binghamton, adding that at his last meeting with Brian Kessler, City of Binghamton Engineer, terms were agreed upon.

Millburn Drive – Mr. Griffiths stated that he had walked the site near Mr. John Colley's resident and noted water filling the backs of yards on several properties. He stated that the Town needs to know where the railroad company's right-of-way boundaries are located, adding that he is aware of a culvert in the direction of the Kirkwood Bridge. Mr. Griffiths stated that Southern Tier Survey Company would provide right-of-way surveys, elevations, railroad boundaries, and mapping for a cost of \$1,450, adding that this is not property that belongs to the Town, and that the Town cannot pay for surveys in one area only, but would then be required to pay for a survey for any resident who wanted a survey. Mr. Finch stated that a solution would be to create a drainage district, in which property owners would pay for surveys and construction, with costs being assessed on their tax bills, similar to a light district. He added that a majority of the residents in the proposed drainage district would need to agree to the proposal before a district could be created. Supervisor Preston stated that the Town could need to form a drainage district before it spends any more money on this issue. Mr. Gorgos commented that "the residents get to decide."

Mr. Griffiths stated that the railroad company (CP Rail) should pay if the fill is determined to be on their property. Mr. John Colley asked if the railroad could be required to pay for the survey if the fill is on their property and Supervisor Preston stated that the drainage district should be formed first, then the determination made of who would pay for the survey and construction, the railroad company or the residents. She added that 51% of the residents must agree to the formation of the drainage district before it can be created. Mr. Gorgos added that the residents of a drainage district could have legal recourse against CP Rail, adding that seeking legal recourse could also be sought by private citizens, the residents of the area, without local government involvement. Mr. Minoia reiterated that the Town of Conklin cannot pay for work to be done on private property.

Supervisor Preston asked Mr. Colley if he would be willing to take the petition to form a drainage district to his neighbors, surveying the odd-numbered side of the street, where the drainage problem occurs. She added that the Town cannot write the petition; it must be drafted by the residents who want the drainage district to be formed. Mr. Griffiths explained that two blockages exist, on properties owned by two different owners, which affect the entire street, adding that the blockages occurred when the sluice caved in. Supervisor Preston stated that unless a drainage district is formed, the Town cannot do anything else to resolve this situation.

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Millburn Road Bridge – Mr. Griffiths reported that the Level One Load Rating and Repair Recommendations report has been received from Delta Engineers. He stated that the load limit advised is three tons, and that the repairs needed to the stringers to bring the bridge back to its full potential load limit (18 tons) would cost \$96,000. Mr. Finch stated that the Town should close the bridge to vehicular traffic permanently and allow foot traffic only. Mr. Gorgos stated that there is a notification process required to close the bridge permanently and added that he will bring the paperwork to start this process to the March 25, 2008 Town Board meeting.

Mr. Colley stated that there is some question regarding whether or not Boland's Excavating and Topsoil will allow school buses to turn around on their property. Highway Superintendent Patrick Latting stated that a guide rail system will be required. He stated that the turnaround space needed for the Highway plow trucks is "minimal," utilizing a cul-de-sac of 80 to 100 feet, adding that the Town has an easement to use the turnaround area. Mr. Finch added that the Town of Conklin "gave some land to Boland" in the past. Mr. Ayres asked about the piles of fill that are located on Millburn Drive and Mr. Latting explained that those piles of fill belong to the Town of Conklin Highway Department.

Carol Court/Carlin Creek – Mr. Rick Woitd stated that his company had conducted a hydrology study of the Carlin Creek basin and had noted that the dam in the Wetlands behind the Donnelly Elementary School has a small principal spillway and an emergency spillway, which do not provide enough room for water flow. The emergency spillway is compromised by beavers building in the area. Recently, he stated, a partial breach occurred in the principal spillway, releasing a torrent of water into Carlin Creek, which flowed into Schnurbusch Park and covered the ballfields and encroached on Berota Court. He stated that the water was too much for the pipes in Schnurbusch Park. Mr. Woitd stated that he recommends making the spillway wider, utilizing either concrete or riprap. The dam is owned by the Susquehanna Valley School District. Supervisor Preston stated that she has spoken with Susquehanna Valley School District Superintendent Gerardo Tagliaferri, who stated that the school district will pay the amount needed to fix the problem. She stated that Mr. Tagliaferri questioned whether the cost will still be the originally estimated \$50,000 now that a partial breach has occurred, and Mr. Griffiths replied that the spillway will now be 25 feet wide and will require a footbridge, adding that the money needs to come from this year's school budget. Mr. Griffiths will telephone Mr. Tagliaferri to discuss the situation further. Mr. Woitd suggested that a permit be obtained from the DEC (New York State Department of Environmental Conservation) to trap the beavers.

Mr. Woitd stated that the pedestrian culverts in Schnurbusch Park are too small and should be removed and replaced with a wooden bridge and berms. Mr. Finch stated that Mr. Rusty Luce filling the property on the corner of Powers Road and Conklin Road re-routed the water to Schnurbusch Park and filled in the culvert. Mr. Griffiths suggested increasing the size of the pipe past the footbridge, noting that the water overflow had not spilled in the direction of the Town Pool. Mr. Griffiths stated that the area behind the Conklin Presbyterian Church and Berota Court should be graded and have pipe installed. Mr. Finch stated that the Town is installing a swale instead. Mr. Griffiths suggested installing a catch basin and a pipe with a flap beyond the pumphouse.

Mr. Dennis Kachmar of Berota Court stated that in the past 19 years during which he lived at his current address, the excess water in the park and behind his street has "always come out of Carlin Creek, not the river." He added that it floods the concession stand and the Little League Field. Mr. Kachmar suggested that the Town straighten and enlarge the drainage ditch to the Susquehanna River. He also asked about drainage from the Broome Corporate Park, which feeds into the Carlin Creek basin. Supervisor Preston explained that retention ponds have been constructed in the Corporate Park and are designed to handle runoff water drainage. Mr. Kachmar stated that "years ago, there were three ponds and a swamp. The water split and some of the runoff went south." Mr. Gorgos stated that Hawk Engineering conducted the drainage study for the Corporate Park initially and suggested that the Broome County IDA (Industrial Development Agency) should re-examine the drainage plan to make sure it is still working correctly.

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Mr. Griffiths reiterated that a 25 foot spillway and bridge is being installed in the Donnelly Wetlands and that he is working with the school district on this project. Supervisor Preston commented that the drainage issues on Carol Court have improved.

Mr. Griffiths recommended replacing the pipes and installing a flapgate in Schnurbusch Park and will provide an estimate of the cost of this recommendation. Mr. Finch asked about the size of the pipe to run under Cuddeback Road and Mr. Griffiths replied that a pipe arch has been discussed. Mr. Latting stated that FEMA had approved a squash pipe 81 inches wide by 59 inches high. Mr. Bullock asked if an alternative solution could be to install two pipes side by side and eliminate creation of a "hill" in Cuddeback Drive. Mr. Gorgos stated that the Town cannot increase the volume or erosion on neighboring property. Mr. Minoia stated that Carlin Creek meanders once it leaves Schnurbusch Park and enters private property and suggested installing two pipes in a "straight shot to the river" for drainage. Mr. Woidt stated that the DEC would not permit this approach because it would create too much volume in the river and would cause consequences downstream. Mr. Griffiths stated that no matter what actions the Town undertakes, sometimes the water will back up in Schnurbusch Park anyway, because of the amount of water involved. It was noted that Mr. Mark Vosbury has a permit and is trapping the beavers that create blockages on his property abutting Schnurbusch Park.

Mr. Griffiths stated that he will re-examine the Cuddeback Road site taking into account Mr. Bullock's suggestion. Mr. Woidt suggested the use of twin 48 inch pipes and berming. Mr. Griffiths stated that he will also provide an estimate for removing the pipes and walk bridge in Schnurbusch Park and installing replacements. Mr. Ayres suggested looking at the Thelma Street area for open drainage.

Mrs. Judy Kelly of Carol Court asked about the possibility of dredging Carlin Creek and Mr. Woidt replied that the creek could be cleaned. Supervisor Preston asked if an easement is needed and Mr. Gorgos replied "not if it is impacting Town roads." Mr. Griffiths stated that grass cuttings and construction debris from residents is blocking the creek, adding that the creek needs to be cleaned out, including the culverts. He added that residents need to stop putting grass cuttings in this area. Mr. Ayres explained that people filled the area opposite David Drive to create a parking spot. Supervisor Preston stated that a neighborhood cleanup event is needed. Mr. Latting stated that the Highway Department will replace the pipes and "clean as much creek as we legally can." Mr. Gorgos explained that the property owner owns the part of the creek that runs through his or her property. He added that if the creek is impacting a Town of Conklin road, the Town can legally clean the area of the creek near the road. Mr. Gorgos explained that this is true in all Broome County municipalities.

J. Clapper's Property – Conklin Road/Stillwater Road – Mr. Griffiths and Code Officer Robert Jones met and assessed the situation at Mr. Jim Clapper's property on Conklin Road opposite the Stillwater Road railroad crossing. Mr. Clapper asked, "Is it legal to ditch water onto my property?" He added that New York State had filled the ditch. Mr. Gorgos stated that one cannot change the volume or direction of water to negatively impact neighboring properties. Mr. Jones added that the water needs to be removed from Mr. Clapper's property, as well as the effluent from sewage from neighboring Fountain Bleau Mobile Home Park. Mr. Griffiths will bring a report on the situation to the Town Board.

Roxbury Street – Mr. Daniel Fitzsimmons of Roxbury Street stated that he has a "river" running in his yard because of filling done by Mr. Robert Sullivan of Conklin Road, whose property abuts that of Mr. Fitzsimmons.

Vosbury Property/Conklin Road – Mr. Griffiths stated that Mr. Mark Vosbury has a fill permit for his property on Conklin Road and that the Phase II MS4 Stormwater Runoff regulations do not apply to his site because he is disturbing less than one acre of land.

Sullivan Property/Conklin Road – Mr. Griffiths, Mr. Jones, and John Mastronardi of Griffiths Engineering looked at the situation on Mr. Robert Sullivan's property on Conklin Road and agreed that there are no violations since that part of Mr. Sullivan's property is not in the flood plain. Mr. Fitzsimmons stated that he is getting water on his property, which is a problem,

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whether or not Mr. Sullivan's filling is legal. Mr. Griffiths and Mr. Jones will return to the Sullivan property to check to see that Mr. Sullivan installed a swale around his filled area, as was required.

McAvoy Property/Wilbur Way – Mr. Griffiths will look at this drainage issue to see if he can offer possible solutions.

Possible Legislation/Residential Filling in Non-Flood Plain Area – Mr. Gorgos stated that commercial filling inside and outside the flood plain is already controlled by the MS4 Stormwater Runoff legislation, but sometimes problems arise from residents installing significant fill outside the flood plain area, which is currently legal but can still cause problems for neighboring residents. He stated that the Town could pass an ordinance to control this type of filling and distributed the ordinance utilized by the Village of Port Dickinson to control fill dirt. Mr. Ayres stated that the Town of Conklin needs an ordinance to control filling.

Mr. Bullock commented that 100 cubic yards (the limit after which site plan approval is required in the Village of Port Dickinson) is "not much," and the "numbers should be changed." Supervisor Preston stated that Article 76 governs filling for sites in the flood plain. Mr. Gorgos stated that there is "no ordinance if it is not in the flood plain." Mr. Fitzsimmons stated that the wording of the proposed ordinance should state that a property owner cannot raise his or her property above the level of his or her neighbor's property. Supervisor Preston stated that there cannot be spot restrictions in the Town. Mr. Gorgos suggested a ratio of cubic yards of fill to the acreage of the lot in question, and asked what numbers the Town Board had in mind. He explained that someone wishing to fill would need a fill permit and a drainage plan, with the permit to be issued through the Town Code Office, to fill on the property.

Mr. Finch stated that on a 100 yard by 200 yard lot, not more than 200 cubic yards of fill should be permitted. After discussion, the Town Board agreed to a ratio of 100 cubic yards per acre. Mr. Gorgos will draft the proposed ordinance. Mr. Bullock asked if a Public Hearing will be required and Mr. Gorgos replied that it will be necessary. Mr. Minoia stated that the core of the proposed law will state that "you can't create a water issue on your neighbor's property."

CHANGE TO EMPLOYEE POLICY MANUAL/CHANGE REQUIRED NUMBER OF YEARS OF SERVICE/HEALTH INSURANCE FOR RETIREES/FROM 20 YEARS TO 15 YEARS

Supervisor Preston brought a resolution to the Town Board that would change to Employee Policy Manual under Article 16, Health Insurance, to change the number of years of service required for a retiree to be able to purchase health insurance through the Town from 20 years of continuous service to 15 years of continuous service. Mr. Ayres asked how much of an expense this would be and Supervisor Preston replied that it would affect seven or eight people. She stated that the Town "has good employees who will not be here for 20 years" (because of their ages). She reminded the Town Board that the number of years of service required was at one time 10 years, and then was raised to 20 years, and she would like to see it changed to 15 years required.

RESO 2008-81: AMEND EMPLOYEE POLICY MANUAL/CHANGE REQUIRED NUMBER OF YEARS OF SERVICE/HEALTH INSURANCE FOR RETIREES/FROM 20 YEARS TO 15 YEARS

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin hereby amends the Town of Conklin Policy and Benefit Standards for Town of Conklin Employees in Article 16, Health Insurance, paragraph 16.3 (b) to replace the phrase "20 years or more continuous service to the Town of Conklin" with "15 years or more of continuous service to the Town of Conklin," effective immediately.

Seconded by Mr. Bullock.

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

CPR/DEFIBRILLATOR TRAINING RE-SCHEDULED/MARCH 29, 2008 AT 8:00 A.M.
AT TOWN HALL

Mr. Bullock stated that the CPR/Defibrillator Training has been re-scheduled for March 29, 2008, beginning at 8:00 A.M. at the Conklin Town Hall.

FILLING AT TOWN HIGHWAY GARAGE

Mr. Bullock stated that for the past 20 years filling at the Town Highway Garage on Carlin Road has been occurring on property that actually belongs to Temple Inland. Mr. Finch suggested contacting Temple Inland to discuss this issue. Mr. Gorgos stated that the Town has three choices: 1) Maintain the status quo; 2) Seek an easement from Temple Inland; or 3) Take the property through the use of eminent domain.

FLOOD INSURANCE ON TOWN STRUCTURES

Mr. Minoia asked about flood insurance on Town of Conklin structures, asking if the insurance is on the structure only and whether or not the Town Pool is covered for the pool itself, as well as the poolhouse. He also asked if the pumphouse is insured to cover the pump and electrical panels. Mr. Delamarter replied that the pump and electrical panels are considered to be part of the structure and so are covered. Mr. Ayres stated that the Town has separate coverage for content of its structures.

SHARED PARKING LOT/COMMUNITY CENTER & SPORTSPLEX

Mr. Finch asked about the shared parking lot at the new Community Center and the new Community Sportsplex. He stated that this parking lot was deeded to the Town of Conklin by Maines Paper & Food Service, yet the plans for the new Community Sportsplex call for 191 parking spaces, which seems to indicate that this parking lot is included in the plans for the Sportsplex. Mr. Gorgos stated that he will bring the agreement for the shared parking lot to the March 25, 2008 Town Board meeting. Mr. Finch also asked who is responsible for maintenance of this parking lot.

FENCE/HOBART STONE & JULIUS ROGERS PARK

Mr. Finch asked about the status of the fence separating Hobart Stone and Julius Rogers Park. Mr. Jones stated that he met with Mr. James Hobart and Mr. Hobart agreed to fill the edge of the stone pile with dirt and plant a high, dense hedge of arborvitaes to separate the park from the stone company. Mr. Ayres commented that, over the years, Hobart Stone has encroached upon four or five feet of the park property and asked if the Town is going to just give up its land. Mr. Finch commented that the Town is gaining some land and losing some land by straightening the boundary line. Mr. Jones reiterated that Mr. Hobart is willing to pay to install the hedge. Mr. Delamarter commented that the current fence is destroyed and that Hobart Stone will pull its wall of stone back toward its own property. He added that the Town needs to have a written agreement with Mr. Hobart.

FEES FOR NEW COMMUNITY CENTER RENTAL

After discussion, the Town Board decided to charge \$300 to rent the new Community Center, with \$100 of that fee being a deposit that will be returned if the premises are left in satisfactory condition. Mr. Gorgos will draft a contract stating the conditions of the rental, conditions for return of deposit, and who is responsible for inspecting the premises.

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RESO 2008-82: EXECUTIVE SESSION/LITIGATION

Mr. Bullock moved to close the Regular Town Board Meeting and move into Executive Session at 9:46 P.M. to discuss a litigation issue.

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 9:46 P.M. with Supervisor Debra Preston presiding. Present were: Supervisor Preston, Mr. Bullock, Mr. Minoia, Mr. Ayres, Mr. Finch, and Attorney Mark Gorgos. Supervisor Preston assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding proposed, pending or current litigation.

RESO 2008-83: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Bullock moved to close the Executive Session and re-open the Regular Town Board Meeting at 10:07 P.M.

Seconded by Mr. Ayres.

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. Finch moved for adjournment, seconded by Mr. Ayres.

The meeting adjourned at 10:08 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk