

**REGULAR TOWN BOARD MEETING**  
**JULY 10, 2018**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on July 10, 2018, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

**PRESENT:** Town Board Members Boyle, Platt, Francisco, Dumian  
(Farley-Absent)

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Secretary to the Supervisor	Lisa Houston
Highway Superintendent	Brian Coddington
Code Officer/Dog Control Officer	Nick Vascello
Crew Leader	Tom DeLamarter

**GUESTS: Country Courier** Elizabeth Einstein  
Laurie Francisco  
LeRoy Jenkins  
Tom Kelly  
John Colley  
Mathew Varughese

**MINUTES: JUNE 12, 2018 REGULAR TOWN BOARD MEETING**

Mr. Platt moved to approve the June 12, 2018 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

**CORRESPONDENCE:**

Mr. Dumian acknowledged receipt of a letter from Laurie Gregory resigning her position as Clerk to the Justice, effective July 8, 2018.

Mr. Dumian acknowledged receipt of a letter from the New York State Department of Transportation (DOT) stating that it will reduce the speed limit on the Conklin-Kirkwood Bridge road from the current 55 miles per hour to 50 miles per hour.

**PUBLIC COMMENTS:**

None.

**SUPERVISOR'S REPORT:**

Filed in the office of the Town Clerk

**REPORT: CODE OFFICER**

Code Officer Nick Vascello stated that Mathew Varughese, owner of the former Dino's on the Susquehanna building, will be at tonight's meeting to discuss progress on the rehabilitation of the site. Mr. Beylo, owner of the former Progressive Dental building, will attend the August 14

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meeting to discuss progress on his site. Mr. Vascello stated that the Progressive Dental building has seen some effort at cleanup and added that windows will be put back in the building.

Mr. Vascello stated that Town of Binghamton Code Officer Nick Pappas has stated that the Town of Binghamton uses a different process in dealing with violations to the Grass Law. Mr. Pappas stated that the Town of Binghamton mows grass that is in violation and bills the property owner up front, rather than adding the cost to the owner's taxes, which is a fallback solution if the bill remains unpaid. A fine of \$250 is also assessed.

### **REPORT: HIGHWAY DEPARTMENT**

Highway Superintendent Brian Coddington reported that he wants to purchase a new backhoe, adding that this is a less expensive option than renting one. He stated that there would be no increase to the Highway Department Budget for the purchase, adding that the funds would come from Unappropriated Funds.

Mr. Coddington reported that the paving is completed in the housing development near Susquehanna Valley High School and on Cuddyback Drive and Berota Court, adding that this paving is part of the CHIPS (Consolidated Highway Improvement Program) fund projects. He also reported that his department moved the walking bridge at Schnurbusch Park. Mr. Coddington stated that Town-wide mowing will occur once more this year.

### **BILLING FOR MOWING/GRASS LAW VIOLATIONS**

Town Attorney Cheryl Sacco stated that Section 62-6 of the Town Code allows the Town to bill residents for cutting grass that is in violation of the Grass Law, but the bill must reflect the actual expense to the Town, including the cost of transporting equipment to a site, cautioning that it is not intended to generate revenue. She therefore questioned the legality of a sliding scale for billing property owners, adding that she will research this aspect. Mr. Dumian stated that the fee structure would need to include a shop rate, transport costs, etc. Ms. Sacco stated that another option would be to amend Section 62-6.

### **REPORT: PARKS & WATER/SEWER**

Crew Leader Tom DeLamarter, who has oversight of Parks and Water and Sewer Departments, reported that the pool pump stopped operating. He stated that A. C. Spear repaired it but added that it needs to be replaced. Mr. DeLamarter stated that he has one quote for \$2,500 and is looking for more quotes.

Mr. DeLamarter reported that Well 6 is offline because a sensor is not working and must be replaced. He stated that Well 5 will be running for two weeks while Well 6 is repaired.

Mr. DeLamarter reported that the crossover pipe on Route 7 near Temple Inland had to be replaced, adding that he got quotes for the work from Gary Dyer, W2O, and ZMK, with ZMK having the lowest price at \$19,600. He stated that the money to pay for this job would come out of the Water Budget. Mr. DeLamarter also reported that a hydrant on Walter Avenue was hit by a car and must be replaced and added that he is obtaining quotes on that project as well.

Mr. DeLamarter also reported that the pump for the wet well at the Town Landfill stopped working and A.C. Spear was called to install a new wire and conduit. He stated that this pump sends leachate to the sewer lines.

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Mr. DeLamarter stated that the cables for the generator at the Town Hall will be in next week. He stated that the hydrants in the Town have been painted. Mr. DeLamarter stated that the dugouts at the Little League Field at Schnurbusch Park need to be replaced, adding that he is getting pricing for this project. There was some discussion regarding fencing vs. cinder block, with fencing with privacy slats being the preferred material, as it provides more air flow to keep the players comfortable.

Mr. DeLamarter stated that the new elbow installed at the sewer station overhangs the half pad that it sits on, adding that the original plans called for a full pad but it was never installed correctly. He stated that the work that was done recently with the installation is not effective but added that the Town was still billed \$29,000 for the installation. He added that new parts have been ordered. Mr. DeLamarter stated that this project will cost “in the high \$60’s (\$60,000) when done,” but added that it is essential.

### **NEW OWNER/FORMER DINO’S ON THE SUSQUEHANNA**

Mr. Mathew Varughese, new owner of 848 Conklin Road, the site of the former Dino’s on the Susquehanna, spoke with the Town Board about the renovations to his property. Mr. Dumian stated that he is “not thrilled with the progress” on the property, which has been in disrepair since the 2011 flood. He asked Mr. Varughese for a timeline for anticipated improvements.

Mr. Varughese stated that there is structural work on the building that is necessary, adding that there is “severe deterioration” in the northeast corner of the building, adding that past attempts to repair this area have been unsuccessful. Mr. Varughese stated that the must excavate a trench to assess the situation, adding that there are three possible scenarios and he must determine which will be the best choice. He added that the timbers in the basement must be replaced. Mr. Varughese stated that the long-range goal for the space is as a retail space, adding that he is aware that it is currently an “attractive nuisance.”

Mr. Varughese stated that the engineering analysis was completed two weeks ago, adding that the next step is the previously mentioned excavation and analysis by the engineer, and the design of a plan of action. Mr. Varughese stated that this would be in place by August 15.

Mr. Dumian stated that there are “concerns with the safety of the building. It is not sound.” Mr. Varughese stated that if he cannot rebuild the structure, he will have it demolished, but he believes it to be salvageable. Mr. Boyle asked if Mr. Varughese would demolish the building and rebuild. Mr. Varughese replied that he would demolish the building, if necessary, but is not sure about rebuilding. He added that he has a lot invested in the building and property.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

### **PROBLEMS AT SCHNURBUSCH PARK & TOWN POOL**

Mr. DeLamarter spoke to the Board about the increasing number of problems at Schnurbusch Park and at the Town Pool. He stated that many residents of the Town are afraid or feel unwelcome in the park or the pool because non-residents are causing problems by not respecting the rules and not displaying common courtesy to other people. He added that there was another

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incident last week. Mr. DeLamarter stated that some of these non-resident groups play loud, obscene music and are disrespectful. He also stated that people lie about their residency to obtain the lower resident rate for the pool and for the pavilions, abusing the privilege of being a Town resident. It was suggested that proof of I.D. be required with children allowed one entrance to the pool without parent photo I.D. being required. It was noted that this would make everyone accountable. Also suggested was requiring everyone to get a season pass, which the Board felt was unfair to the taxpaying residents.

Mr. DeLamarter stated that non-residents using Park pavilions sometimes exhibit “indecent dress and behavior,” being disrespectful and abusive, smoking, playing obscene music, sometimes even escalating into “violence and threats.” Mr. Dumian stated that the Code requires a Park Permit for gatherings of ten or more if the event is a non-scheduled activity. Penalties for violations include a fine of \$250 plus 15 days jail time per offense. The Board felt that residents shouldn’t be penalized by requiring everyone to get a permit to use a picnic table, even if the pavilions are not rented at that time. Ms. Sacco discussed the Parks and Noise local laws that are already part of the Code but need to be enforced. There was some discussion regarding hiring a seasonal constable to patrol the Park Friday, Saturday, and Sunday during the summer. This could perhaps be an off-duty police officer. In the meantime, it was stated that the Sheriff’s Department and/or the New York State Police should be called if there is a problem. It was also noted that Broome County has a Public Safety Department that might be able to provide some assistance. The Board stated that pertinent local laws, along with penalties for violations, should be posted in each pavilion.

**RESO 2018-87: ACCEPT RESIGNATION/LAURIE GREGORY/CLERK TO JUSTICE/EFFECTIVE JULY 8, 2018**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Laurie Gregory from the position of Clerk to the Justice, effective July 8, 2018.

Seconded by Mr. Boyle.

VOTE: Boyle – Yes, Farley – Absent, Platt – Yes, Francisco – Yes, Dumian – Yes. Motion passed unanimously.

**RESO 2018-88: RATIFY APPOINTMENT/DANIELLE VICK/CLERK TO JUSTICE/EFFECTIVE JULY 9, 2018/PAY RATE \$16.00 PER HOUR**

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the appointment of Danielle Vick to the position of Clerk to the Justice, effective July 9, 2018, at a pay rate of \$16.00 per hour.

Seconded by Mr. Boyle.

VOTE: Boyle – Yes, Farley – Absent, Platt – Yes, Francisco – Yes, Dumian – Yes. Motion passed unanimously.

**RESO 2018-89: APPROVE HIRING LIFEGUARDS/2018 SEASON**

Mr. Platt moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin approved the hiring of the following Lifeguards for the Town Pool for the 2018 season:

<b><u>NAME</u></b>	<b><u>PAY RATE</u></b>
Logan Stettintus	\$10.40 per hour
Isaiah Carnachan	\$10.40 per hour
Lara VanPutten	\$10.40 per hour

Seconded by Mr. Francisco.

VOTE: Boyle – Yes, Farley – Absent, Platt – Yes, Francisco – Yes, Dumian – Yes. Motion passed unanimously.

**RESO 2018-90: ACCEPT DONATION/CONKLIN FIRE AUXILIARY/SUMMER FUN PROGRAM/\$500**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$500.00 from the Conklin Fire Auxiliary to be used toward the 2018 Summer Fun Program.

Seconded by Mr. Boyle.

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

**RESO 2018-91: RATIFY PAYMENT/CLARKSON INN/LODGING/BETH MARSHALL/JUSTICE TRAINING/JULY 16-18, 2018**

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #13987 , account code A1110.4, in the amount of \$218.00 to the Clarkson Inn for lodging for Town Justice Beth Marshall while attending Justice training July 16 through July 18, 2018.

Seconded by Mr. Francisco.

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

**RESO 2018-92: RATIFY PAYMENT/BETH MARSHALL/MILEAGE AND MEALS PER DIEM/JUSTICE TRAINING JULY 16-18, 2018/SUNY POTSDAM, NEW YORK**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #13988, account code A1110.4, in the amount of \$368.39 to Town Justice Beth Marshall for per diem payment for mileage and meals while attending Justice training July 16 through July 18, 2018, at SUNY Potsdam, New York.

Seconded by Mr. Platt.

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

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**RESO 2018-93: AUTHORIZE PAYMENT/PRE-APPROVED JUNE 26, 2018 BILL LIST/\$171,013.16**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved June 26, 2018 Bill List in the total amount of \$171,013.16:

General	\$ 20,646.44
Highway	141,331.14
Light Districts	2,315.70
Sewer Districts	3,234.47
Water District	<u>3,485.41</u>
<b>Total</b>	<b>\$ 171,013.16</b>

Seconded by Mr. Platt.

VOTE: Boyle- Yes, Platt – Yes, Francisco – Yes, Dumian – Yes. Motion passed unanimously.

**RESO 2018-94: AUTHORIZE PAYMENT/BILL LIST/\$58,698.95**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$58,698.95:

General	\$ 37,310.88
Highway	8,882.80
Sewer District	105.62
Water District	1,296.65
Non-Budget	<u>11,103.00</u>
<b>Total</b>	<b>\$ 58,698.95</b>

Seconded by Mr. Boyle.

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

**PUBLIC COMMENTS:**

None.

**RESO 2018-95: AUTHORIZE PURCHASE/JOHN DEERE 410L BACKHOE LOADER**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the purchase of a John Deere 410L Backhoe Loader from Five Star Equipment, Inc., with New York State Bid Award #PC67075, Contract # 032515-JDC, for an amount not to exceed \$93,618.14.

Seconded by Mr. Platt.

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

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### **COMBINE PLANNING AND ZONING BOARDS**

Mr. Boyle asked if it is possible to combine the Town Planning Board and the Zoning Board of Appeals into one board. Ms. Sacco explained that New York State law prohibits this action, as they are two separate boards with separate duties and separate levels of authority. She stated that what would be allowed would be joint meetings between the two boards, so that a project could be discussed simultaneously by the two boards. She cautioned that some processes have set timelines which must be followed. Ms. Sacco stated she would meet with Code Officer Nick Vascello, his assistant, Mary Plonski, Zoning Board of Appeals Chairman Bill Northwood, and Planning Board Chairman Jim Hauss to discuss these possibilities further.

### **BOAT RAMP**

Mr. Boyle asked if he could work with the Highway Department on the Boat Ramp to be built on Stillwater Road, adding that perhaps local contractors could take the extra fill from the project. Highway Superintendent Brian Coddington stated that his department could do a lot of the work. Mr. Dumian reminded Mr. Boyle that he needs Board approval and the required permits in writing before he can move forward with this project. Mr. Boyle stated that he wants to move the location of the Boat Ramp and Mr. Dumian stated that the Board needs to see plans and approve them before any action is taken.

### **BUILDING REPAIRS**

Mr. Francisco addressed the problem of the leaky roof on the Castle. Mr. DeLamarter explained that there is a leak in the roof of the “crow’s nest” (third floor) and the water runs down the wall. He stated that the problem is caused because the drain gets plugged and water runs behind the flashing. Mr. Boyle added that the drain must be cleaned every time it rains or water gets in and soaks the ceiling tile. The Board stated that either the roof must be re-done or a peaked roof must be added above the existing one. Mr. Dumian commented that the Community Center also needs a new roof.

### **CONKLIN FAIR AND PARADE**

Town Clerk Sherrie Jacobs reminded those present that the 2018 Conklin Fair will begin July 12 with a parade at 6 P.M. and will run July 12 through July 14 at the Community Center grounds.

### **RESO 2018-96: EXECUTIVE SESSION/PARTICULAR PERSONNEL ISSUE**

Mr. Francisco moved to close the Regular Town Board Meeting and move into Executive Session at 8:13 P.M. to discuss a particular personnel issue.

Seconded by Mr. Boyle.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 8:13 P.M. with Supervisor William Dumian, Jr., presiding. Present were: Supervisor Dumian, Mr. Boyle, Mr. Platt, Mr. Francisco, and Attorney Cheryl Sacco. Ms. Sacco 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 the medical, financial, credit or employment history of a particular person or

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corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

**RESO 2018-97: RE-OPEN REGULAR TOWN BOARD MEETING**

After this discussion, Mr. Boyle moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:21 P.M.

Seconded by Mr. Platt.

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

There being no further business to come before the Board, Mr. Boyle moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:21 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk