

REGULAR TOWN BOARD MEETING
JULY 9, 2019

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on July 9, 2019, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Boyle, Farley, Platt, Dumian Francisco (Excused)
	Town Counsel	Keegan Coughlin
	Town Clerk	Sherrie L. Jacobs
	Secretary to the Supervisor	Lisa Houston
	Highway Superintendent	Brian Coddington
	Code Officer	Nick Pappas
	Parks/Water & Sewer Superintendent	Tom DeLamarter
	Administrative Assistant	Mary Plonski
	Zoning Board of Appeals	Art Boyle
	Planning Board	Chris Ostrowsky
	Board of Assessment Review	Bill Brodsky
GUESTS:	Country Courier	Elizabeth Einstein
	Laing Self-Storage	Alex Urda
	Laing Self-Storage	Brian Laing
		Pat Ronk
	Gary F. Blaisure	Bill Dumian, Sr.
	Linda Dumian	Leo Jones
	John Colley	Christine Nemconsky
	Joe Coddington	Stuart Kasmarcik
	David W. Mead	Jerry Russell
	Daniel Fitzsimmons	Patricia Shelton
	Erika Abood	Dan Howard
	Melissa Howard	Ryan Remza
	Mary Boyle	Arlene C. Dubay
	John Dubay	Paul W. Schofield

MINUTES: JUNE 11, 2019 REGULAR TOWN BOARD MEETING

Parks Superintendent Tom DeLamarter noted that the minutes of the June 11, 2019 Regular Town Board Meeting should be corrected on page 2, under the discussion of the new pavilion at the Maines Community Center site, to state that the grant received from Broome County is for \$15,000 rather than \$3,000.

Mr. Farley moved to approve the minutes from the June 11, 2019 Regular Town Board Meeting with the above noted correction.

Seconded by Mr. Platt.

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

LAING SELF-STORAGE/SITE PLAN FOR STORAGE FACILITY/CORPORATE
PARK

Alex Urda, engineer for Laing Self-Storage, presented a site plan for the proposed storage facility in the Broome Corporate Park. Mr. Dumian suggested that Mr. Urda submit the

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application and amend it at a later date if necessary, adding that the setback requirements are needed from Broome County but the Town has not yet received this information. Mr. Urda explained that Laing Self-Storage owns four properties on the corner of Powers Road and Broome Corporate Drive. Mr. Dumian stated that the Town will submit the application to the County for the 239 Review and to the Planning Board, with recommendations eventually coming back to the Town Board.



PUBLIC HEARING
TO RECEIVE INPUT REGARDING PROPOSED LOCAL LAW 2, 2019/
“CHAPTER 102 ENTITLED PROPERTY, VACANT”

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian declared the Public Hearing open at 6:35 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 2, 2019, “Chapter 102 Entitled Property, Vacant.”

Mr. Dumian stated that the proposed law “will not single people out,” emphasizing that it deals with “vacant, abandoned properties.” He read from the current Town of Conklin Code, Chapter 63, “Buildings, Unsafe,” reading that the purpose of the existing law is to protect the “safety, health, and general welfare of persons and property in the Town by requiring that unsafe buildings be repaired or demolished and removed.” Mr. Dumian stated that this law was adopted in 2004 and to date, “no violation letters have been sent regarding Chapter 63-1.” He went on to read from Sections 2, 3, 4, and 5, which provided title of the law, definition, investigation and report (by the Building Inspector), and Town Board order to remedy. Mr. Dumian reiterated that this administration “works with residents,” adding that “no aggressive violation letters are sent.” He stated that the Town “doesn’t go after people,” adding that, per New York State law, the Town is required to respond to formal, written complaints. Mr. Dumian then read Section 63-9, which deals with the Town’s response to a property owner’s refusal to comply.

Mr. Dumian then read from the Town of Conklin Code Chapter 62, “Brush, Grass, and Weeds.” He stated, “Our job is to maintain the integrity of this community,” and protect the entire Town. He read from Section 6 of Chapter 62, which addresses removal of brush or grass by the Town and the way in which the cost of this is recouped, adding that only “a limited amount of people have received letters of violation of the Grass Law.” Mr. Dumian reiterated that the proposed local law, which creates a Registry of Vacant Buildings, is a state-wide initiative that deals with “vacant, abandoned properties,” which he added “take away from the property value of neighbors’ properties.”

Mr. Dumian stated that the provisions of existing Chapter 63 could include residences, the proposed local law only involves vacant and abandoned properties. Code Officer Nick Pappas stated that part of the purpose of the Registry of Vacant Properties is to protect firefighters and law enforcement officers, by stating that the property is vacant and there should be no one inside.

Mr. Dumian stated that another issue with Chapter 63 (“Unsafe Buildings”) is that it does not provide a definite time frame for remediation of the situation. He gave the example of the former site of Dino’s on the Susquehanna on Conklin Road, adding that the building has been vacant for eight years and the new owner is “just now working on it.” He stated that the buildings in question are those under foreclosure proceedings by the banks that hold the mortgage, because the owners have “walked away” from the properties. Mr. Pappas gave an

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example of a building he inspected which had been flooded and which had the breaker frozen and covered with flood mud. Mr. Dumian stated that the proposed law allows fines and penalties, as well as the Registry for Vacant Properties. He stated that mowing of neglected properties and FEMA properties has resulted in \$15,000 worth of repairs to the Town's mower. Mr. Dumian stated that there is also a problem with "squatters" on FEMA and vacant properties.

In discussion of the language of the proposed law, Mr. Dumian stated that one concern he has heard is the definition of "vacant," adding that a property is not necessarily unsafe after 60 days but it may be vacant. Mr. Pappas stated that the Town would "never fine someone \$1,000 a day" for violations, as is stated in the proposed law. Mr. Dumian stated that the Board could change the fees and penalties in the proposed law. Mr. Pappas stated that there are properties in the Town of Binghamton, where he is also the Code Officer, which have been foreclosed and sitting abandoned for eight years, with the Town mowing the properties and charging the bank for the cost. He stated that the Registry, which is part of the Town of Binghamton Code, gives process for remediation of the situation. Mr. Dumian stated that the Town has used other means, including court cases, to force residents to clean up their properties, citing a lawsuit that cost the Town \$25,000 to force a resident near the Pennsylvania border to clean up their property, which proved to be only a temporary solution. He added that he does not want to see the Town use that route again to solve any similar issues.

Mr. Boyle stated that the proposed law "can be interpreted by the Code Officer," adding that it is "not just property owned by banks – it could be every property in the Town of Conklin. Every parcel." Mr. Dumian asked how many letters of violation had been sent since the current law was adopted in 1998. Mr. Boyle stated that it "doesn't matter. It's written into the law." He stated that a property owner "could be in violation tomorrow," if a Code Officer disliked someone and interpreted the law that way. Mr. Platt stated, "The Town cannot discriminate with the law." Mr. Farley asked Mr. Boyle what changes he would like to see in the proposed law. Mr. Dumian stated that the Town "cannot trespass" on private property, so that is a protection for residents. Mr. Boyle, a life member of the Conklin Volunteer Fire Department, stated that "firefighters always assume someone could be inside" when they respond to a fire scene. He asked what about a situation where a homeowner is trying to sell a property and it sits vacant for over one year. The new law would require that it be registered and fees paid. Mr. Boyle stated that the Board is "trying to turn the Town into an HOA (Home Owners Association)." Mr. Dumian stated that the wording of the proposed law can be changed.

Mr. Stuart Kasmarcik asked if a property is "vacant" if the bank that foreclosed on it is paying taxes. Mr. Dumian replied that the bank pays the taxes or the property goes to Broome County to be auctioned. Mr. Kasmarcik stated that a property "is not abandoned if the taxes are being paid. We already have the Town Code. We don't need another law." Mr. Dumian stated that it is costly for the Town to pursue remediation of unsafe structures under the current Code because of legal costs.

Mr. Bill Brodsky asked if the Board is considering one law or two, because of the references to two existing laws. Mr. Dumian clarified that there is only one new law being considered.

Mr. John Dubay stated that sometimes properties become vacant because of death or divorce, adding that in the case of a property near his home, he called the real estate company handling the property and it was eventually sold and repaired. He asked if the problem with negligence lies with the real estate company, the management company, or the bank holding the foreclosure. Mr. Dumian replied that this happens in a "small percentage" of cases. Mr. Dubay stated, "It's 100% for us because we have to look at it."

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Mr. Daniel Fitzsimmons stated that he would like to see the proposed local law in its entirety on the Town website. He stated that a different administration than the current one could abuse laws such as the proposed law. Mr. Fitzsimmons added that the list of vacant properties should not be put on the Town website.

Mr. Jerry Russell, a former Code and Fire Inspector for Broome County, said that “the Town needs leverage (to address vacant properties) but the proposed local law is over the top.” He quoted the New York State Building Code and stated that it “covers all requirements. A new law is not needed. The Code Officer enforces the Code.”

Mr. Kasmarcik stated that it looks like progress is being made on the site of the former Dino’s on the Susquehanna, adding that it “looks ok.” He stated that he lost a building valued at \$150,000 in Kirkwood “due to an overzealous Code officer.” Mr. Kasmarcik stated that an “overzealous Code officer can destroy properties.” Mr. Brodsky stated that “if the owner pays taxes, it is not the government’s business. Just because it (abuse of the laws) hasn’t happened, doesn’t mean it won’t.” Mr. Kasmarcik stated that he bought fifteen abandoned properties which many felt should be demolished and restored them and put them back on the tax rolls. He added that demolishing abandoned buildings costs tax revenue.

Mr. Russell stated that the proposed law only allows 90 days after a flood to rebuild, asking if the Code Officer “decides the minimal value of the contents” of a building. He also asked about the requirement for snow removal as a violation and amounting to abandonment, adding that many people go to Florida for the winter, one reason being to avoid dealing with snow removal. Mr. Russell again quoted the New York State Building Code, stating that a hearing is required in cases of abandonment. He also questioned the proposed fine of “up to \$1,000 per day,” adding that if the law is adopted, this fine structure “will be statute.”

Mr. Kasmarcik stated that if the Town mows a property and the bill for the mowing is not paid, it is added to the tax bill and sent to Broome County, who eventually makes the Town “whole” for the cost of taxes, water, and mowing. Parks Superintendent Tom DeLamarter stated that the Town is required to mow FEMA (Federal Emergency Management Agency) properties.

Mr. Brodsky asked what percentage of the proposed law is already covered by other existing laws and Mr. Dumian replied that creation of the Vacant Properties Registry is the only part that is new. Mr. Brodsky stated that he agrees with Mr. Boyle that the Town is trying to “take away people’s rights to how they use their property and it is not appropriate.”

Mr. Art Boyle asked how much of the proposed law duplicates existing laws. Mr. Russell asked if August is when the Board usually votes on new laws and Mr. Dumian stated that there is no set schedule for voting on laws. Mr. David Mead stated that he “doesn’t want the Town of Conklin as a gated community.” Mr. William Dumian, Sr., stated, “It’s easy to judge if you haven’t dealt with it personally.”

Supervisor Dumian stated that he will leave the Public Hearing open to be continued at the August 13 Board meeting.



CORRESPONDENCE:

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Mr. Dumian acknowledged receipts of letters from Planning Board Chairman James Hauss and from Secretary to the Planning Board Renee Hauss stating that they are both resigning from their positions, effective July 1, 2019. He also acknowledged receipt of a letter from Elmer "Rick" Murray stating that he is retiring from his position with the Highway Department, effective August 30, 2019. Mr. Dumian stated that new hire Dan Smith is replacing Mr. Murray as a Highway Department Laborer.

PUBLIC COMMENTS: None.

SUPERVISOR'S REPORT: The Supervisor's report is filed in the office of the Town Clerk.

OLD BUSINESS:

COMMUNITY WELLNESS/DAYCARE CENTER

Mr. Dumian stated that the bid opening on the Community Center/Wellness Center will be held at 1:00 P.M. on July 10. He stated that the Town of Conklin has now been ranked as having low to moderate income in terms of grants. Mr. Dumian stated that the cost of an additional generator was added to the bid process. He stated that he is working with Ascension Health on a lease agreement for the Wellness Center, adding that Ascension Health wants the same rental rate guaranteed for the next 15 years.

TOWN WEBPAGE

Mr. Dumian stated that he met with Amy Stoddard, who designed the website for the Town of Binghamton, to discuss a new website design for the Town of Conklin. The new design would include hot buttons and would update the use and navigation of the website. Mr. Dumian stated that the new design will cost \$4,200 plus yearly renewal and maintenance costs. He stated that he discussed the project with BlueStorm Technologies, the Town's IT provider, but was told that BlueStorm does not design websites. The total cost will be \$4,782, and since this is a professional service, it is not necessary to obtain three quotes.

NEW BUSINESS:

REPLACEMENT FOR PLANNING BOARD MEMBERS

Mr. Dumian stated that two people, Tom Kelly and Bill Brodsky, are interested in the seat on the Planning Board left vacant by James Hauss' resignation. He added that none of the current remaining members wants to be the Chairperson and asked the Board if they felt the Town should advertise to fill the vacancy. The Board agreed that this is the best way to handle the vacancy.

RESO 2019-93: APPROVE ADVERTISING/COUNTRY COURIER/PLANNING BOARD VACANCY/COST NOT TO EXCEED \$40

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves advertising in the **Country Courier** for candidates to fill the vacancy on the Town Planning Board, with the cost of the advertisement not to exceed \$40.

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Seconded by Mr. Platt.

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

MTE QUOTE/PARKS FIELD MAINTENANCE EQUIPMENT

Mr. DeLamarter stated that the motor in the three-wheeler used for field maintenance blew up, so the Town borrowed a machine from the Susquehanna Valley School District, but that machine also did not work, so the Town of Conklin borrowed one from the Town of Kirkwood. Mr. DeLamarter obtained a quote from MTE Turf Equipment Solutions to purchase a new machine for \$20,462, adding that there is a softball tournament scheduled two weeks from now and another tournament scheduled in August. He stated that the Town of Kirkwood needs their machine back after the tournament. He added that the MTE quote is on the New York State bid pricing. Mr. Dumian stated that the Board will make a decision about the purchase at the August 13 meeting.

CHOPPER PUMP REPLACEMENT/SEWER STATION #1

Mr. DeLamarter explained that debris is clogging the chopper pump at Sewer Station #1, which he explained is the pump that sends sewage on to the Binghamton-Johnson City Sewage Treatment Plant. He stated that he has money in his budget to purchase a new chopper pump and stressed that there is an urgent need to move forward with this purchase, as sewage could back up into residents' homes if the pump breaks down. Siewert Equipment provided a quote of \$27,312 for the pump. This price does not include the cost of installation, because the company is not sure what issues it might run into during installation. Mr. Dumian stated that a quote is needed on the cost of installation. The Board agreed to purchase the replacement pump and have Mr. DeLamarter seek a quote for the cost of installation.

**RESO 2019-94: AUTHORIZE PURCHASE/CHOPPER REPLACEMENT
PUMP/SEWER STATION 1/SIEWERT EQUIPMENT**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the purchase of a chopper replacement pump for Sewer Station 1 from Siewert Equipment at a cost not to exceed \$27,312.

Seconded by Mr. Farley.

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

**RESO 2019-95: ACCEPT RESIGNATION/JAMES HAUSS & RENEE
HAUSS/PLANNING BOARD CHAIRMAN & PLANNING BOARD SECRETARY**

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of James Hauss from the position of Planning Board Chairman and the resignation of Renee Hauss from the position of Planning Board Secretary, both effective July 1, 2019.

Seconded by Mr. Farley.

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

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RESO 2019-96: ACCEPT RETIREMENT/ELMER MURRAY/HIGHWAY DEPARTMENT

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the retirement of Elmer Murray from the position of Highway Department Laborer, effective August 30, 2019.

Seconded by Mr. Boyle.

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

RESO 2019-97: APPROVE TOWN SUPERVISOR/SIGN CONTRACT/AMY J. STODDARD/NEW TOWN WEBSITE SETUP, LAYOUT, & DESIGN SERVICES

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the Town Supervisor, William Dumian, Jr., to sign a contract with Amy J. Stoddard regarding a new Town Website setup, layout, and design services for a cost of \$4,200. And yearly renewals and maintenances fees at a cost of \$582.00, account codes A1989-2 and A 1989-4.

Seconded by Mr. Platt.

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

RESO 2019-98: RATIFY ANNUAL PRO-RATED SALARY/KIM GULICK/DCO

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the annual pro-rated salary of Kim Gulick, Dog Control Officer, to \$10,400, effective on her hire date of May 8, 2019.

Seconded by Will Platt.

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

RESO 2019-99: RATIFY PAYMENT/AMERICAN BANKERS INSURANCE/FLOOD INSURANCE/18 MILLER STREET

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #15493, account code SS1-8110-4, in the amount of \$4,862.00 to American Bankers Insurance for payment of flood insurance for 18 Miller Street.

Seconded by Mr. Boyle.

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

RESO 2019-100: APPROVE TOWN COURT/OPEN SUMMARY JUDGEMENT CHECKING ACCOUNT/PEOPLES SECURITY BANK & TRUST COMPANY

Mr. Farley moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin approves the Town Court to open a Summary Judgement checking account at Peoples Security Bank and Trust Company.

Seconded by Mr. Platt.

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

RESO 2019-101: AUTHORIZE PAYMENT/PRE-APPROVED JUNE 25, 2019 BILL LIST/\$83,060.62

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 25, 2019 Bill List in the total amount of \$83,060.62:

General	\$ 24,808.23
Highway	33,353.60
Light Districts	2,189.36
Sewer Districts	9,070.10
Water District	6,639.33
Non-Budget	<u>7,000.00</u>
Total	\$ 83,060.62

Seconded by Mr. Farley.

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

RESO 2019-102: AUTHORIZE PAYMENT/BILL LIST/\$46,533.95

Mr. Boyle 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 \$46,533.95:

General	\$ 26,207.71
Highway	16,297.85
Sewer Districts	3,675.61
Water District	<u>352.78</u>
Total	\$ 46,533.95

Seconded by Mr. Farley.

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

PUBLIC COMMENTS: None.

JIM & RENEE HAUSS' RESIGNATIONS

Mr. Farley stated that the Town will really miss Jim and Renee Hauss serving on the Planning Board and commented about what a good job both of them had done in their service to the Town.

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CONKLIN FAIR & PARADE

Town Clerk Sherrie Jacobs reminded those present that the Conklin Fair will begin on Thursday (July 11), with a parade to kick off the Fair.

SUMMER FUN PROGRAM

Mr. Dumian stated that the Summer Fun Program has grown so much that the Town needs to hire three counselors at a pay rate of \$595 each. He stated that the participation in the program is split evenly between children from the Towns of Conklin, Kirkwood, and Binghamton, with more than 90 children enrolled in the program. Meals are provided as part of the program and Tracy Parker, one of the directors of the program, has been able to secure grant funding for some of the cost of the program. Mr. Dumian stated that Ms. Parker and Sarah Masters, the other director, are doing a great job running the Summer Fun Program.

PAVILION AT COMMUNITY CENTER

Mr. Dumian stated that a “great job” was done with the construction of the new pavilion at the Community Center, adding that the Town saved a lot of money by doing the work “in house,” with it costing approximately \$13,000 as opposed to the \$33,000 that Pavilion 3 in Schnurbusch Park cost to build.

There being no further business to come before the Board, Mr. Farley moved for adjournment, seconded by Mr. Boyle. The meeting adjourned at 8:18 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk