

WORK SESSION
MAY 23, 2017

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on May 23, 2017, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Boyle, Farley, Platt, Francisco, Dumian

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Code Officer/Dog Control Officer	Nick Vascello
Secretary to the Supervisor	Lisa Houston
Zoning Board of Appeals	Tom Kelly

GUESTS: **Country Courier** Elizabeth Einstein
Vieira & Associates Cheryl DiStefano
Vieira & Associates Nicole Mayers
David Ditch
Laurie Francisco
Kallie M. Clapper
Krista M. Clapper
Jerry Russell
Parker Reifler
William E. Reifler, Sr.
John Colley
LeRoy Jenkins
Todd Jenkins

RISING COMMUNITY GRANT/POSSIBLE RELOCATION OF TOWN COMMUNITY CENTER

Mr. Dumian presented a sketch of a proposed project which could potentially be funded by the New York State Rising Community Grant Fund. The project would be a new Town Community Center, an Occupational Health Center, and a Day Care facility, and would be housed near the entrance to Corporate Drive from Conklin Road, within the Broome Corporate Park, overlooking the valley. Mr. Dumian stated that the Health Center and Day Care facility would be open to everyone, not just workers within the Corporate Park. In response to a query from Mr. Farley, Mr. Dumian stated that the Health Care provider being discussed is a New York State based not-for-profit provider. Mr. Dumian stressed that the Town does not yet have any grant money in its funds. Discussion was held regarding whether the proposed Community Center would be the same size as the current one or larger to accommodate more people. Mr. Dumian stated that the land may be granted to the Town by Broome County if the Health Care Center becomes a reality. Mr. Platt asked who would run the Day Care facility and Mr. Dumian replied that it would probably be run by Broome County. Mr. Francisco asked about a possible timeline for the project and Mr. Dumian replied that the project is awaiting confirmation of participation of the proposed Health Care provider.

BUSINESS EXPANSION/PROGRESS PARKWAY & POWERS ROAD

Mr. Dumian stated that he met with the BCIDA (Broome County Industrial Development Agency) regarding property near the intersection of Powers Road and Progress Parkway. He stated that one local business wants to expand his business in that area and a second local business wants to relocate to that site. Discussion was held regarding the Town purchasing the

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property on the corner of Progress Parkway and Powers Road, with Mr. Dumian stating that the property owner is still interested in selling the parcel. He noted that municipal water and sewer service are already present at the site. Mr. Dumian stated that there are wetlands to be considered between Powers Road and Hardie Road, but stated that the property in that area could still be developed.

ROUTE 7A WATER EXTENSION

Mr. Dumian stated that he has the potential cost and specifications for extending municipal water service down Route 7A toward the Pennsylvania state line. He added that he wants to send a letter and questionnaire to the residents of that area regarding the proposed extension. Mr. Platt asked which side of the road the water line would be on and Mr. Dumian replied that he believes it will be on the right side of Route 7A as you travel south.

WAIVER/30 DAY NOTICE/LIQUOR LICENSE/BUFFALO HEAD/JUMBO'S 1

The new owner of the Buffalo Head Bar and Grill is changing the name to Jumbo's 1 and is requesting a waiver of the 30-day Notice of the restaurant's liquor license, so that the name change and changes to the liquor license do not impede operation of the facility. The Board had no objections to this and will formally declare this during the Regular Town Board Meeting.

MINING APPLICATIONS/PERMITS

Mr. Dumian asked Town Attorney Cheryl Sacco to explain the Town's role and authority in mining applications and permits. Ms. Sacco explained that there are two processes. The first process is the Special Use Permit issued by the Town through Chapter 140 of the Town Code. She stated that this process requires a Public Hearing and is separate and distinct from the DEC process. Ms. Sacco stated that the second process is through the DEC (New York State Department of Environmental Conservation) Mine Reclamation Act, adding that this is the body that actually issues the mining permit. Ms. Sacco stated that the DEC holds a public comment period in which the public can express concerns on a particular mining application. The DEC is currently holding a public comment period for the Bailey Mine application for a permit for 200 Montrose Drive, with comments due to the DEC by June 16.

Mr. Dumian stated that the Town's main concerns with the Bailey Mine, a bluestone mine, would be dust and noise. He stated that a walkthrough of the proposed mining site is scheduled with the Town Engineer. He stated that the DEC has accepted the application for the Bailey Mine and it would be up to the Town now to issue a Special Use Permit if deemed appropriate. Ms. Sacco stated that a Public Hearing must be set, adding that residents can and should make comments to the DEC if they have concerns. She explained that the DEC can issue a mining permit with or without a Special Use Permit, adding that the Town of Conklin can only make recommendations regarding the mining permit. She stated that the DEC is more stringent than the Town. Ms. Sacco explained that the Town cannot pull a mining permit issued by the DEC, nor can it use zoning to keep mining out of a particular area. She stated that the Special Use Permit can be used by the Town to identify and mitigate local concerns, adding that it is actually a courtesy to the Town.

Ms. Sacco stated that the Town received a letter from the DEC on May 11 with a modification to the Bailey Mine application, and then on May 18, the DEC accepted the completed application. All public comments are due to the DEC by June 16. Ms. Sacco suggested that the Town Board set a Public Hearing on the application for a Special Use Permit for the June 13 Town Board

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meeting, adding that this will give ten days' notice to the **Country Courier**. She stated that she will ask Broome County to expedite the 239 review. Ms. Sacco stated that written Neighbor Notice must be sent to any property owner within 1,000 feet of the proposed mine at least ten days prior to the June 13 meeting. Cost of the Neighbor Notice will be charged to the applicant.

YOUTH SPORTS PROGRAMS

Mr. Dumian stated that he received many phone calls regarding some aggressive actions on the part of some parents and coaches in the major and minor league Town baseball program, stressing that the children in this program are only seven, eight, or nine year old boys. He stated that he wants a "successful youth program in the Saber arena." Mr. Dumian noted that the Town of Binghamton fields six teams, while the Town of Conklin fields two teams, and stated that he would be in favor of a Junior Sabers Baseball Program, with a unified system and a lottery for team membership. Playing fields would be in a pool for all to use. Mr. Dumian stated that he met with Youth Commissioner Fran Bealo and added that a meeting is planned for late June between himself, Town of Kirkwood Supervisor Gordi Kniffen, Town of Binghamton Supervisor Tim Whitesell, and the Youth Commissioners and coaches from the three towns. Discussion will include elimination of the negativity and importance of sportsmanship, as well as the potential for a unified system for the program.

CONKLIN BUSINESS ASSOCIATION KIOSK

Town Clerk Sherrie Jacobs stated that the Conklin Business Association wants to construct a small kiosk in Schnurbusch Park, with signage that would include a map of the Town, and a key to the location of businesses that are members of the Conklin Business Association, in an effort to promote local businesses. The kiosk would also have space for display of fliers for various current events happening in the Town. Mr. Platt asked who would police these fliers to make sure they are not outdated and Ms. Jacobs replied that the Conklin Business Association would take responsibility for that task. Crew Leader Tom DeLamarter has no issue with this project. Nick Vascello, Code Officer, stated that this would be considered a business sign, which he stated would be allowed in the park under the Town Code, but which would have to be approved by the Town Board. Ms. Sacco warned that this could be considered "alienation of park lands" and asked what section of Code Mr. Vascello was citing, perhaps Chapter 17, Zoning? Ms. Sacco stated that she would research this issue further.

HANDICAPPED ACCESSIBLE PLAYGROUND EQUIPMENT

Mr. Francisco asked if there is any update regarding the proposed handicapped accessible playground equipment at Donnelly Elementary School. Mr. Dumian stated that he has not received any updates regarding this project, which was transferred to the Susquehanna Valley School District upon learning that the funding for it was highly unlikely to be awarded to the Town for Schnurbusch Park because the park is in a flood zone.

BACK UP WATER SUPPLY/CITY OF BINGHAMTON

Mr. Dumian stated that the City of Binghamton would be interested in selling water to the Town of Conklin and serving as a backup water source in the event of a problem with the Town's water supply.

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PROPOSED LOCAL LAW 2/REZONING RESIDENTIAL TO AGRICULTURAL

Ms. Sacco stated that she has researched the information for proposed Local Law 2, regarding rezoning particular parcels from Residential to Agricultural. She stated that this would not constitute spot zoning, that she has all of the required signatures of property owners, and that these parcels were historically used for agricultural purposes.

RELEASE AND INDEMNIFICATION/USE OF CASTLE

Ms. Sacco stated that she sent a draft release and indemnification contract for use of the Castle to the Supervisor for his review, adding that it should be sent to Tom Augustini at Haylor, Freyer, and Coon, the Town's insurance provider, for recommendations as to minimum liability insurance to require from those wishing to utilize the Castle.

LEGAL PROJECTS

Ms. Sacco stated that she has not received any updates from Upstate Towers regarding potential cell tower projects.

Ms. Sacco stated that the proposed Local Law 2 should take care of any issues with rezoning vs. Agricultural rule in the Comprehensive Plan. She stated that she has a new draft for the Professional Fees Local Law, and will craft a new draft for the Neighbor Notice Local Law.

Ms. Sacco stated that the time period of the Estoppel Notice and Notice to Borrow for the new Highway vehicle is almost over, and stated that a delivery date is needed so that borrowing and closing can be scheduled.

COMBINED COURT SYSTEM

Mr. Dumian stated that he received correspondence from neighboring municipalities inquiring about an interest in a combined Court system.

BROOME COUNTY DOG SHELTER VS. HUMANE SOCIETY

Mr. Dumian stated that although he had considered suggesting that the Town utilize the Humane Society instead of the Front Street Dog Shelter for unlicensed or running at large dogs, he noted that the Town's volume of dogs taken to the Shelter has increased, adding that the Town has "a good solution in the Front Street Dog Shelter," adding that it offers all-inclusive services. He stated that the Town has not yet renewed its contract with the Front Street Dog Shelter.

REGULAR TOWN BOARD MEETING
MAY 23, 2017

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on May 23, 2017, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided.

PRESENT: Town Board Members Boyle, Farley, Platt, Francisco, Dumian
Town Counsel Cheryl Sacco
Town Clerk Sherrie L. Jacobs
Code Officer/Dog Control Officer Nick Vascello
Secretary to the Supervisor Lisa Houston
Zoning Board of Appeals Tom Kelly

GUESTS: Country Courier Elizabeth Einstein
Vieira & Associates Cheryl DiStefano
Vieira & Associates Nicole Mayers
David Ditch
Laurie Francisco
Kallie M. Clapper
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Jerry Russell
Parker Reifler
William E. Reifler, Sr.
John Colley
LeRoy Jenkins
Todd Jenkins

MINUTES: MAY 9, 2017 REGULAR TOWN BOARD MEETING

Mr. Farley moved to approve the May 9, 2017 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Platt.

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

CORRESPONDENCE:

Town Clerk Sherrie Jacobs gave the Town Board the following dates for their consideration:

- May 24 at 4:30 P.M. – Flags will be put up in the Field of Honor at the Conklin Veterans Memorial. Any help would be appreciated.
- June 3 at 11 A.M. – the annual Veterans Remembrance will be held at the Conklin Veterans Memorial with the reading of the new names added to the Memorial.
- June 7 at 7 P.M. – the Kiwanis-sponsored “First to Say Thank You” will be held at Windsor High School honoring all area high school graduates who are entering the military.

PUBLIC COMMENTS:

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BAILEY MINE APPLICATION

David Ditch of 54 Montrose Drive stated that information presented on the mining application process was helpful, although he noted that the Town has “not much power” in the application approval process. He stated that his concerns are traffic, noise, and the hours of operation, and agreed to send his concerns to the DEC during its public comment period.

GRAZING SHEEP AT THE TOWN LANDFILL

Jerry Russell followed up on the proposal he sent the Board regarding grazing sheep at the site of the Town Landfill. Mr. Dumian stated that he has been researching this issue, adding that the Town cannot put a structure inside the fence at the Landfill. He stated that the DEC has no issue with grazing sheep there, but the Town Code does not allow farm animals other than in areas zoned Agricultural.

OLD BUSINESS:

None.

REPORTS:

Mr. Dumian stated that the report from his office and the report of the Town Clerk are on file with the Town Clerk.

NEW BUSINESS:

ANNUAL AUDIT REPORT/VIEIRA & ASSOCIATES, INC.

Nikki Mayers, of Vieira and Associates, Inc., addressed the Town Board regarding the 2016 Audit of the Town. She explained that the Management Letter would discuss any deficiencies in internal controls, adding that no deficiencies are present in the Town of Conklin internal controls. She stated that the second letter is a Required Communications letter which would discuss any evidence of fraud or issues with management, adding that again there are no issues with the Town of Conklin.

Ms. Mayers worked through the Financial Report, explaining that pages 3 through 5 give the auditing firm’s opinion of the Town’s financial records, stating that the Town of Conklin received an “unmodified” or “clean” rating, adding that this is the best rating possible to achieve. She stated that pages 6-12 address management discussion and analysis, while pages 11 and 12 discuss future plans for the Town. Ms. Mayers stated that page 13 provides a Statement of Net Position, a “balance sheet” for the Town, with a balance of \$2.3 million, down \$25,000 from 2015. She stated that pages 20-46 are notes, with pages 26-31 discussing employee retirement. She stated that page 47 shows the 2016 Budget vs. Actual, with page 48 doing the same thing for Special Funds. Ms. Mayers stated that pages 49-51 are Required Supplement Information, again regarding retirement, while pages 52-53 provide detail to page 13. Ms. Mayers stated that pages 54-55 provide a report on internal control, which she added is required for a government report. Ms. Mayers stated that the Town received a good report. The Board thanked Ms. Mayers for her work.

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RESO 2017-112: APPROVE CANCELLATION/WORK SESSIONS & TOWN BOARD MEETINGS/JUNE 27, JULY 25, AND AUGUST 22, 2017

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the cancellation of the following Town Work Sessions and Town Board meetings: June 27, July 25, and August 22, 2017.

Seconded by Mr. Farley.

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

RESO 2017-113: RATIFY PAYMENT/U.S. POSTAL SERVICE/2ND QUARTER/WATER & SEWER BILLING POSTAGE

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #12355, account code SW8310.4, in the amount of \$306.00 to the U.S. Postal Service for postage for the 2nd Quarter Water and Sewer billing.

Seconded by Mr. Farley.

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

RESO 2017-114: AUTHORIZE PAYMENT/BILL LIST/\$47,563.70

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 \$47,563.70:

General	\$ 17,995.12
Highway	3,450.95
Sewer Districts	10,648.63
Water Districts	<u>12,018.00</u>
Total	\$ 47,563.70

Seconded by Mr. Farley.

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

RESO 2017-115: RATIFY PAYMENT/NYSEG/MAY BILLING

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #12406 in the total amount of \$7,116.17 to NYSEG for May 2016 billing for the following funds:

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General	\$ 2,666.30
Light Districts	1,951.75
Sewer	616.36
Water	<u>1,881.76</u>
Total	\$ 7,116.17

Seconded by Mr. Farley.

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

RESO 2017-116: SCHEDULE PUBLIC HEARING/BAILEY MINE
APPLICATION/JUNE 13, 2017/6:35 P.M.

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 6:35 P.M. on June 13, 2017, to receive input regarding the application for a Special Use Permit for mining from Bailey Mine.

Seconded by Mr. Platt.

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

ABC APPLICATION/JUMBO'S 1 (FORMERLY BUFFALO HEAD BAR AND GRILL)/REQUEST WAIVER/30-DAY NOTICE/NO OPPOSITION LIQUOR LICENSE

Supervisor Dumian acknowledged receipt of correspondence from James Vascello, owner of Jumbo's 1, formerly the Buffalo Head Bar and Grill, stating that the name of the restaurant has been changed and requesting a waiver of the 30-Day Notice, applying for an 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:

None.

RESO 2017-117: RECESS FOR LEGAL ADVICE

Mr. Boyle moved to close the Regular Town Board Meeting and recess for legal advice at 6:53 P.M.

Seconded by Mr. Platt.

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

RESO 2017-118: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Francisco moved to close the recess for legal advice and re-open the Regular Town Board Meeting at 7:29 P.M.

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Seconded by Mr. Farley.

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

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Boyle. The meeting adjourned at 7:29 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk