

REGULAR TOWN BOARD MEETING

JULY 11, 2017

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on July 11, 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
	Highway Superintendent	Brian Coddington
	Assistant to Supervisor	Lisa Houston
	Code Officer/Dog Control Officer	Nick Vascello
	Administrative Assistant	Mary Plonski
	Crew Leader	Tom DeLamarter
	Zoning Board of Appeals	Tom Kelly

GUESTS:	Country Courier	Darla Klinko
		Laurie Francisco
		Katherine Trumbach
		Terry Zopp
		Marie Bowden
		LeRoy Jenkins
		Todd Jenkins

MINUTES: JUNE 13, 2017 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the June 13, 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:

Mr. Dumian stated that he received correspondence from the New York State Department of Transportation (NYS DOT) stating that the State will be resurfacing 6.3 miles of Route 7 (Conklin Road) from the Pennsylvania State Line to the dry bridge near the new Dick’s Warehouse facility. The resurfacing, funded through a grant, will begin in late July or early August. Proper signage will be utilized.

PUBLIC COMMENTS:

ROUTE 7A

Marie Bowden of Stillwater Road asked if the State would be lifting the surface of Route 7A during the resurfacing and Mr. Dumian clarified that the road work will be done on Route 7 rather than on Route 7A. Ms. Bowden commented that residents of Stillwater Road are “stuck when Route 7 floods.” Mr. Dumian stated that this is a separate grant project to improve the drainage in that area, which has been stalled due to an issue with sewage in the mobile home park. He added that the owner of the mobile home park has been mandated by the DEC (New York State Department of Environmental Conservation) to upgrade the sewage system in the

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mobile home park. Mr. Dumian stated that once this issue is resolved, he hopes the grant money will be forthcoming and the drainage improvement project can move forward.

RAILROAD REPAIR & ROAD CLOSURE/JULY 4 & 5, 2017

Katherine Trumbach of Stillwater Road stated that, although she realizes the railroad company is federally regulated, she believes it should communicate with the Town of Conklin its schedule of repairs to the tracks, noting that the residents of Stillwater Road were trapped on their road most of the day on July 4, and again on July 5, with no entrance or egress, even for emergency vehicles, while the railroad company was repairing the tracks at the crossing. She added that the railroad company “gave no information” to the residents about the closure, noting that the company should be “proactive next time.” Mr. Dumian stated that the Town “never approved this” closures, although the railroad company claimed that the Town had given its approval. Mr. Dumian stated that the Town had expressed its concern about the timing of the repairs and closure over the July 4 holiday, with the railroad company responding, “This is when it will be done.” It was noted that the signage was vague regarding the closures. The railroad company promised that limited access would be available but this did not happen. Mr. Dumian stated that “communication wasn’t clear or accurate,” citing the lack of access for emergency services. He stated that the “railroad is very difficult to work with,” adding that it was “a very poor decision on their part to do work on July 4.” Ms. Trumbach stated that she is filing an alleged complaint with the Federal Railroad Administration. Mr. Farley stated that he will speak with the NYS DOT.

REPORT: SUPERVISOR’S OFFICE – On file with the Town Clerk.

OLD BUSINESS:

UPDATE/ PARKING RESTRICTIONS ON ROUTE 7

Mr. Dumian stated that the Town has requested that parking be restricted on Conklin Road (Route 7) from Susquehanna Valley High School to Melody Lane, adding that the NYS DOT is looking at this issue.

UPDATE/PROPOSED WATER EXTENSION/ROUTE 7A

Mr. Dumian stated that the survey results regarding the proposed water extension along Route 7A showed 93% opposed and only 7 % in favor of the extension. He stated that he is working through State Senator Fred Akshar’s office to research grants to fund this project.

UPDATE/RECOMMENDATIONS FROM ZONING BOARD OF APPEALS

Mr. Dumian stated that the Zoning Board of Appeals had made several recommendations to the Town Board regarding changes to the Town Code. Town Attorney Cheryl Sacco stated that a definition needs to be created for the term “Changeable Electronic Variable Message Signs,” as these are not clearly defined in the “Sign Definitions” section (140-12). She stated that in Section 140-100A, under “General Signs,” a clarification is needed regarding “blinking.” Ms. Sacco stated that she recommends sending the recommendations back to the Zoning Board of Appeals (ZBA) for further clarification.

Mr. Platt, liaison to the ZBA from the Town Board, stated that he doesn’t believe the ZBA wants the term “blinking” removed, adding that he believes the ZBA wants “constant illumination,”

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unless it creates an annoyance for a neighbor. Ms. Sacco stated that she will look at the recommendations for the August 8 Town Board meeting. Mr. Francisco commented that the changing information on the marquee at Susquehanna Valley High School is a “distraction.” Ms. Sacco replied that school districts are immune from zoning ordinances. She stated that Sections 1 and 2, under “Sign Definitions,” are inconsistent, with scrolling limited to five seconds and eight seconds minimum required between change of pictures or information. Mr. Dumian asked what time limit the Board would like imposed. Mr. Platt asked if the NYS DOT has set guidelines regarding this issue.

UPDATE/TRAFFIC CONCERNS/ROUTE 7

Mr. Dumian stated that he received correspondence from the NYS DOT regarding the intersection of Route 7 and Corporate Drive, indicating that crosswalks will be installed. He stated that the DOT stated it was unaware that the new Dick’s Warehouse Distribution Center will employ 467 employees and will increase truck traffic substantially. Mr. Dumian stated that the DOT wanted to remove the right turn lane off the bridge but he asked them to revisit this idea. Mr. Dumian suggested asking the DOT to reduce the speed limit on Corporate Drive to 30 miles per hour for the entire length of Corporate Drive, north and south. Ms. Sacco stated that she will bring a resolution regarding this request to the August 8 meeting. Mr. Boyle suggested eliminating all four merge lanes but Mr. Dumian stated that he thinks the DOT should keep two of the four lanes and add a left turn arrow.

Mr. Dumian stated that there were only five areas in which the Town could make requests regarding the speed and noise concerns on Route 7 with regard to the Bailey mining operation. He stated that the Town is requesting that the speed limit be reduced to 40 miles per hour from the Pennsylvania state line to the bridge at the intersection of Routes 7 and 7A, and that decibel limits of 70 dbc be posted. He stated that the Town can also request signage that states “No jake brakes.” Mr. Boyle stated that it is sometimes a safety issue not to use jake brakes. Mr. Dumian and Mr. Boyle agreed that the speed limit reduction is the priority. Mr. Francisco agreed with the 40 mile per hour speed limit, given the limited sight in the area of the mine entrance.

Mr. Dumian stated that there is no update regarding the status of the application at the Bailey Mine site, adding that he sent a letter to the DEC listing concerns shared by the Board and the residents at the Public Hearing regarding the mining application. Mr. Dumian reiterated that there are only five areas in which the Town can offer input.

NEW BUSINESS:

MATS FOR TOWN HALL AND COMMUNITY CENTER

Mr. Dumian stated that Administrative Assistant Mary Plonski had researched the cost of utilizing Unifirst to provide mats for the Town Hall and the Community Center, noting that the Town spent \$983 between January and July of 2017, including one listed on the invoice that is not in the building. The Town spent \$434.40 for mats for the Community Center, which is locked most of the time. Mr. Dumian commented that it will be more cost effective for the Town to purchase mats and have them cleaned. He added that a new bidder will be offering a quote for cleaning services, and vacuuming the mats could be added to the list of responsibilities. He stated that the Town is saving money on uniforms for Parks/Water/Sewer and Highway Departments by providing a clothing allowance instead of getting the uniforms from Unifirst.

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SHARED SERVICES

Mr. Dumian stated that he wrote a letter to Deputy Broome County Executive Kevin McManus requesting that he ask Governor Cuomo to look at other areas for shared services other than municipalities. He stated that the Town has a shared services agreement with the Town of Binghamton for Dog Control services and noted that in the Town of Conklin, one person serves as both Dog Control Officer and Code Officer. Mr. Dumian stated that the Town has saved eight percent over 2016 so far, and is “doing a good job with shared services.”

SUMMER FUN PROGRAM/CONTRACTUAL LINE

Mr. Dumian stated that a contractual line for the Summer Fun Program needs to be added to cover the cost of two more part-time Counselors at a cost of \$595 each, \$1,190 total, to be paid using a voucher system. He added that everything else is covered by donations and assistance from a program at Susquehanna Valley School District. Mr. Dumian stated that the cost to the Town will be approximately \$2,000. He stated that there are 85 children in the program, with 25 more on a waiting list. Pat Walsh of BOCES (Board of Cooperative Educational Services) is in charge of providing food for the children.

Mr. Dumian stated that there is a free breakfast and lunch program for all students in the Binghamton School District, which is pushing to make this program available state-wide. He added that if all children are eligible, no children will feel singled-out or embarrassed. Mr. Dumian stated that he is working with Susquehanna Valley School District to get this program approved.

**RESO 2017-133: RESCIND RESO 2017-122/AUTHORIZE SALE OF 2004 GMC 7500
DUMP TRUCK FOR \$11,700**

Mr. Platt moves for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin rescinds Resolution 2017-122, authorizing the sale of the 2004 GMC 7500 Dump Truck for the price of \$11,700.

Seconded by Mr. Farley.

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

Mr. Dumian stated that the sale did not go as planned because the Highway Superintendent had to get a new title. The truck will be re-auctioned.

**RESO 2017-134: APPROVE CODE DEPARTMENT/SUBMIT APPLICATION TO
FEMA/APPROVE LEASES ON BUYOUT PROPERTIES**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the Code Department to submit application to FEMA (Federal Emergency Management Agency) seeking approval for leases on the following Buyout properties by the following individuals for Mowing and Maintenance, each lease being a five-year term for a total cost of \$25.00 per property:

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38 JR Boulevard (Harding Avenue)	161.08-1-40	Catherine Minoia
40 JR Boulevard (Harding Avenue)	161.08-1-41	Catherine Minoia
42 JR Boulevard (Harding Avenue)	161.08-1-42	Catherine Minoia
44 JR Boulevard (Harding Avenue)	161.08-1-44	Catherine Minoia
807 Conklin Road	162.09-1-48	Mark Vosbury
1221 Conklin Road	194.08-2-27	Kyle Pritchard
937 Conklin Road	162.18-1-8	Todd Oliver
10 Lawrence Avenue	162.18-1-10	Todd Oliver
5 Alta Road	162.14-2-13	Todd Oliver
911 Conklin Road	162.14-2-9	Todd Oliver
35 Alta Road	162.14.2.26	Howard Singer
29 Alta Road	162.14-2-25	Howard Singer

Seconded by Mr. Francisco.

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

RESO 2017-135: APPROVE HIRING/NICK PAPPAS/PART-TIME CODE OFFICER/PAY RATE \$25.00 PER HOUR

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of Nick Pappas to the position of Part-Time Code Officer at a pay rate of \$25.00 per hour.

Seconded by Mr. Boyle.

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

Mr. Dumian noted that this is not a temporary position, as Mr. Pappas had previously held, but rather a permanent position of 12 hours per week. He stated that Mr. Pappas will handle training and overflow, as well as fire inspections.

RESO 2017-136: AUTHORIZE LISA HOUSTON/ATTEND NYS GFOA SEMINAR/AUGUST 4, 2017/SKANEATELES, NEW YORK

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Lisa Houston to attend the New York State GFOA seminar to be held August 4, 2017, in Skaneateles, New York, and approves all reasonable and necessary travel expenses associated with the one-day class, account code A1220.4.

Seconded by Mr. Farley.

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

RESO 2017-137: ACCEPT DONATION/\$125/BAGSAI/FOR FIELD USE

Mr. Boyle moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$125.00 from BAGSAI for field use.

Seconded by Mr. Farley.

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

**RESO 2017-138: RATIFY PAYMENT/GRIFFITHS ENGINEERING
LLC/STILLWATER ROAD IMPROVEMENT GRANT/ENGINEERING SERVICES**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #107, account code HS8597-2, in the amount of \$2,110.00 to Griffiths Engineering, LLC, for payment for engineering services for the Stillwater Road Improvement Grant Project.

Seconded by Mr. Farley.

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

Mr. Dumian commented that funding for this was provided through the Rising Community Grant Committee.

RESO 2017-139: RATIFY PAYMENT/PITNEY BOWES/POSTAGE METER REFILL

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of an ACH wire payment in the amount of \$500.00, account codes to various departments, to Pitney Bowes for payment of postage meter refill.

Seconded by Mr. Boyle.

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

**RESO 2017-140: AUTHORIZE PAYMENT/PRE-APPROVED JUNE 22, 2017 BILL
LIST/\$39,244.11**

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 22, 2017 Bill List in the total amount of \$39,244.11:

General	\$ 18,464.75
Highway	13,152.99
Light Districts	2,300.19
Sewer Districts	2,663.28
Water District	<u>2,662.90</u>
Total	\$ 39,244.11

Seconded by Mr. Farley.

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

RESO 2017-141: AUTHORIZE PAYMENT/BILL LIST/\$32,015.95

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 \$32,015.95:

General	\$ 10,745.58
Highway	19,391.42
Water District	<u>1,878.95</u>
Total	\$ 32,015.95

Seconded by Mr. Boyle.

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

**RESO 2017-142: APPROVE TOWN SUPERVISOR/ENTER SHUMAKER CONTRACT
#SCE NO. R09357.09/ENGINEERING LANDFILL SITE INSPECTION & ANNUAL
REPORT & EPA 5-YEAR INSPECTION ASSISTANCE**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Town Supervisor William Dumian, Jr., to enter into Shumaker Contract #SCE No. R09357.09, at a cost not to exceed \$8,959.00, for Engineering Landfill Site Inspection and Annual Report, and for EPA (Environmental Protection Agency) 5-Year Inspection Assistance.

Seconded by Mr. Francisco.

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

Mr. Dumian stated that this does not include the survey required by the DEC every five years, which will be done in 2018. He confirmed that the Landfill testing is now done every fifth Quarter, instead of every Quarter. When asked if the Town would be allowed to move the Landfill, Mr. Dumian replied that this will probably not be allowed by the DEC.

**RESO 2017-143: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET
LINES/AS OF JULY 11, 2017**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes modification of the stated from and to Budget lines as of July 11, 2017 (see attached).

Seconded by Mr. Platt.

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

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RESO 2017-144: AUTHORIZE APPROPRIATION OF UNANTICIPATED REVENUE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the appropriation of unanticipated revenue (see attached).

Seconded by Mr. Boyle.

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

UPDATE FROM CODE OFFICE

Code Officer Nick Vascello stated that he had declared a mobile home on Stillwater Road “Unsafe – No Occupancy.”

UPDATE/HIGHWAY DEPARTMENT

Highway Superintendent Brian Coddington stated that the paving on Carlin Road is completed and that the large tent for the Conklin Fair has been put up. He stated that he will put three pieces of equipment in the Conklin Fair Parade on July 13.

UPDATE/WATER & SEWER DEPARTMENT

Crew Leader Tom DeLamarter stated that the pumps that have been ordered will be delivered in approximately three weeks, with the new project expected to be completed in late August or early September. He stated that his department will be doing a dig on Corporate Drive to repair a leaky valve.

CNY APPRAISAL/JOHNSON OUTDOORS TAX CERTIORARI

Mr. Dumian stated that the Town is awaiting the settlement proposal from Johnson Outdoors regarding its tax certiorari. If the Board does not agree to the settlement, he stated that it will have to determine if the cost of pursuing the matter in court is cost effective.

PUBLIC COMMENTS:

None.

DRAFT LOCAL LAW/MINING OPERATIONS

Ms. Sacco introduced a draft local law regarding mining operations that would allow mining wherever New York State allows it and which would repeal the Special Use Permit requirement from the Town. Mr. Dumian stated that the Town would still be notified and would still be able to have input, but expressed concern that the current Special Use Permit requirement makes it seem like the Town has the authority to approve or deny a mining permit, when in reality the DEC makes that determination and can override the Town Board’s decision. Ms. Sacco stated that “timing is a concern,” and added that the proposed local law must be sent to the County Planning Board for a 239 review and a Public Hearing must be held.

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**PROPOSED LOCAL LAW/CHANGE R12 ZONING DESIGNATION TO
AGRICULTURAL**

Mr. Boyle asked about the status of the proposed local law changing the zoning designation of certain parcels from R12 (Residential) to Agricultural. Ms. Sacco stated that the Town Board needs to decide whether to proceed with the ten parcels listed in the proposed local law or to make the change cover a broader area. Mr. Boyle and Mr. Dumian stated that the Town should move forward with the proposed local law and the ten parcels listed, then decide if it wants to make further changes to the zoning.

**RESO 2017-145: SCHEDULE PUBLIC HEARING/PROPOSED LOCAL LAW 2
/CHANGING ZONING DESIGNATION FROM R12 TO AGRICULTURAL FOR TEN
PARCELS/SEPTEMBER 12, 2017, AT 6:35 P.M.**

Mr. Farley 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 September 12, 2017, regarding proposed Local Law 2, 2017, "Amending the Town of Conklin Zoning Map."

Seconded by Mr. Platt.

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

BLACKTOPPING ROUTE 7

Mr. Boyle asked if the New York State DOT will raise Route 7 when it blacktops it, and Mr. Dumian replied that the State will probably blacktop it as is.

WATER & PARKS TRUCK

Mr. Boyle asked if Mr. DeLamarter is planning to sell the Water & Parks truck and Mr. DeLamarter replied that he will "see what is on the NYS Bid."

CAR DEALERSHIP ON CONKLIN ROAD

Mr. Francisco expressed his appreciation to Mr. Vascello for his work with the car dealership that is leasing property on Conklin Road and which has never applied to the Planning Board for approval and has therefore never been approved for operation.

CONKLIN FAIR & PARADE

Mr. Platt reminded those present that the Conklin Fair will be held July 13, 14, and 15. Town Clerk Sherrie Jacobs reminded everyone that the Parade steps off at 6 P.M. on July 13 and thanked the Town for its support. Mr. Dumian thanked the "many volunteers" that make the Fair possible, including the Fair Committee.

There being no further business to come before the Board, Mr. Boyle moved for adjournment, seconded by Mr. Platt. The meeting adjourned at 8:00 P.M.

Respectfully submitted, Sherrie L. Jacobs, Town Clerk

