

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 27, 2020**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on October 27, 2020, 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 Nick Pappas  
Parks/Water/Sewer Superintendent Tom DeLamarter

**GUESTS:** Country Courier Elizabeth Einstein  
Conklin Vol. Fire Dept. Bill Gorman  
Conklin Vol. Fire Dept. Paul Jacobs  
Conklin Vol. Fire Dept. Pete Motsavage  
John Colley  
Laurie Francisco  
LeRoy Jenkins

**MINUTES: OCTOBER 13, 2020 WORK SESSION & REGULAR TOWN BOARD MEETING**

Mr. Dumian stated that the October 13, 2020 Work Session and Regular Town Board Meeting minutes should be corrected on page 6 under Highway Department Report to state that the cost of the new broom is \$4,646.64. The original quote was \$6,046.64.

Mr. Francisco moved to approve the October 13, 2020 Work Session and Regular Town Board Meeting minutes with the above correction.

Seconded by Mr. Farley.

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

**CORRESPONDENCE:**

Mr. Dumian stated that he received a voicemail from a resident with a complaint about trains blocking the railroad tracks at the crossings. Mr. Farley, who is retired from the railroad company, stated that it is federal law that it is illegal for trains to stand, not moving, blocking a crossing for more than five minutes. He commented that last week a mechanical problem had a train blocking both the Powers Road and the Shaw Road crossings for an hour and ten minutes, adding that both crossings should not have been blocked. Mr. Farley will be monitoring the trains to see that the railroad company complies with the federal law.

Mr. Dumian stated that he spoke with Evan from the Southern Tier Broadband Study and that this gentleman is aware of the issue of lack of broadband on Gratsinger Road. Mr. Dumian stated that Susquehanna Valley School District submitted a map to the group showing areas of the school district in which broadband service needs to be improved. Mr. Boyle stated that there is one house on Scofield Road which does not have broadband service.

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**PUBLIC HEARING**

**TO RECEIVE INPUT REGARDING PROPOSED 2021 FIRE PROTECTION  
CONTRACT**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian opened the Public Hearing at 6:36 P.M. and asked those present to speak either for, or in opposition to, the proposed 2021 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

There being no questions or public comment, Mr. Dumian closed the Public Hearing at 6:38 P.M.

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**RESO 2020-116: AUTHORIZE THE SUPERVISOR OF THE TOWN OF CONKLIN  
TO SIGN THE FIRE PROTECTION CONTRACT FOR THE YEAR 2021**

**PRESENT:** Same as on page one.

Supervisor William Dumian, Jr.  
Councilman Dell Boyle  
Councilman Bill Farley  
Councilman Willis Platt  
Councilman Charles Francisco

**ABSENT:** None.

**Offered By:** Mr. Farley

**Seconded By:** Mr. Francisco

The Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), duly convened in regular session, does hereby resolve as follows:

Whereas, the Town Board of the Town, on the 27<sup>th</sup> day of October, 2020, commencing at 6:36 P.M. at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, duly held a public hearing on the Town year 2021 Fire Protection District costs; and

Whereas, the Town Board heard all persons desiring to be heard in the matter, and the matter of the said costs for the Town for such fiscal year was fully discussed and considered by the Town Board.

NOW, THEREFORE, the Town Board of the Town, duly convened in regular session, does hereby resolve as follows:

Section 1. The Supervisor of the Town of Conklin is hereby authorized and empowered to sign and deliver on behalf of the Town of Conklin the Fire Protection Contract for Fire Protection District for the year 2021 between Town of Conklin and Conklin Volunteer Fire Department, Inc.

Section 2. Said contract shall be substantially in accordance with the version thereof which is now on file in the offices of the Town Clerk of the Town of Conklin, and shall be subject to the approval of the Town Attorney of the Town of Conklin.

Section 3. This resolution shall take effect immediately.

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**CERTIFICATION**

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on October 27, 2020. Said resolution was adopted by the following roll call vote:

Supervisor William Dumian, Jr.	YES
Councilman Dell Boyle	YES
Councilman Bill Farley	YES
Councilman Willis Platt	YES
Councilman Charles Francisco	YES

Dated: October 27, 2020  
Town of Conklin Seal

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Sherrie L. Jacobs, Town Clerk of the Town of Conklin

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**PUBLIC HEARING**  
**TO RECEIVE INPUT REGARDING PROPOSED 2021 MUNICIPAL WATER AND**  
**SEWER BILLING RATES**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian opened the Public Hearing at 6:39 P.M. and asked those present to speak either for, or in opposition to, the proposed 2021 Municipal Water and Sewer Billing Rates.

Mr. Dumian stated that the Town is “holding the line” on Water and Sewer Billing Rates, noting that they will remain the same as 2020, with no increase. He added that the Town is hoping for a mild winter, with no water main breaks.

There being no further comments or questions, Mr. Dumian closed the Public Hearing at 6:40 P.M.

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**RESO 2020-117: RESOLUTION ADOPTING PROPOSED 2021 MUNICIPAL WATER**  
**AND SEWER BILLING RATES**

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin adopts the proposed 2021 Municipal Water and Sewer Rates as follows:

**SEWER RESIDENTIAL**

Quarterly Basic Fee:	\$15.00
Unit Charge not to exceed	\$9.75 per Thousand Gallons

**SEWER SMALL BUSINESS (Non-Mfg.)**

Quarterly Basic Fee:	\$15.00
Unit Charge not to exceed	\$11.70 per Thousand Gallons

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**SEWER CORP PARK and MFG Companies**

Quarterly Basic Fee: \$35.00  
Unit Charge not to exceed \$16.00 per Thousand Gallons

**UNMETERED** \$132.00/Qtr

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**WATER RESIDENTIAL**

Quarterly Basic Fee: \$15.00  
Unit Charge not to exceed \$3.25 per Thousand Gallons

**WATER SMALL BUSINESS Non-Mfg.**

Quarterly Basic Fee: \$15.00  
Unit Charge not to exceed \$3.50 per Thousand Gallons

**WATER CORP PARK and MFG Companies**

Quarterly Basic Fee \$35.00  
Unit charge not to exceed \$ 3.75 per Thousand Gallons

This billing change becomes effective November 1, 2020, and will be billed starting the first billing cycle in 2021; February 2021.

Seconded by Mr. Francisco.

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

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**PUBLIC HEARING**

**TO RECEIVE INPUT REGARDING THE PROPOSED 2021 GENERAL & HIGHWAY BUDGET FOR THE TOWN OF CONKLIN**

**PRESENT:** Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian declared the Public Hearing open at 6:41 P.M. and asked those present to speak either for, or in opposition to, the proposed 2021 General and Highway Budget for the Town of Conklin.

Mr. Dumian stated that it is a “very good budget,” adding that the Town has been working at creating more efficiency. He stated that there is a modest increase of .2391% for 2021, adding that he had been very conservative in estimating sales tax revenue.

There being no further comments or questions, Mr. Dumian closed the Public Hearing at 6:43 P.M.

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**RESO 2020-118: ADOPT THE 2021 GENERAL AND HIGHWAY BUDGET FOR THE**  
**TOWN OF CONKLIN**

Mr. Francisco moved for the following resolution:

Whereas, the Town Board (hereinafter "Town Board") of the Town of Conklin (hereinafter "Town"), on the 27<sup>th</sup> day of October, 2020, commencing at 6:41 P.M. at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, duly held a public hearing on the Town year 2021 preliminary budget submitted and approved by the Town Board and filed with the Town Clerk of the Town for the fiscal year commencing January 1, 2021, and

Whereas, the Town Board heard all persons desiring to be heard in the matter, and the matter of the said budget for the Town for such fiscal year was fully discussed and considered by the Town Board,

NOW, THEREFORE, the Town Board of the Town, duly convened in regular session, does hereby resolve as follows:

Section 1. The said Town year 2021 preliminary budget submitted, approved, and filed, as aforesaid, be and the same is hereby adopted and established as the year 2021 annual budget for the Town for the fiscal year beginning January 1, 2021. Said annual budget as so adopted and established shall be entered in detail in the minutes of the proceedings of the Town Board.

Section 2. The Town Clerk is hereby directed to attach to said budget an exemption report in compliance with the requirements of Chapter 258 of the Laws of 2008. Said report shall show how much of the total assessed value on the final assessment roll of the Town of Conklin used in the Town's budgetary process is exempt from taxation.

Section 3. The Town Clerk of the Town shall prepare and certify, as provided by law, duplicate copies of the said Town annual budget hereby adopted and established, and shall deliver one of such copies to the Supervisor of the Town; and the said Supervisor of the Town shall present such copy to the Board of Legislators of the County of Broome as required by law.

Section 4. This resolution shall take effect immediately.

Seconded by Mr. Platt.

**CERTIFICATION**

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on October 27, 2020. Said resolution was adopted by the following roll call vote:

Supervisor William Dumian, Jr.	YES
Councilman Dell Boyle	YES
Councilman Bill Farley	YES
Councilman Willis Platt	YES
Councilman Charles Francisco	YES

Dated: October 27, 2020

Town of Conklin Seal

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Sherrie L. Jacobs Town Clerk of the Town of Conklin

**PUBLIC COMMENTS:** None.

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**OLD BUSINESS:**

**HALLOWEEN**

Mr. Dumian stated that since neither the Governor nor the Broome County Executive put any restrictions regarding trick or treating in place, the Town will also not impose any restrictions. He stated that the normal Halloween curfew from 8 P.M. until 6 A.M. on October 30 and 31 and November 1 will be in effect, with this information posted on the Town website and additional Broome County Sheriff's Department patrols in the Town.

**CODE ENFORCEMENT ISSUES**

Mr. Dumian stated that Code Officer Nick Pappas is "making progress with everything, but the process takes time."

**NEW BUSINESS:**

**CELL PHONE TOWER COMPANY**

Mr. Dumian stated that he had been contacted by a cell phone tower company that is looking at a site on Scofield Road and is asking about permitting procedures.

**RESO 2020-119: APPROVE PAYMENT/BILL LIST/\$29,554.94**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List dated October 22, 2020, in the total amount of \$29,554.94:

General	\$ 11,479.92
Highway	12,494.71
Water Districts	3,371.98
Light Districts	1,179.85
Sewer Districts	<u>1,028.48</u>
<b>TOTAL</b>	<b>\$ 29,554.94</b>

Seconded by Mr. Platt.

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

**PUBLIC COMMENTS:** None.

**ADDITIONAL LAND FOR SCHNURBUSCH PARK**

Mr. Boyle stated that the property owners of land adjoining Schnurbusch Park have one to two acres that they would like to sell and wondered if the Town would be interested in purchasing the available property. Mr. Platt asked if this would be to add to the park. Mr. Dumian replied that it would be added to the park, adding that children already use this area for sledding. He added that he thinks it would be a good idea for the Town to purchase the land, providing it is priced at fair market value. Town Attorney Cheryl Sacco added that this decision is subject to permissive referendum.

**DRAINAGE ISSUES**

Mr. Boyle stated that the drainage/waterway maintenance permits are in progress, adding that they are issued out of Syracuse now, rather than out of Cortland. Mr. Dumian stated that residents believe they cannot go into a creek to maintain it, which he stated is not true. He asked what equipment can be used. Mr. Boyle replied that residents could use an excavator but not a bulldozer, as no equipment with tracks can be used and equipment cannot be taken into the

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water. Materials from the creek must be picked up out of the waterway. Mr. Dumian stated that property owners can help with drainage issues by clearing waterways, adding that the Town cannot go onto private property to clear out streams. Mr. Francisco asked if permission is required from the DEC (New York State Department of Environmental Conservation) to clean out a stream and Mr. Boyle replied that it depends on the scope of work being planned.

Fire Chief Bill Gorman asked the Town to look at the pipe at the intersection of Conklin Road and Conklin Forks Road, adding that it floods after every heavy rain because the pipe is too small to handle the runoff.

**LAND NEAR DOG PARK**

Mr. Platt stated that the Conklin Fair Committee would like Mr. Coddington's crew to remove some of the berm near the dog park, right in front of the pad for disc golf, and remove the brush and level the ground. This would allow the Fair more room to set up on level ground. Mr. Coddington stated that he will look at it and discuss it with the Town Board. Parks Superintendent Tom DeLamararter stated that it will not present a drainage issue to make the requested changes.

**BEAVER DAM NEAR SCHNURBUSCH PARK**

Mr. Dumian stated that beavers are once again damming up the creek at Schnurbusch Park and the level of the creek is rising. Mr. Boyle will take a look at the situation.

**SOCCER CHAMPIONSHIP GAMES**

Mr. Dumian stated that there will be two soccer championship games played on Saturday, October 31 – 12 and Under and 9 and Under teams. He thanked the volunteers that made this year's soccer program possible.

**RESO 2020-120: EXECUTIVE SESSION/SPECIFIC PERSONNEL ISSUE**

Mr. Boyle moved to close the Regular Town Board Meeting and moved into Executive Session at 7:05 P.M. to discuss a specific personnel issue.

Seconded by Mr. Francisco.

VOTE: Boyle – Yes, Farley – 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 7:05 P.M. with Supervisor William Dumian presiding. Present were: Supervisor Dumian, Mr. Boyle, Mr. Farley, 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 corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.

**RESO 2020-121: RE-OPEN REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to close the Executive Session and re-open the Regular Town Board Meeting at 7:36 P.M.

Seconded by Mr. Boyle.

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

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There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Platt. The meeting adjourned at 7:36 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk