

REGULAR TOWN BOARD MEETING
FEBRUARY 23, 2021

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on February 23, 2021, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Finch, Boyle, Farley, Francisco, Dumian
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Code Officer	Nick Pappas
	Administrative Assistant	Mary Plonski
	Water/Sewer/Parks Superintendent	Tom DeLamarter
GUESTS:	Country Courier	Elizabeth Einstein
	Kaaterskill Associates	John Valachovic
		John Colley
		Laurie Francisco
		Peter J. Motsavage

MINUTES: FEBRUARY 9, 2021 REGULAR TOWN BOARD MEETING & WORK SESSION

Mr. Francisco moved to approve the February 9, 2021 Regular Town Board Meeting and Work Session minutes as presented.

Seconded by Mr. Finch.

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

MINUTES: FEBRUARY 18, 2021 SPECIAL TOWN BOARD MEETING

Town Clerk Sherrie Jacobs stated that Highway Superintendent Brian Coddington had informed her that the minutes should be corrected to state that Trucks 44 and 48 (not 43 and 50) are not working.

Mr. Francisco moved to approve the February 18, 2021 Special Town Board Meeting minutes with the above correction.

Seconded by Mr. Finch.

VOTE: Finch – Yes, Boyle – Abstain, Farley – Abstain, Francisco – Yes, Dumian – Yes. Motion carried: 3 – Yes, 2 – Abstain.

KAATERSKILL ASSOCIATES PRESENTATION/274 BROOME CORPORATE PARKWAY

John Valachovic of Kaaterskill Associates distributed copies of a site plan for development of 274 Broome Corporate Parkway to the Town Board. He stated that the site is currently a 6 to 7 acre vacant lot across the road from Meier Supply Company. Mr. Valachovic's client, American Recycling, would like to build an 80,000 square foot building on the site, with 160 parking spaces. Mr. Valachovic stated that there would be no recycling on premise, only truck bays and storage, and rental of office space, adding that 1500 square feet of the total will be office space.

Mr. Dumian stated that a traffic study will need to be done, advising Mr. Valachovic to include total buildout and future plans, including total number of trucks and total trips. Mr. Valachovic stated that any future tenant would have to come before the Board if the number of trucks and/or site plan changes.

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Mr. Dumian stated that Mr. Valachovic would need to make sure the SWPPP (StormWater Pollution Prevention Plan) is in compliance with New York State guidance, adding that the site is also in the EDZ (Empire Development Zone), and must also meet those requirements. He added that he would schedule a joint meeting with the Town Board and Planning Board, as this expedites the process for SEQR (State Environmental Quality Review) and the required Public Hearing. Mr. Valachovic asked what the next step should be and Mr. Dumian replied that he must submit a complete application to the Town.

Mr. Valachovic asked why NYSDOT (New York State Department of Transportation) had commented on the project, when Broome Corporate Parkway is a Broome County road. Town Attorney Cheryl Sacco stated that Broome County always refers site plans to NYSDOT, adding that NYSDOT has already provided its comments on the project. Mr. Dumian reiterated that Mr. Valachovic should get a traffic study done first. He asked if the plan has been submitted to the BCIDA (Broome County Industrial Development Agency), and Mr. Valachovic answered, “Not yet.”

Mr. Valachovic stated that the site plan utilizes the two existing entrances. Ms. Sacco stated that the big issues with the site are traffic and water drainage. Mr. Dumian asked about fire and emergency services access and Mr. Valachovic stated that there would be access all the way around the building. He stated that his company will be drilling test holes on the site.

Mr. Finch asked about the requirement for downlit lighting. Mr. Francisco stated that “barn door shields” should be installed on the lights. Ms. Sacco stated that there can be no community glare or light intrusion. She added that all traffic is to exit south on Corporate Drive.

Mr. Boyle asked exactly what American Recycling recycles – clothes? Electronics? Mr. Valachovic stated that he is “not sure,” as he “has no client yet.” Mr. Dumian stated that the site plan must be consistent with the use of the facility. Mr. Boyle stated that fire suppression must be appropriate for the commodity being stored and/or transferred to other trucks. Mr. Dumian stated that the intended use would be required as part of the site plan. Mr. Finch asked if there would be a fueling and/or garage area, and Mr. Valachovic stated that this is not part of the plan. Mr. Francisco stated that there must be adequate space on site for truck parking and staging. Mr. Dumian stated that there must be an escrow account to cover legal and engineering fees and postage for required mailings of neighbor notifications.

PUBLIC COMMENTS: None.

REPORT: SUPERVISOR’S OFFICE

The Supervisor’s Report is on file in the office of the Town Clerk.

OLD BUSINESS:

2019 AUDIT

Mr. Dumian reported that Mike Wolyniak has completed the 2019 Audit and has filed his report with the Supervisor, adding that the findings were good. He stated that Laurie Gregory, Secretary to the Supervisor, is working on the AUD for New York State. Mr. Dumian stated that the Town may be able to use Mr. Wolyniak for the 2020 Audit.

HIGHWAY GARAGE FIRE

Mr. Dumian stated that the Town has been assigned a new representative from the insurance company to examine the contents of the Highway Garage, so another 7 to 10 days is needed. The Town’s consultant is pushing for complete replacement of contents, but the insurance

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company has not yet agreed to this request. Mr. Dumian stated that the Town is awaiting the assessment from Burr Trucking on the condition of Trucks 44 and 48. He added that Syracuse International is going to begin evaluating the 2018 and 2019 International trucks for damage.

Mr. Dumian stated that the Town has estimates on plumbing and heating and electrical repairs but no resolution yet. He added that the facility is being cleaned by ServPro.

Mr. Dumian stated that the newly purchased used truck should be delivered by the end of the week, adding that new brakes all around and one new tire are being put on, at no expense to the Town. Mr. Dumian stated that he has looked at another available truck but it is not really a good fit for the Town. He stated that he will “wait now for the numbers before making any more purchases.”

ZONING/ALTERNATIVE ENERGIES

Ms. Sacco distributed copies of a potential local law patterned after the one enacted by the Towns of Sanford and Windsor, then later Guilford, regarding zoning for alternative energies. She suggested that the Board take the lengthy proposed law home and read it. She stated that this pertains to wind and solar power and is basically divided between commercial or non-commercial (whether the energy generated is for sale or only for self-use). Mr. Dumian suggested that Board members get their questions together and ask Ms. Sacco.

Mr. Boyle questioned the height allowance of 676 feet, noting that the New York State Office Building in Binghamton is approximately 223 feet tall. Ms. Sacco stated that this law was specific to the area for which it was written, noting that the average height of a typical windmill is approximately 400 feet.

Mr. Dumian stated that if the Town tries to enact too strict legislation, New York State will use Article 10 to override and kick out the local law. Ms. Sacco stated much of the choice of where to install alternative energy sources depends upon geography. She stated that a professional should research what limits are going to be acceptable to New York State and what provisions did or did not pass Article 10 in Sanford. Mr. Finch stated that there should be a provision included to require winterization, noting the issues Texas had with its windmills during the recent polar vortex event.

MICROPHONES

Mr. Dumian stated that he received a complaint from a member of the audience at the last Board meeting stating that the Board members could not be heard well. He stated that he will look at new microphones, but also stated that members should use the ones they have correctly.

NEW BUSINESS:

CORPORATE PARK DEVELOPMENT

Mr. Dumian stated that there is another business looking at an existing building in Corporate Park as a potential space.

RESO 2021-25: ACCEPT DONATION/MADDIE TUTTLE

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation, Debit Account Code A 7310.4, Credit Account Code A 2705, in the amount of \$10.00 from Maddie Tuttle.

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Seconded by Mr. Francisco.

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

RESO 2021-26: APPROVE PAYMENT/BILL LIST/2-18-2021/\$483.55

Mr. Boyle 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 February 18, 2021, for 2020 expenses, in the total amount of \$483.55:

General	<u>\$ 483.55</u>
Total	\$ 483.55

Seconded by Mr. Francisco.

VOTE: Finch – Abstain, Boyle – Yes, Farley – Yes, Francisco – Yes, Dumian – Yes. Motion carried: 4 – Yes, 1 – Abstain.

RESO 2021-27: APPROVE PAYMENT/BILL LIST/2-18-2021/\$62,033.43

Mr. Finch 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 February 18, 2021, for 2021 expenses, in the total amount of \$62,033.43:

General	\$ 20,298.80
Highway	36,366.18
Water Districts	2,955.45
Non-Budgeted	<u>2,413.00</u>
Total	\$ 62,033.43

Seconded by Mr. Farley.

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

RESO 2021-28: AUTHORIZE TOWN SUPERVISOR/EXECUTE SETTLEMENT AGREEMENT/DOUGLAS RITTER TAX CERTIORARI PROCEEDING

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to execute the Settlement Agreement regarding the Douglas Ritter Tax Certiorari Proceeding.

Seconded by Mr. Farley.

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

Mr. Dumian stated that Mr. Ritter will receive no reduction on his assessment for his property at 1539 Conklin Road for the year 2020, and will receive a reduction of \$8,500 for 2021.

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RESO 2021-29: RE-APPOINT MARK DEDRICK/BOARD OF ASSESSMENT REVIEW/
10-01-2020 – 09/30/2025

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints Mark Dedrick to the position of Chairperson of the Board of Assessment Review for a five-year term running from October 1, 2020, through September 30, 2025.

Seconded by Mr. Francisco.

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

PUBLIC COMMENTS; None.

TILT-DECK TRAILER

Mr. Boyle stated that the Town had been considering purchasing a mini-excavator prior to the Highway Garage fire, but added that there is no money for that kind of purchase now. He stated that the Town could borrow a mini-excavator from other municipalities through shared services, but would need a tilt-deck trailer to move it to the needed location. Mr. Boyle stated that he has obtained three quotes and found a tilt-deck trailer for “a little over \$9300” at Cross Country Manufacturing. Mr. Finch asked if the Town could possibly borrow a trailer, instead of purchasing one right now.

Water/Sewer/Parks Superintendent Tom DeLamarter stated that his department also had asked for a small dump truck and trailer, but added it’s “not worth the money” to purchase a trailer. He stated that the Highway Department already has a trailer that was purchased from the Water and Sewer Budget, adding that this trailer “belongs to the taxpayers,” not the Highway Department. He asked, “How many times would a new trailer be used?” Mr. DeLamarter added that if the Town, which currently hires an outside contractor to dig if there is a water main break, would need both personnel from his department and from the Highway Department if the Town decided to do its own digging because OSHA (Occupational Safety and Health Administration) requires a certain number of people present for a dig. He stated maybe the Town could consider purchasing a trailer “down the road.” Mr. Finch agreed, adding, “We don’t have the money now.” Mr. DeLamarter added that he can always get someone to help get any needed equipment moved, reiterating that the Highway Department has the trailer purchased for the Water and Sewer Department. Mr. Dumian stated that he is “not opposed” to purchasing a trailer, but would rather look at this possibility “later in the year.”

BALLFIELD LIGHTS

Mr. Francisco stated that the lights at the ballfield in Schnurbusch Park were installed about 35 years ago and have had a lot of use. He stated that he is currently researching better technology for design and cost. Mr. Francisco stated that the Little League field is cost effective. He stated that he is looking at alternatives and potential rebates, adding that the people using the lights need to be more careful with usage.

RESO 2021-30: EXECUTIVE SESSION/LEGAL COUNSEL

Mr. Farley moved to close the Regular Town Board Meeting and move into Executive Session at 8:00 P.M. to discuss legal counsel.

Seconded by Mr. Francisco.

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VOTE: Finch – Yes, Boyle – Yes, Farley – 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 8:00 P.M. with Supervisor William Dumian, Jr., presiding. Present were: Supervisor Dumian, Mr. Finch, Mr. Boyle, Mr. Farley, Mr. Francisco, and Town 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 proposed, pending, or current litigation.

RESO 2021-31: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Finch moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:08 P.M.

Seconded by Mr. Francisco.

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

There being no further business to come before the Board, Mr. Finch moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:08 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk