

REGULAR TOWN BOARD MEETING
MARCH 23, 2021

enjoy the outside, my yard and gardens and do not want to add radiation sickness to kidney and heart disease.

“We have contacted all the neighbors on Stewart Road, one on Scofield, and many on Ketchum Road and they are letting other people now. No one knew of this 5G tower and do not want it.

“The Town has always had an elected Board that looked out for the people and I am sure you are doing what you can to stop this from being built.

“Please notify us when it will be addressed by the 5G company to our Town people, so we can come to the meeting.

“Sincerely,
“Saundra and Ray Lasky”

Mr. Dumian stated that he explained to the Laskys that the Town has hired Richard Comi, a specialist in cell towers, to review the application from the cell tower company, noting that Mr. Comi’s cost will be paid through escrow by the applicant. Mr. Dumian also explained that the Town can only set so many restrictions, and, if they are too restrictive, the federal and/or state government can file a lawsuit against the Town and force it to allow the structure.

FARMERS’ MARKET

Mr. Dumian stated that he spoke with a Town resident who informed him that the Vestal Farmers’ Market had lost their space due to a new building being constructed. He stated that the Town of Conklin would be able to offer a space at the new pavilion by the Community Center, noting the convenient parking, visibility, and nearness of a portable bathroom. He stated that the Farmers’ Market usually is open Wednesdays and Saturdays, and is finished by 2:00 P.M.

Unfortunately, Mr. Dumian stated, we lost the opportunity to host the Farmers’ Market by about a fifteen-minute window, calling after the organizers had just signed an agreement for a different space in Vestal. He stated that he will still offer space to any overflow vendors, or any Town vendors who would like to participate, calling it “a great opportunity for Conklin.”

PROPERTY FOR SALE BY CONKLIN PRESBYTERIAN CHURCH

Mr. Dumian stated that he received a phone call from Bob Weyant from the Conklin Presbyterian Church informing him that the church would be willing to sell the Town the portion of their property that abuts Schnurbusch Park, approximately one acre. Mr. Dumian stated that this “may be a viable option,” but added the Board will need to see a price.

REPORT: SUPERVISOR’S OFFICE

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

OLD BUSINESS:

HIGHWAY GARAGE FIRE

Mr. Dumian stated that the work on cleanup and repairs to the Highway Garage “is ongoing.” He stated that the Town is awaiting signed contracts for the electrical and mechanical repairs. Mr. Dumian stated that a business plan is needed before the process regarding the contents of the building can move forward. He stated that the estimates for repairs of Trucks #44 and #48, estimated at approximately \$70,000, has been sent to the insurance carrier.

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RF TOWER COMMUNICATION

Mr. Dumian stated that the application for the proposed cell tower on Scofield Road is incomplete, according to cell tower specialist Richard Comi. Mr. Comi is requesting a new RF study with higher, more accurate frequencies. Mr. Dumian commented that he is “tired of federal and state mandates. We have no power to say ‘No’.” Mr. Dumian commented that he will e-mail Town Attorney Cheryl Sacco and Mr. Comi and state that the Board “will make every effort we can to make sure this doesn’t happen, and will spend money if we have to.” Sandi Beam asked if the Town has no choice but to allow the cell tower, and Mr. Dumian replied that the federal governments have guidelines that come into play. Ms. Sacco explained Article 78, calling it an “unfunded federal mandate” which streamlined telecommunications by introducing a shorter timeline and review process with a “narrow means to deny” a telecommunications project. She stated that Article 78 is basically a lawsuit against the Town if the federal government feels improper limits were set. Mr. Comi was hired by the Town for his expertise in the field of telecommunications projects, amid health concerns for animals and people. Ms. Sacco stressed that “no formal action” has yet been taken by the Town Board.

MUNICIPAL STIMULUS PACKAGE

Mr. Dumian stated that what was initially estimated to be more than \$1.1 million in municipal stimulus money has now been downsized to approximately \$560,000, adding that this money could be used toward improving municipal water and sewer infrastructure, as that is an allowed use. He stated that the Town may start doing its own digs for broken water mains, but will need equipment, including a trailer on which to move equipment and a safety box to meet OSHA (Occupational Safety and Health Administration) requirements.

Mr. Dumian stated that the stimulus money cannot be used for reduction of taxes but could be used to replace lost revenue, such as a decrease in sales tax revenue.

AMAZON LEASED FACILITY

Mr. Dumian stated that the Form 239 review for the proposed Amazon project at 136 Carlin Road has been submitted to Broome County for review. A Neighborhood Notice must be sent to residents at least fourteen days prior to the Public Hearing, which the Board would like to schedule for April 13.

RESO 2021-45: SCHEDULE PUBLIC HEARING & JOINT MEETING WITH TOWN BOARD AND PLANNING BOARD/APRIL 13, 2021 AT 6:30 P.M./AMAZON

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing and a Joint Meeting of the Town Board and the Planning Board at 6:30 P.M. on April 13, 2021, to receive public input and review the application by Track Drive, LLC, to utilize a portion of a building located at 136 Carlin Road/300 Broome Corporate Parkway as a distribution facility for Amazon.

Seconded by Mr. Finch.

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

Mr. Dumian stated that in reviewing the second set of plans, there is no staging area indicated for tractor trailers, which is necessary. He stated that the fire access route and box truck parking are indicated on the plans. Town Engineer John Mastronardi will be asked to be at the Joint Meeting and Public Hearing to help with the SEQR (State Environmental Quality Review) and SWPPP

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(Storm Water Pollution Prevention Plan) for the proposed facility. Mr. Finch asked if the trailers are “drop and hook” and Administrative Assistant Mary Plonski will research this question. Mr. Dumian stated that staging for tractor trailers is available at nearby Team World, which is owned by the same owner as the site of the proposed Amazon distribution facility.

REPORT: CODE OFFICER

Code Officer Nick Pappas stated that several people are being sent to Court over Code violations, some for the second or third time. Cases to be heard on April 14 include the property owners on Millburn Drive and the owner of the former Progressive Dental building, both of which are facing their third Court appearance for continued violations.

Mr. Pappas reported that all of the annual fire inspections are completed and 90% of those required every three years are completed.

REPORT: HIGHWAY DEPARTMENT

Highway Superintendent Brian Coddington stated that May 3, 2021, will be the date for the annual brush and white goods/metal pickup, noting that his department will pick up around Town May 3 through 7, but May 3 is the date the County waives the tipping fee. Tires are not included in this waiver or in the Town-wide pick up.

**RESO 2021-46: AUTHORIZE PUBLICATION/COUNTRY COURIER/ANNUAL
BRUSH & WHITE GOODS PICKUP**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes publication in the **Country Courier** of the dates, May 3 through 7, 2021, for Town-wide pickup of brush and white goods/metal.

Seconded by Mr. Finch.

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

NEW BUSINESS:

YOUTH SPORTS

Mr. Dumian stated that the Youth Sports program is “going strong.” He stated that parents are signing COVID waivers and practicing social distancing on the sidelines. Mr. Dumian stated that there has been a limited soccer season, which will be followed by baseball and softball. He noted that masks are required for some sports but not for others. Mr. Dumian stated that wrestling practice will begin soon. He added that he is not sure the Town can host an Opening Day celebration due to COVID restrictions but is planning an end of season celebration. Mr. Farley stated that a date of April 17 has been chosen for the Conklin Kiwanis Club-sponsored Pitch, Hit, and Run competition, but no food will be served.

**RESO 2021-47: AUTHORIZE SUPERVISOR/SIGN SHUMAKER 2021 LANDFILL
CONTRACT**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to sign the 2021 Shumaker Landfill Contract SCE NO. R09357.13.

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Seconded by Mr. Farley.

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

RESO 2021-48: APPROVE PAYMENT/BILL LIST/03-18-2021/\$47,883.64

Mr. Francisco 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 March 18, 2021, in the total amount of \$47,883.64:

General	\$ 16,013.75
Highway	25,744.46
Water Districts	1,857.43
Non-Budgeted	<u>4,268.00</u>
Total	\$ 47,883.64

Seconded by Mr. Finch.

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

RESO 2021-49: RATIFY PAYMENT/NYSEG

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #18004, various department codes, in the amount of \$6,572.99 to NYSEG for electricity usage.

Seconded by Mr. Farley.

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

PUBLIC COMMENTS:

FAIR COMMITTEE/FOOD AT CONCERTS IN THE PARK

Conklin Fair Committee member Elizabeth Einstein asked if the Committee would be able to sell food at the Concerts in the Park this year, as it has done in previous years, and Mr. Dumian stated that this will be allowed.

CLOGGED PIPES ON CORPORATE DRIVE

Mr. Boyle stated that there are two pipes on Carlin Creek in the Corporate Park, between Meier Supply and the site of the former Town dump, that are filled with concrete, adding that one pipe is three-quarters filled with trees, blocking the flow of water. Mr. Boyle stated that he has contacted Broome County to address the situation. Mr. Dumian reminded Mr. Boyle that there may be right of way restrictions. Mr. Boyle stated that a maintenance road should always be installed when projects are being built.

ABANDONED TRACTOR TRAILER BODY

Mr. Francisco asked about the long-abandoned tractor trailer body behind Yager's body Shop on Conklin Road, adding that this has been an ongoing issue since it floated there during one of the

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major floods. Mr. Francisco stated that it originally belonged to Maines Food Distribution, which has since been sold to Lineage Logistics. He wondered if the abandoned vehicle is the responsibility of the new owners. Mr. Boyle stated that he is working on this problem.

CONCERTS IN THE PARK 2021

Mr. Dumian stated that the Concerts in the Park series will return for 2021, beginning in June, adding that all of the bands have been scheduled. The concerts will be held at the new pavilion near the Maines Community Center.

“CLEAN UP AFTER YOUR DOGS” AT SCHNURBUSCH PARK

Mr. Dumian stated that the amount of dog feces left at Schnurbusch Park by owners who refuse to clean up after their dogs is disgusting. The Board discussed various solutions, including new signage and/or not permitting dogs to be in the park at all.

SHARED SERVICES/TOWN COURTS

Mr. Dumian stated that he is researching the possibility of combining Town Courts with the Town of Binghamton. The Towns of Conklin and Binghamton already have a shared services agreement for the Justice Clerk.

There being no further business to come before the Board, Mr. Boyle moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:44 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk