

**WORK SESSION**  
**OCTOBER 10, 2023**

The Town Board of the Town of Conklin held a Work Session at 6:00 P.M. on October 10, 2023, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided.

<b>PRESENT:</b>	Town Board Members	Finch, Boyle, Farley, Francisco, Dumian
	Town Counsel	Mark Spinner
	Town Clerk	Sherrie L. Jacobs
	Secretary to the Supervisor	Teresa Bamber
	Code Officer	Nick Pappas
	Parks/Water/Sewer Team Leader	David Kilmer
	Planning Board	Sandra Beam
	Zoning Board of Appeals	William Brodsky

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Broome County Sheriff's Office	Lt. Josh Davidson
		Peter J. Motsavage
		Laurie Francisco
		Arlene C. Dubay
		John J. Dubay
		Milton Martir

**LT. JOSH DAVIDSON/BROOME COUNTY SHERIFF'S OFFICE/HIGHWAY PATROL**

Lt. Josh Davidson of the Highway Patrol of the Broome County Sheriff's Department spoke to the Board, stating that he is the contact person if there are complaints about speeding or any other issues, adding that he can be reached in his office 8 A.M. to 4 P.M. Monday through Friday. Lt. Davidson stated that there is a resolution before the Broome County Legislature to add four deputies so that the department can put officers on trouble spots throughout the County. The measure is awaiting legislative approval. In response to questions about electric scooters, Lt. Davidson stated that there are not yet any laws on the books regarding these vehicles.

**2024 BUDGET**

Mr. Dumian asked the Board if they had any questions about the 2024 Budget, adding that some pay rates have been adjusted on Schedule A and he would ask for an Executive Session later to discuss these changes.

**FEES – COMMERCIAL CONSTRUCTION/WIRELESS TELECOMMUNICATIONS/  
MOBILE HOME PARKS**

Town Attorney Mark Spinner confirmed that the Board can change any fee by resolution. Mr. Dumian stated that the Code fees for Commercial Construction have not been changed since 2015. He suggested raising the rate for Commercial Construction from \$.15 per square foot to \$.30 per square foot.

For wireless communications towers, it was suggested that maintenance on an existing tower would remain at \$2,500 for the application fee but the escrow would be increased from \$2,500 to \$5,000. The application fee for a new tower, or an extension of an existing tower, which is considered a new application, would be \$5,000 with escrow increasing from \$2,500 to \$5,000.

Mobile Home Park Fees, currently \$200 per year regardless of the number of mobile homes in the park, would be as follows:

\$1,000	10 or less mobile homes
\$1,500	20 or less mobile homes
\$2,000	More than 20 mobile homes

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Mr. Dumian stated that the Code Office fields complaints about the mobile home parks on a daily basis, even though the Town cannot address many of the issues that arise in the parks.

**CONKLIN POOL**

Mr. Dumian stated that a member of the Susquehanna Valley School Board had approached him about the residents being able to use the pool at the High School if the Conklin Pool is decommissioned, which has been under discussion. He added that this School Board member is going to do further research. Mr. Dumian stated that the Summer Fun Program already uses the pool at the High School. He stated that the liner and the equipment in the pool house at the Conklin Pool are all aging, adding that the SV pool would benefit children in the Towns of Conklin, Kirkwood, and Binghamton. Mr. Finch asked if the Town would provide lifeguards and Mr. Dumian replied that it is “open to discussion.” Utilizing the SV pool would lead to a decrease in the safety issues that have been increasing at the Conklin Pool.

**SOLAR FARMS**

Mr. Dumian stated that he attended a meeting with Abundant Solar and has information regarding the Town having a Host Community Agreement, in which the Town would control the PILOT.

Another suggestion has been to put a solar farm on the Town Landfill, which is done across the State, working with the New York State Department of Environmental Conservation (DEC). Discussion continued about the Town Landfill, for which the Town pays Broome County \$60,000 per year, and will continue to do so until 2048. Mr. Dumian questioned when this payment started, adding that the DEC couldn't determine if there was contamination in the soil or not when it was moved from its previous Conklin Road location to the Broome Corporate Park. This begs the questions: Why does the Town have to pay for annual testing if it was never determined that the soil was contaminated? Why is the Town paying Broome County? Why was the Town Landfill not just moved to the Broome County Landfill, instead of to another site in the Town? Mr. Dumian is looking for more information regarding this issue.

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 10, 2023**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on October 10, 2023, 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 Mark Spinner  
Town Clerk Sherrie L. Jacobs  
Secretary to the Supervisor Teresa Bamber  
Code Officer Nick Pappas  
Parks/Water/Sewer Team Leader David Kilmer  
Planning Board Sandra Beam  
Zoning Board of Appeals William Brodsky

**GUESTS: Country Courier** Elizabeth Einstein  
Peter J. Motsavage  
Laurie Francisco  
Arlene C. Dubay  
John J. Dubay  
Milton Martir

**MINUTES: SEPTEMBER 26, 2023 REGULAR TOWN BOARD MEETING**

Mr. Francisco asked for a clarification on page 9 under “Cemetery Repairs” that the word “visitor’s” be changed to “vandal’s,” since the damage to the fence occurred at night when the cemetery was closed to the public.

Mr. Farley moved for approval of the September 26, 2023 Regular Town Board Meeting minutes with the above clarification.

Seconded by Mr. Finch.

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

**PUBLIC COMMENTS:**

**SURFACE ON BANTA ROAD**

Arlene Dubay of Corbettsville stated that the surface of Banta Road, near her home, has been changed from asphalt to oil and stone. She stated that it is now unusable for pedestrians and bicyclists, and asked why the surface was changed. Ms. Dubay stated that her house is covered with dust from the crushed stone. Mr. Dumian stated that the road has not been brushed yet, adding that brushing will help lessen the amount of dust in the air. He stated that stone and oil is much less expensive than asphalt, adding that the Town only receives a certain amount of CHIPs (Consolidated Highway Improvement Plan) funds yearly from New York State to repave roads.

John Dubay of Corbettsville stated that it costs \$600 each time they have their house washed, adding that it is a restored home, which is “twice the cost of renovation.” Mr. Dubay stated that the “dust goes in kids’ lungs, putting them at risk,” and so is a health hazard. Mr. Dumian stated that he will speak with the Highway Department tomorrow and take a look at the situation. Ms. Dubay asked why it was changed in the first place and Mr. Dumian replied that New York State regulations require resurfacing of the roads on a regular basis.

On a separate note, Ms. Dubay thanked the Board for allowing her Bonesavers exercise group to meet in the Castle.

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**DOG PARK**

Milton Martir of Ahern Road asked about the proposed keypad system for the Dog Park, asking what the fee will be and how dogs will be registered to use the park. He also stated that dogs keep digging holes and added that there are volunteers willing to fill the holes in if dirt is provided. Mr. Dumian stated that the Town would appreciate that work. Mr. Dumian stated that the new keypad system in the Community Center, which is indoors, has been “challenging,” and wondered how a system that is outside in the elements would fare. He stated that the Town is looking at different systems as possibilities. Mr. Dumian stated that fees would be less for Conklin residents than for out of town dog park users, adding that an entry area for the dogs is being considered.

**CORRESPONDENCE:**

**CONKLIN POOL**

Mr. Dumian reiterated that he spoke with a member of the Susquehanna Valley School Board about the possibility of using the school pool, as was discussed during the Work Session earlier.

**REPORT: HIGHWAY DEPARTMENT**

Mr. Dumian stated that he will meet with the Highway Department on October 11 to discuss the situation on Banta Road.

Mr. Dumian stated that the new mower is still not working, adding that the Board will make a decision at the October 24 meeting regarding whether to pay the bill for the new mower or to send it back.

**REPORT: CODE OFFICER**

Mr. Dumian reiterated the need to look at definitions in the Town Code and to increase fees. Code Officer Nick Pappas stated that crane booms are being stored and the lot brush-hogged at the former Ocean Steel property. Mr. Dumian stated that a developer on Conklin Road near the Colesville Road Extension has more fill than his permit allows. Town Attorney Mark Spinner will send him a letter requesting an update on progress in removing additional fill. Mr. Pappas stated that water from cutting stone at Hobart Stone is running into Julius Rogers Park.

**REPORT: PARKS/WATER/SEWER DEPARTMENT**

Parks/Water/Sewer Team Leader David Kilmer stated that he wants to fill in the ditch at Schnurbusch Park in front of the bathrooms – removing the pipe, which has several holes in it, and filling the ground to level. Mr. Dumian had some questions regarding where the water will drain.

Mr. Kilmer received a quote from Budget Fence for black chain link fence around the condensers at the Town Hall. The fence would provide good air flow that is needed around the condensers. It would be 6 feet tall with a 4-foot wide gate and would enclose the condensers on three sides, with the fourth side being the building. The cost would be \$4,950.00.

**RESO 2023-169: APPROVE PURCHASE AND INSTALLATION/CHAIN LINK FENCE/  
CONDENSERS AT TOWN HALL**

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin approves the purchase and installation from Budget Fence of a black chain link fence of approximately 42 feet of 6-foot high black chain link fence with one 4-foot wide walk gate to enclose the condensers at the Town Hall at a cost not to exceed \$6,000.00.

Seconded by Mr. Farley.

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

Continuing his report, Mr. Kilmer stated that there was another burial at Conklin Cemetery. Mr. Dumian commented on the new barrier at Shawsville Cemetery, stating that the concrete posts “look nice.” The Board discussed options for the chain to link the posts, which would require approximately 700 feet of chain. Black steel chain would cost approximately \$1,800 where black plastic chain would only cost \$26 per 100-foot roll, or \$182.00 total.

Mr. Dumian stated that Mr. Kilmer is getting pricing on a replacement shed for the one that needs repair at the Conklin Cemetery. He is also getting pricing on the purchase of 12 utility mats to be used for digging graves. Currently the Town is renting them at a cost of \$10.00 per sheet.

Mr. Dumian stated that the 36-inch stand-on mower is proving to be more difficult to use around the gravestones than a push mower. It was suggested that the Town sell the stand-on mower and put the money toward the new shed and a new push mower.

[Recess: 7:24 – 7:27 P.M.]

**REPORT: SUPERVISOR’S OFFICE**

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

**OLD BUSINESS:**

**2024 BUDGET**

Mr. Dumian reiterated that he will request an Executive Session later in the meeting to discuss Schedule A.

**CHANGES IN FEES**

Changes in fees for Commercial Construction, Wireless Telecommunications, and Mobile Home Parks were discussed earlier in the Work Session.

**RESO 2023-170: CHANGES TO FEES/COMMERCIAL CONSTRUCTION/  
WIRELESS TELECOMMUNICATIONS/MOBILE HOME PARKS**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin pursuant to authority granted by the Conklin Town Code to amend the Town Fee Schedule as follows:

Mobile Home, Manufactured Home, and Travel Trailer Parks:

0-10 units	\$1,000.00
11-20 units	\$1,500.00
21+ units	\$2,000.00

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Building Permit, Commercial Construction                      \$0.30 per square foot

New Wireless Telecommunications, New Tower

Application:	\$5,000.00
Professional Fees, Minimum Escrow Balance	\$5,000.00

Seconded by Mr. Francisco.

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

**ABUNDANT SOLAR**

Mr. Dumian stated that he has had more conversation with Abundant Solar concerning the proposed solar farm on Hardie Road. He asked for more data on possible toxicity, including ground water contamination. More information is to be forthcoming from Abundant Solar, and Mr. Dumian stated he will research data from a similar site in another state. In response to questions regarding noise, Abundant Solar has agreed to provide decibel levels of their equipment. Abundant Solar stated that 90% of its panels and cells are recyclable. An example of a decommissioning bond was provided. Abundant Solar stated that no batteries will be stored on site, as they are using inverters. William Brodsky of the Zoning Board of Appeals asked if the company is using capacitors as buffers. Mr. Dumian stated he will request a list of equipment and specifications, adding that he has a “good contact in Steuben County.”

Mr. Dumian explained the benefits of a Host Community Agreement, in which the Town controls distribution of the tax money from the PILOT (Payment In Lieu Of Taxes) agreement. This type of agreement allows the Town to get the highest percentage. He stated that New York State wants PILOTs that are beneficial to solar companies. Mr. Dumian stated that he is “providing information on options,” adding that there are different appraisal and taxation methods.

If a solar farm is built on the Town Landfill, it would need to be coordinated with the DEC.

Abundant Solar has stated that they would trim foliage to 18 inches, which is their standard. Mr. Dumian stated that the Town would want it trimmed to 8 to 10 inches. The solar company is open to options. Mr. Brodsky asked about security and maintenance of the facility, and its impact on wildlife. Mr. Pappas stated that a use variance would be required. Mr. Dumian stated that the Town is not currently zoned for solar facilities.

**NEW BUSINESS:**

**RESO 2023-171: AUTHORIZE PAYMENT/ROBERT FANCHER/SUBSTITUTE**  
**CROSSING GUARD**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment in the amount of \$20.25 to Robert Fancher as Substitute Crossing Guard.

Seconded by Mr. Francisco.

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

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**RESO 2023-172: APPROVE PAYMENT/THE HARTFORD/3<sup>RD</sup> QUARTER  
DISABILITY INSURANCE**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment in the amount of \$144.99 to The Hartford for Third Quarter Disability Insurance.

Seconded by Mr. Finch.

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

**RESO 2023-173: APPROVE PAY RATE INCREASE/DOUGLAS GENEREUX/CDL**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves a pay rate increase of \$1.00 per hour for Douglas Genereux, effective October 3, 2023, for obtaining his CDL.

Seconded by Mr. Farley.

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

**RESO 2023-174: APPROVE PAY RATE INCREASE/ERIC COLLINS/CDL**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves a pay rate increase of \$1.00 per hour for Eric Collins, effective September 26, 2023, for obtaining his CDL.

Seconded by Mr. Finch.

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

Mr. Dumian commented that now 100% of the Highway Department laborers have their CDL.

**RESO 2023-175: APPROVING HIRING/JOSHUA BEARDSLEY/COURT CLERK**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the hiring of Joshua Beardsley to the position of Court Clerk, effective October 11, 2023, with a pay rate of \$14.00 per hour, to work up to 12 hours per month.

Seconded by Mr. Farley.

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

**RESO 2023-176: AUTHORIZE PAYMENT/CLAIMS #23-01004 - #23-01047/\$258,826.90**

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Claims #23-01004 through #23-01047, which have been audited and approved for payment, in the total amount of \$258,826.90:

General	\$ 74,003.88
Highway	127,170.42
Sewer District #1	57,194.95
Water District	<u>457.65</u>
<b>Total</b>	<b>\$ 258,826.90</b>

Seconded by Mr. Francisco.

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

**RESO 2023-177: RATIFY APPOINTMENT/ ELIZABETH EINSTEIN/CHAIRPERSON/  
ZONING BOARD OF APPEALS**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the appointment of Elizabeth Einstein to the position of Chairperson of the Zoning Board of Appeals, effective January 1, 2023.

Seconded by Mr. Farley.

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

**PUBLIC COMMENTS:**

**UPDATES**

Sandra Beam of the Planning Board asked for an update on the property on Stillwater Road that was the subject of a State Supreme Court case. She asked if the owner can still live in the building and if the Broome County Health Department has evaluated it. Mr. Dumian stated that he does not believe the Health Department has conducted an evaluation and that, if the property is cleaned up, the owner can move back in. He stated that the only way to keep him from moving back in is if the Town wants to spend “a lot more money” to have the house condemned or if it goes to Broome County for unpaid taxes.

Ms. Beam asked if the property owned by Hobart Stone near the Colesville Road Extension is above the permit limit on fill. Mr. Brodsky asked if the DEC is managing this permit. Mr. Boyle replied that it is a Town-issued permit, not a DEC permit, and finish work is required.

Ms. Beam asked who would remove large trees in the Susquehanna River, asking if it is the responsibility of the DEC. Mr. Boyle stated that landowners now have the right to remove trees, adding that the DEC chunks up large trees and lets the chunks float down the river, where they eventually clog the outlet to the Chesapeake Bay.

**RESO 2023-178: DECOMMISSION CONKLIN POOL**

Mr. Boyle made a motion to decommission the Conklin Pool. There was no second, so the resolution was tabled.

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**CONKLIN YOUTH SPORTS**

Mr. Farley stated that wrestling and basketball signups are occurring.

**RESO 2023-179: EXECUTIVE SESSION/PERSONNEL ISSUE & LEGAL ADVICE**

Mr. Dumian moved to close the Regular Town Board Meeting and move into Executive Session at 8:23 P.M. to discuss a specific personnel issue and to seek legal advice.

Seconded by Mr. Francisco.

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

**RESO 2023-180: RE-OPEN REGULAR TOWN BOARD MEETING**

Mr. Dumian moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:57 P.M.

Seconded by Mr. Finch.

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. Boyle. The meeting adjourned at 8:58 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk