

REGULAR TOWN BOARD MEETING
NOVEMBER 28, 2023

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on November 28, 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
Parks/Water/Sewer Team Leader	David Kilmer
Planning Board	Sandra Beam
Zoning Board of Appeals	William Brodsky

GUESTS: **Country Courier** Elizabeth Einstein
 Laurie Francisco
 Dan Depue
 Peter J. Motsavage
 Milton Martir
 Mary Martir

MINUTES: NOVEMBER 14, 2023 REGULAR TOWN BOARD MEETING & WORK SESSION

Mr. Francisco moved to approve the November 14, 2023 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.

PUBLIC COMMENTS:

ABUNDANT SOLAR/NOISE LEVEL

Zoning Board of Appeals member William Brodsky explained that the 62 decibel noise level quoted by Abundant Solar for each inverter double with each increment and drops six decibels. He stated that each inverter creates its own sound wave. Mr. Brodsky stated that the “background noise will be substantial,” and asked what the standby noise level will be. Mr. Dumian asked him if he had visited any of the other Abundant Solar sites to listen to the noise level and Mr. Brodsky stated that he has not done so.

CORRESPONDENCE:

Mr. Dumian stated that he received a letter from a solar company wanting to install a solar facility in the field near the Town wells that was part of the old Maines Sports Park (the old driving range field). He stated that this company was sent a letter in August 2022 informing them that no solar facilities would be allowed in that field because it is in the wellhead area of the Town water supply. The recent letter requested a tax-free PILOT agreement, with no taxes to be paid to the Town, County, or school district. Mr. Dumian stated that Town Attorney Mark Spinner will send a letter to the company with a copy of the August 2022 letter and informing them that there will be no tax-free PILOT approved.

Mr. Dumian stated that he has been working with Town Engineer John Mastronardi questioning the quarterly reporting on the Town Landfill. He asked, if there have never been any reports of contamination on the site, how long must the Town keep reporting to the County and paying the accompanying fee.

REGULAR TOWN BOARD MEETING
NOVEMBER 28, 2023

Mr. Dumian stated that he has been receiving inquiries regarding purchasing Town-owned “FEMA properties.” He explained that these “FEMA properties” belong to the Town but they cannot be sold and must stay “forever green.” These properties can only be leased for maintenance.

REPORT: HIGHWAY DEPARTMENT

Mr. Dumian stated that Highway Superintendent Jeff Hayes reported that all is going well with the Highway Department as they end leaf pickup and prepare for snow plowing.

REPORT: CODE OFFICER

M. Dumian reported that Code Officer Nick Pappas has several cases of multiple violations coming to the Town Court, adding that the Judge can issue a warrant for arrest if there is no response to the Court summons.

REPORT: PARKS/WATER/SEWER TEAM LEADER

Parks/Water/Sewer Team Leader David Kilmer reported that his department has been pumping hydrants. He stated that the new Bobcat Excavator already has over 200 hours of work logged.

REPORT: SUPERVISOR’S OFFICE

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

OLD BUSINESS:

CONKLIN/KIRKWOOD WATER CONNECTION

Mr. Dumian stated that the proposed water connection between the Towns of Conklin and Kirkwood will cost approximately \$315,000, adding that this is a rough estimate but is “within 20% of being accurate.” He stated that the Town may have to use 8-inch mains instead of 12-inch. Mr. Dumian stated that the project will need to go out to bid.

NEW PLAYGROUND EQUIPMENT/SCHNURBUSCH PARK

Mr. Francisco provided the Board with options for new playground equipment for Schnurbusch Park. The Board favored either an S-shaped tunnel elevated off the ground, which would cost about \$3,000, or a “worm crawl.” Mr. Francisco will contact the manufacturer to find out the weight limit and whether or not it will withstand UV rays. Mr. Dumian commented that concrete pads would be needed to anchor the equipment. Installation is not included in the price. Mr. Francisco will find out if the manufacturer will also provide installation.

CONKLIN CEMETERY SHED ROOF

Mr. Pappas will talk with Zac Soboleski from the Town of Binghamton about installing a metal roof on the shed at the Conklin Cemetery.

NEW BUSINESS:

SOLAR SPECIAL USE PERMIT

Mr. Spinner explained the process Abundant Solar will need to complete to obtain a Special Use Permit for the proposed solar facility on Hardie Road. First, they will need to submit a full application through the Code Office, which will then go to the Zoning Board of Appeals, with a

REGULAR TOWN BOARD MEETING
NOVEMBER 28, 2023

Public Hearing to be held. After that step, the application will be sent to Broome County through the Form 239, then the Town Planning Board will review the site plan, with a second Public Hearing to be scheduled.

Mr. Dumian stated that the Town will reserve the right to the terms of the PILOT agreement, preferably a Host Community Agreement, which allows the Town to control some of the tax revenue. Mr. Spinner stated that there are New York State models which can be used, adding that it is important to know how much profit the projects are making.

Mr. Dumian stated that the Town has done more than its due diligence to make sure there will be no detriment to the neighbors of the project or to the community. Mr. Boyle commented that the Tesla plant in Buffalo failed, adding that NYS taxpayers spent \$959 million for the solar plant and the 400 jobs that were promised to residents of that area were sent to Malaysia. He stated that \$1 billion in taxpayer money has been spent to date on solar projects.

Planning Board member Sandra Beam asked if the Town could offer money or an incentive to homebuilders. Mr. Dumian stated that the Town cannot control personal property, although there is a tax deferral program for new homebuilders available through the Town Assessor's office. Ms. Beam stated that there are "no guarantees with green energy."

BANKING CHANGES

Mr. Dumian stated that the Town invested in a 9-month CD, which will provide \$12,000 more in interest.

CEMETERY FENCES

Mr. Kilmer stated that the barrier at Shawsville Cemetery has been finished and the fence at Conklin Cemetery has been repaired.

RESO 2023-210: APPROVE CELL PHONE REIMBURSEMENT/DAN SMITH

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves cell phone reimbursement in the amount of \$50.00 per month for Dan Smith, effective December 1, 2023.

Seconded by Mr. Farley.

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

**RESO 2023-211: MODIFY RESO 2022-103/RATIFY PAYMENT/
TIGER MOWERS, LLC/BRUTE LRS MOWER**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves modification of RESO 2022-103 and ratifies payment in the amount of \$83,243.48 to Tiger Mowers, LLC, for Brute LRS Mower.

Seconded by Mr. Francisco.

VOTE: Finch – Yes, Boyle – No, Farley – Yes, Francisco – Yes, Dumian – Yes. Motion carried: 4 – Yes, 1 – No.

Mr. Dumian commented that the mower has been repaired and is operational.

REGULAR TOWN BOARD MEETING
NOVEMBER 28, 2023

RESO 2023-212: RATIFY PAYMENT/CINTAS CORPORATION/SEPTEMBER 2023
TOWN HALL MEDICINE CABINET INVENTORY & RE-STOCK

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$86.94 to Cintas Corporation for September 2023 Town Hall medicine cabinet inventory and re-stock.

Seconded by Mr. Finch.

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

RESO 2023-213: AUTHORIZE SUPERVISOR/SIGN LETTER OF INTENT/
PURCHASE JOHN DEERE 1600 TURBO TERRAINCUT COMMERCIAL WIDE AREA
MOWER/DEERE & COMPANY

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to sign a letter of intent to purchase a John Deere 1600 Turbo TerrainCut Commercial Wide Area Mower from Deere & Company, contract number PC69683, with a selling price of \$71,411.31 and a trade in allowance of \$22,500.00, for a grand total price of \$48,911.31, to be paid from the 2024 Budget.

Seconded by Mr. Finch.

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

RESO 2023-214: AUTHORIZE PAYMENT/DOUBLE TIME FOR EMPLOYEES
WORKING ON SCHEDULED HOLIDAY

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the payment of double time for employees working on a scheduled holiday.

Seconded by Mr. Francisco.

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

RESO 2023-215: AUTHORIZE PAYMENT/CLAIMS #23-01209 - #23-01243/\$101,108.75

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Claims #23-01209 through #23-01243, which have been audited and approved for payment, in the total amount of \$101,108.75:

General	\$ 5,526.94
Highway	86,291.67
Light Districts	1,615.23
Sewer District	694.19
Water District	4,950.65
Water District #6	<u>2,030.07</u>
Total	\$101,108.75

REGULAR TOWN BOARD MEETING
NOVEMBER 28, 2023

Seconded by Mr. Farley.

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

PUBLIC COMMENTS: None.

STATUS/STAND-UP MOWER

Mr. Finch asked if there is an update on the status of the stand-up mower the Board wants to sell and Mr. Dumian replied that it is not yet listed on Auctions International, but will be listed in the spring.

ZONING BOARD OF APPEALS/PUBLIC HEARING/SOLAR FACILITY

Mr. Brodsky asked what criteria would be used by the Zoning Board of Appeals for the Public Hearing for the Special Use Permit for the proposed solar facility from Abundant Solar. Mr. Spinner replied that Town Code requires a Public Hearing for a Special Use Permit, adding that the project will require a use variance, and perhaps an area variance as well.

ISSUES ON CONKLIN ROAD

Mr. Finch stated that there are some American flags on Conklin Road that are tattered and need to be taken down. He asked about the house on Conklin Road with multiple Code violations and Mr. Dumian reiterated that the case will be going to Court in December.

INSURANCE FUNDS FOR AMBULANCE AND FIRE SERVICE

Mr. Boyle stated that the Upstate Association of Towns has been working toward legislation that would require insurance funds to be sent directly to ambulance and fire service providing services to an individual, rather than to the individual, thus insuring that the ambulance and fire service get paid.

TOWN POOL & HYDRANT INFRASTRUCTURE

Mr. Boyle brought up the potential cost to refurbish the Conklin Pool and Mr. Finch stated that the Board is checking on options. Mr. Dumian stated that there are two issues regarding the pool: cost and safety. Mr. Boyle then brought up the issue of fire hydrants that need to be replaced, asking how the Town plans to pay for the replacement. Mr. Dumian replied that a limited number will be changed annually. Mr. Kilmer stated that four hydrants are not functioning, and Mr. Dumian stated that those four will be replaced. Mr. Boyle suggested that the money that could be spent on refurbishing the pool would be better spent on replacing hydrants and Mr. Dumian replied that it is not that simple, but reiterated that the non-functioning hydrants will be replaced. A discussion ensued.

CONKLIN YOUTH SPORTS

Mr. Farley stated that the Advanced wrestling tournament at Susquehanna Valley High School will be held on December 3, 2023, with a Novice tournament to be held at the High School on January 27, 2024. He stated that the Minions, the youngest group of wrestlers will start their program on December 4. Mr. Farley stated that there are 75 wrestlers in the program.

Mr. Dumian stated that there are seven teams in the Youth Basketball Program, with 16 games scheduled. He added that the program is looking for referees. Mr. Dumian stated that the Bulldogs facility where the games are played is “awesome.”

REGULAR TOWN BOARD MEETING
NOVEMBER 28, 2023

STREET LIGHTS

Mr. Francisco stated that some of the street lights have been replaced, but there is still one light that is not working.

CONKLIN ICE RINK

Mr. Francisco asked if the Conklin Ice Rink would be set up this winter. Mr. Dumian stated that the ice rink is “a nice feature,” but the recurring warm weather creates thin ice and people skating on it, even though they are not supposed to be, damage the liner.

CHILDREN’S CHRISTMAS PARTY

Town Clerk Sherrie Jacobs stated that the Children’s Christmas Party will be held on December 9, 2023, from 3 to 5 P.M. at the Community Center.

There being no further business to come before the Board, Mr. Farley moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk