

**WORK SESSION**  
**MARCH 12, 2024**

The Town Board of the Town of Conklin held a Work Session at 6:00 P.M. on March 12, 2024, 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
	Administrative Assistant	Mary Plonski
	Highway Superintendent	Jeff Hayes
	Parks/Water/Sewer Team Leader	David Kilmer
	Planning Board	Sandra Beam
	Zoning Board of Appeals	William Brodsky
<b>GUESTS:</b>	Suit-Kote	Chris Martinichio Laurie Francisco Derek Birtch Dan Depue

**SENSUS RADIO READER BOXES/ARPA FUNDS**

Mr. Dumian stated that the Town is still waiting for the 147 Sensus Radio Reader Boxes that were previously ordered, adding that ARPA funds will be used to pay for the readers. The Town needs to order an additional 150 readers. He added that the old meters need two different readers.

**NEW WATER METER INSTALLS & BILLING**

Town Attorney Mark Spinner researched options for dealing with property owners whose water meters do not function properly and so are paying much less than they should for their water bills, but who refuse to let Town personnel into their properties to change the water meters and install new ones. Mr. Spinner stated that the Town has three options: 1) Pursue a State Supreme Court action to force the owners to let Town employees in to change the meter; 2) Shut off water service to the property; and 3) pass a local law assessing a fee on each quarterly water bill for those not in compliance. He added that option 3, which Mr. Dumian favors, would be an addition to the Town Code. Mr. Spinner noted that all three options have requirements to provide notice to the property owners. He added that the Town Board would be able to update the fee by Board resolution.

Mr. Boyle stated that he prefers option 2, shutting off water service to the property, adding that it “is not fair to the people who do pay their bills.” Mr. Farley stated that “a fee would get their attention.” Mr. Spinner stated that the shut off option, already part of the Town Code, would remain as part of the Code, and suggested a fee of three times the average amount. He distributed a draft local law to the Board, which will be discussed at the March 26 meeting.

**SPRING CLEANUP**

Mr. Dumian stated that Highway Superintendent Jeff Hayes, Code Officer Nick Pappas, and Parks/Water/Sewer Team Leader David Kilmer will coordinate drop off dates for the spring cleanup. The dates are due to Broome County by March 31. Mr. Dumian stated, “We will try it and see how it goes.”

**WORK SESSION**  
**MARCH 12, 2024**

**NEW PAVING PROCESS**

Chris Martinichio of Suit-Kote discussed a new paving method for potential use at Schnurbusch Park and at the Community Center parking lot. He stated that it is a fog seal single surface treatment that is applied right after the hot mix. Mr. Martinichio explained that it protects the Town's investment in paving, much like sealing a driveway, and is done by locking the aggregate into the emulsion. Mr. Dumian asked about the smoothness of the surface and Mr. Martinichio stated that it was as smooth as blacktop when finished. He added that Schnurbusch Park would need to be closed overnight if the process is performed on the park roads, as the surface takes two days to set. Mr. Martinichio stated that this process would add five to eight years to the longevity of the paving, adding that the paving season begins in April.



**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2024**

**CONKLIN FORKS PARK**

Mr. William Brodsky asked why the gates are locked at Conklin Forks Park and Mr. Dumian replied that all of the Town parks are currently closed.

**WATER METER BILLING ISSUE**

Mr. Brodsky stated that the Town could address the issue of dysfunctional water meters by changing the formula to estimate the bill, rather than changing the Code or adding a surcharge. Mr. Spinner stated that a local law would provide the Board with the opportunity to set a surcharge, adding that without the local law, a property owner could say that the surcharge is arbitrary. Mr. Dumian asked Mr. Spinner to research why the Town uses its current process for estimating water bills. Administrative Assistant Mary Plonski stated that this is probably the way the Edmunds software has it set up. Mr. Kilmer asked how long the Town will let the bills be estimated and Mr. Dumian replied one to two quarters. Mr. Kilmer stated that there are many ramifications with waiting too long to remediate the problem, citing various government agencies that require an accounting for the amount of water used. Mr. Dumian replied, "It's been a long-term Band-Aid." Mr. Boyle reiterated that the Town should give the property owner a 24-hour notice, then shut off the water if the property owner will not comply. Mr. Dumian is strongly opposed to this option. Planning Board member Sandra Beam asked how many meters are dysfunctional, and Mr. Kilmer replied, "Sixty – down from 140." She asked if that is a big improvement and Mr. Dumian replied that it is a "significant improvement."

**NY CITIZENS AUDIT**

Linda Burghardt of NY Citizens Audit did a follow up to an earlier visit from the group. She presented a summary of a Maryland court case involving inaccurate voter rolls. Her group presented an updated resolution asking for a "legally valid 2024 Election. She discussed irregularities in the voter registration for the 2022 Election in New York State, stating that there were "more votes counted than voters who voted." She stated, "The voter database is flawed."

**DEVELOPMENT AT 949 CONKLIN ROAD**

David Birtch, owner of Birtchy's Joint, stated that he owns a parcel of land at 949 Conklin Road, in the vicinity of River Boulevard and Lawrence Avenue. It is currently zoned Residential and Mr. Birtch would like it to be rezoned Commercial, with the hope of building a restaurant in that area. The property is surrounded by FEMA properties, which can never be used for building. Mr. Dumian replied that the Town cannot spot zone, and there is no Commercial property touching Mr. Birtch's property. He added that Mr. Birtch can apply for a variance to the Zoning Board of Appeals, but would have to meet that Board's four criteria. Mr. Birtch asked if he could lease the FEMA property for parking purposes, and Mr. Dumian replied that FEMA properties can only be leased to mow and maintain. He told Mr. Birtch that an elevation study would be required, and the compensatory storage requirements would need to be met. Mr. Dumian noted that the property is in the floodway of the river and asked what is allowed in that area. Ms. Plonski, who works in the Code Office, stated that building in the floodway is not allowed. Mr. Dumian and Code Officer Nick Pappas will look at the situation and get back to Mr. Birtch.

**CORRESPONDENCE:**

**JOIN WATER DISTRICT**

Mr. Dumian stated that a resident wishes to be added to the Town water system but theirs is the only house on a road not owned by the Town, so the project would be too expensive.

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2024**

**REPORT: HIGHWAY DEPARTMENT**

Highway Superintendent Jeff Hayes stated that his crew has been taking advantage of the nicer weather to work on shoulders of roads, broom the roads, and fill potholes with cold patch. He stated that the garbage along roadways has been picked up in about half of the Town. Mr. Hayes stated that the new truck for his department has been ordered. He stated that he has been looking at the same sealing process that was described earlier by Mr. Martinichio of Suit-Kote.

**REPORT: CODE OFFICER**

Mr. Dumian asked Mr. Pappas about the status of the property at 1298 Conklin Road. A history of the property, which has multiple Code violations, was given dating from 2016, when the first letter was sent from the Town, receiving no response, to the current date. Mr. Dumian stated that the Town Justice is researching possible legal repercussions for non-compliance with the Town Code. Mr. Pappas stated that there is no electrical or water service on the property, but added that he cannot placard the building because the owner stays there at night. Mr. Dumian stated he will call an Executive Session to seek legal advice on the matter.

Mr. Dumian asked about the multi-family structure on Conklin Road that has a habitual issue of throwing garbage in the brush near the building. Mr. Pappas will check on this situation. Mr. Pappas stated that he has completed two more fire inspections. He will work with Mr. Hayes and Mr. Kilmer to set dates for the Spring Cleanup.

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

Mr. Kilmer stated that the old generator will be listed on Auctions International March 13. He stated that the work at the Carlin Road sewer station has been completed, and two water main breaks were repaired. Mr. Kilmer stated that the old wellhouse near Johnson Outdoor was removed, adding that the scrap metal has been collected into a pile and needs to be removed. He stated that the fence is still up until the metal is removed.

Mr. Kilmer stated that his department is preparing the baseball field at Schnurbusch Park for the school teams to use, since a new field is being installed at Susquehanna Valley and their field is therefore not useable. He stated that the new park equipment at Schnurbusch Park was installed. Mr. Kilmer stated that he is working on well abandonment paperwork for Conklin Forks Park, adding that repairs are being made to the pavilion at that park. He stated that the new trailer and decked system have been delivered, adding that a new truck will be purchased in 2025. Mr. Kilmer stated that he has a possible solution for the problem of standing water at Schnurbusch Park.

Mr. Dumian stated that parking is needed closer to the field. It was suggested that a parking lot be added using crusher run stone with barriers. Mr. Hayes stated the Town could also use millings and use the paver to finish the surface, adding that this project should be done before Suit-Kote does the surface treatment of the park roads.

Four security cameras were purchased for the Community Center, holding one terabyte of storage, at a cost of approximately \$150.

**REPORT: SUPERVISOR'S OFFICE**

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

**OLD BUSINESS:**

**NEW DCO VEHICLE DELIVERED**

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2024**

Mr. Dumian stated that the new vehicle for the Dog Control Officer has been delivered and the old vehicle is listed on Auctions International, along with the Kenworth truck from the Highway Department.

**POSSIBLE RE-LOCATION/MEALS ON WHEELS**

Mr. Dumian stated that the Broome County Meals on Wheels program may move from the Community Center to the Town Hall, if the County approves the change. Sandra L'Ainhart, director of the program at the Community Center, approves of the move.

**NEW BUSINESS:**

**NEW WATER METERS FOR BUSINESSES**

Mr. Kilmer stated that he is waiting to address new water meters for businesses until after the needed new meters in residences are all installed. He added that the cost of the new meter will be the responsibility of the business.

**GRANTS/PAVING/SCHNURBUSCH PARK & COMMUNITY CENTER**

Mr. Dumian stated that there are grants available from Broome County utilizing the hotel/motel tax that might be appropriate for paving the Community Center parking lot and the roads in Schnurbusch Park. Mr. Dumian asked if the Town can get reimbursed through the grants after the work is completed. Mr. Spinner will look at the language of the grant.

**GRANT/KIRKWOOD-CONKLIN WATER LINE CONNECTION**

Mr. Dumian stated that our Broome County Legislator had provided information regarding a possible grant for the Conklin-Kirkwood water line connection. Town Engineer John Mastronardi and Mr. Kilmer will meet to discuss some concerns Mr. Kilmer has about the water line connection.

**INTERMUNICIPAL AGREEMENT/BROOME-TIOGA STORMWATER COALITION**

Mr. Dumian stated that Mr. Mastronardi is the Town's representative to the Broome-Tioga Stormwater Coalition, as the MS4 (Municipal Separate Storm Sewer Systems) system crosses boundaries. The Coalition is addressing the federal Phase II. There would be an annual fee of \$4500, which would not be charged to the Town if it was not included in the 2024 Budget. The Town can opt out with 60 days' notice. Mr. Boyle stated that there are "changes coming to Code regarding drainage to the river." Mr. Dumian suggested that Mr. Mastronardi come to either the March 26 or April 9 meeting to discuss this further, adding that he thinks it is important to "keep a seat at the table."

**RESO 2024-51: AUTHORIZE PURCHASE/150 SENSUS RADIO READER BOXES**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the purchase of 150 Sensus Radio Reader Boxes from Core & Main, utilizing ARPA funds, for an amount not to exceed \$28,000.00.

Seconded by Mr. Finch.

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

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2024**

**RESO 2024-52: RATIFY PAYMENT/J & J TRAILER AND AUTO, LLC/2024**  
**HOMESTEADER TRAILER**

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 \$8,009.00 to J & J Trailer and Auto, LLC, for purchase of a 2024 Homesteader Trailer.

Seconded by Mr. Farley.

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

**RESO 2024-53: RATIFY PAYMENT/RICOH USA, INC./ RENTAL/TOWN CLERK**  
**COPIER/03-14-2024 – 04-13-2024**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$67.91 to RICOH USA, Inc., for rental of Town Clerk copier for the period of March 14 through April 13, 2024.

Seconded by Mr. Finch.

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

**RESO 2024-54: AUTHORIZE PAYMENT/CLAIMS #24-00182 - #24-00233/\$105,752.13**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Claims #24-00182 through #24-00233, which have been audited and approved for payment, in the total amount of \$105,752.13:

General	\$ 23,005.01
Highway	40,129.05
Light Districts	1,883.06
Sewer District	6,095.42
Water District	32,124.64
Water District #6	487.95
Non-Budgeted	<u>2,027.00</u>
<b>Total</b>	<b>\$105,752.13</b>

Seconded by Mr. Finch.

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

**RESO 2024-55: AMEND RESO 2024-33/RATIFY PURCHASE &**  
**INSTALLATION/HYDRANT/629 CONKLIN ROAD**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin amends RESO 2024-33 ratifying the purchase and installation of a hydrant from Core & Main to be installed at 629

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2024**

Conklin Road for a cost of \$8,945.00. The original resolution approved an amount not to exceed \$7,300.00.

Seconded by Mr. Francisco.

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

**RESO 2024-56: APPROVE LOCAL LAW 1, 2024/ “A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM WITH IN THE TOWN OF CONKLIN ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS”**

At a regular meeting of the Town Board of the Town of Conklin, held at Conklin Town Hall, 1271 Conklin Road, Conklin, New York on the 12th day of March, 2024, the following resolution was offered by Mr. Farley and seconded by Mr. Francisco:

**WHEREAS**, the Town Board scheduled a public hearing for March 12, 2024, at 6:30 p.m. for Local Law No. 1 of the Year 2024 entitled “A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM WITHIN THE TOWN OF CONKLIN ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS”; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town and posted on the Town Clerk’s signboard; and

**WHEREAS**, said public hearing was duly held on the 12th day of March, 2024 at 6:30 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act, it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II action as defined under 6 NYCRR 617.5(33) and (36); and

**WHEREAS**, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Conklin hereby adopts said Local Law as Law No. 1 of the Year 2024 entitled “A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM WITHIN THE TOWN OF CONKLIN ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS”, a copy of which is attached hereto and made a part hereof; and further

**RESOLVED** that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of State; and further

**RESOLVED** that this resolution will take effect immediately upon filing with the Department of State.

**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 Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on March 12, 2024. Said resolution was adopted by the following roll call vote:

Supervisor William Dumian, Jr.      YES

Councilman Dell Boyle                YES

**REGULAR TOWN BOARD MEETING**  
**MARCH 12, 2024**

Councilman William Farley            YES  
Councilman Charles Francisco        YES  
Councilman James E. Finch            YES

Dated: March 12, 2024  
Town of Conklin Seal

---

Sherrie L. Jacobs, Town Clerk

**PARKING LOT BEHIND TOWN HALL**

Mr. Boyle suggested that the Highway Department use the soil removed from Schnurbusch Park to expand the parking lot behind the Town Hall.

**YOUTH SPORTS**

Mr. Farley reported that the Town sent 12 wrestlers to the New York State Tournament, and they brought home 4 2<sup>nd</sup> place wins and 1 3<sup>rd</sup> place win. He stated that the Girls 12 and Under Basketball team is playing in the State Tournament. Mr. Farley will contact Youth Commissioner Justin Parker about the batting cages.

**TRANSFER OF CEMETERY DEEDS**

Mr. Francisco stated that, according to Joseph Mihalko, Broome County Clerk, cemetery deeds that are transferred from one party to another are not filed with Broome County, nor are newly purchased plot deeds.

**EASTER PARTY**

Town Clerk Sherrie Jacobs reminded those present that the annual Easter Party will be held on March 23 from 10 A.M. until noon at the Community Center.

**RESO 2024-57: EXECUTIVE SESSION/LEGAL COUNSEL**

Mr. Farley moved to close the Regular Town Board Meeting and move into Executive Session at 8:07 P.M. for legal advice.

Seconded by r. Francisco.

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

**RESO 2024-58: RE-OPEN REGULAR TOWN BOARD MEETING**

Mr. Farley moved to close the Executive Session and re-open the Regular Town Board Meeting at 9:15 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. Dumian moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 9:15 P.M.

Respectfully submitted,  
Sherrie L. Jacobs, Town Clerk

