

REGULAR TOWN BOARD MEETING
MARCH 26, 2024

DOGS AT SCHNURBUSCH PARK

Mr. Dumian stated that he has received complaints from residents concerning dogs being allowed to run off leash, which is against Town law, and that the owners are not picking up their dogs' waste. He stated that if this problem continues, the Board may need to limit allowing dogs at Schnurbusch Park.

REPORT: HIGHWAY SUPERINTENDENT

Highway Superintendent Jeff Hayes stated that his crew has been continuing work on ditches and shoulders of roads, adding that they have been filling in the ditches that are too deep on Ross Hill Road. He stated that his department has been hauling dirt to Schnurbusch Park and to the Town Hall for parking. Mr. Dumian stated that he will talk to Parks/Water/Sewer Team Leader David Kilmer about laying drainage pipe under the low spot in Schnurbusch Park. Mr. Hayes stated that the "deaf child" sign requested by a parent on Roxbury Road has been ordered and will be delivered in about a month. Mr. Dumian stated that there has been a lot of interest shown in the Kenworth truck that is listed on Auctions International.

REPORT: CODE OFFICER

Code Officer Nick Pappas stated that the owner of the property located at 1298 Conklin Road will appear in Town Court within the first two weeks of April, adding that there is no electrical or water service to the property currently. Both Mr. Pappas and Mr. Dumian have called the property owner, with no response. Mr. Dumian stated that this situation "can't go on much longer," adding that the Board will discuss it further at the April 9 meeting.

REPORT: PARKS/WATER/SEWER TEAM LEADER

Parks/Water/Sewer Team Leader David Kilmer provided Mr. Dumian with a list of projects his department has been working on. These include: work on the ball fields, opening Conklin Forks Park and Schnurbusch Park, configuring and organizing the mowing trailer for the upcoming season, working on drainage at Schnurbusch Park, working on equipment, installing cameras at the Community Center, a full burial at Conklin Cemetery, 50 markouts for water and sewer, water report submitted to the Susquehanna River Basin Commission, emergency water shut offs and meter installs, Scada repairs, and the generator installed on the new concrete slab at the Carlin Road Sewer Station.

On regard to the meter installs, Mr. Dumian stated that Administrative Assistant Mary Plonski sent out 25 letters to property owners with dysfunctional water meters, and of these 25 owners, only two did not respond. He stated that the letter explained the situation, including the possibility of a water shutoff if no compliance is provided. Mr. Dumian stated, "Working with people works." He stated that after two quarters of the year, if the request to change the water meter is still ignored, the water service will be shut off.

REPORT: SUPERVISOR'S OFFICE

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

OLD BUSINESS:

MUNICIPAL CLEANUP DAYS

Mr. Dumian stated that the Municipal Cleanup Days will be held on Friday May 17, 8 AM to 3 PM, and Saturday, May 18, 9 AM to 2 PM, with drop off at the Highway Garage. Mr. Pappas stated that the Town of Binghamton usually charges residents \$1 per tire to drop them off, but

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Mr. Dumian felt that the Town of Conklin should charge \$2 per tire, with a limit of six tires. Mr. Finch stated that the Town needs the tire collection to keep people from throwing tires out on other people's property. It was noted that Broome County has a threshold on the number of tires it will accept. Mr. Dumian noted that this cleanup service will be for Town of Conklin residents only, with Town personnel present to monitor the drop off. Mr. Francisco asked if the Town will pursue charges if people drop off materials after hours, since the area is under camera surveillance. Highway Superintendent Jeff Hayes stated that he will install Jersey barriers and block the entrance with a dump truck. Mr. Pappas stated that these kind of cleanup days usually cost the Town of Binghamton between \$5,000 and \$6,000.

RESO 2024-59: ALLOCATE FUNDS/MUNICIPAL CLEANUP DAYS

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin allocates funds not to exceed \$4,000 for Municipal Cleanup Days to be held on May 17 and 18, 2024, to include tire drop off, at a cost to residents of \$2.00 per tire, with a limit of 6 tires per residence.

Seconded by Mr. Francisco.

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

RESO 2024-60: AUTHORIZE SALE/2009 CHEVY EXPRESS VAN

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the sale of the 2009 Chevy Express Van for the amount of \$2,600.00, per the bid received on Auctions International.

Seconded by Mr. Farley.

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

RESO 2024-61: AUTHORIZE SALE/1987 ONAN 150 GENSET GENERATOR

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the sale of the 1987 Onan 150 GenSet Generator for a selling price of no less than \$1,575.00, the current bid on Auctions International.

Seconded by Mr. Finch.

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

Secretary to the Supervisor Teresa Bamber will make a counteroffer of \$2,000.00 for the generator.

PARKING LOT EXTENSION AT TOWN HALL

The Highway Department has been bringing loads of dirt to the Town Hall to expand the parking lot at the back of the building. Mr. Boyle suggested removing the old backstop at the bottom of the hill, so that the area could be tapered for mowing, adding topsoil and hydro-seeding the area. The baseball/softball field is not used for Town sports any more. Mr. Francisco is opposed to

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removing the backstop. Mr. Boyle suggested just moving it to a different part of the field. Mr. Dumian reminded the Board that the area of this ball field is flood-prone. Ms. Bamber has had correspondence from the company that is boring and testing the area on the corner of Powers Road and Conklin Road, recently purchased by the Town in hopes of building new ball fields. The company representative told Ms. Bamber that testing has been delayed due to shortage of personnel. Mr. Francisco suggested moving the backstop eventually to the Powers Road site. Mr. Boyle is in favor of removing the backstop and “finishing the project.” Mr. Dumian stated that it will take three to four years to finish the site at Powers Road and Conklin Road, adding that it is an expensive project that may need to be completed in phases.

Mr. Finch stated that parking should be expanded at Schnurbusch Park also. Mr. Dumian stated that drainage issues must be addressed if that is to happen.

DISCUSSION/CODE/ “NEIGHBORHOOD COMMERCIAL TRANSPORTATION SERVICES”

Mr. Dumian stated that the term “Neighborhood Commercial Transportation Services” in the Town Code needs better definition. Town Attorney Mark Spinner stated that there are no district codes for “transportation,” with interpretation relying on the “intensity of use.” Mr. Dumian would like to see language that states that transportation services “**only** include” specific types of vehicles. Mr. Spinner stated that he will draft language for uses of that specific district. Mr. Dumian wants the Board to decide what it will or will not allow, with no more leaving a decision “open to interpretation.” He suggested limiting the number to two limousines or medical transport vehicles in a Neighborhood Commercial zone. Mr. Farley agreed, adding, “We don’t want a fleet in the neighborhood.” Mr. Dumian added that size should be considered, so that tractor-trailers are not allowed, only passenger vehicles with a maximum capacity of 8 to 10 persons. Mr. Dumian and Mr. Pappas will look at other pieces of that section of the Code and the Board will discuss it at the April 9 Work Session.

Mr. Boyle suggested approving a C-1 overlay district on Conklin Road, which would allow small businesses within a residential area, adding that it would blend in with the community and would eliminate spot zoning. All four other members of the Board except for Mr. Boyle were opposed to this idea, citing that it would change “the character of the neighborhood.”

DISCUSSION/BUILDING & CODE LAWS WITHIN FLOOD PLAINS

Mr. Dumian stated that the recently added part of the Code requiring compensatory storage when developing land in the 100-year and 500-year flood plain is listed at the end of Chapter 76 of the Code. He stated that the Board could remove half of that chapter, which was written before the floods of 2006 and 2011 and are “no longer applicable.” He stated that Chapter 76-14 provides general standards and needs to be updated and restructured. The Board will discuss this further at the April 9 meeting.

Mr. Boyle seemed to question the wisdom of compensatory storage laws, citing the elevation on the east side of the Susquehanna River (Town of Kirkwood) is higher than the elevation of the west side (Town of Conklin) because Kirkwood does not require compensatory storage but allows increased elevation from adding fill. Mr. Farley pointed out that federal and state regulations require that a town that allowed higher elevation that would cause harm to another town during a flood would be liable for compensation to the town that would be harmed. Mr. Dumian stated that it would be impossible to prove that any increase in elevation on the other side of the river would cause flooding in Conklin, adding that the compounded effect of multiple businesses bringing in fill in Conklin is more apt to cause flooding, hence the need for the compensatory storage law.

NEW BUSINESS:

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ADDING ANTI-VIRUS TO TOWN COMPUTERS & SERVER

Ms. Bamber received a quote from BlueStorm Technologies to add anti-virus protection to the Town computers and server. Mr. Dumian approved this purchase and Ms. Bamber will implement the installation.

SOFTBALL DUGOUT REPAIRS

Mr. Dumian stated that the softball dugout is in need of repairs and asked if Zac Soboleski, who works with Mr. Pappas in the Town of Binghamton, would be interested. Mr. Pappas will look into this possibility. Mr. Kilmer asked KB Services, providers of the roof repair at the Town Hall, and they will provide an estimate. Mr. Dumian stated that the building needs new trusses.

RESO 2024-62: APPROVE 2024 ANNUAL PARK PERMIT/FOUNTAIN BLEAU

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the 2024 Annual Park Permit for the following Mobile Home Park located in the Town of Conklin:

Fountain Bleau MHP, LLC (Fountain Bleau Mobile Home Park)

Seconded by Mr. Francisco.

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

**RESO 2024-63: RATIFY PAYMENT/INTERMEDIA.NET, INC./
FEBRUARY 2024 CONNECTION SERVICES**

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 \$558.45 to Intermedia.Net, Inc., for February 2024 connection services.

Seconded by Mr. Finch.

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

RESO 2024-64: RATIFY PAYMENT/PITNEY BOWES/POSTAGE METER REFILL

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 \$500.00 to Pitney Bowes for postage meter refill.

Seconded by Mr. Francisco.

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

**RESO 2024-65: RATIFY PAYMENT/BLUESTORM TECHNOLOGIES, INC./
LICENSES & WIRELESS LABEL PRINTER SETUP**

Mr. Finch moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$1,162.56 to BlueStorm Technologies, Inc., for licenses and wireless label printer setup.

Seconded by Mr. Boyle.

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

RESO 2024-66: ACKNOWLEDGE TOWN COURT HAS PRESENTED RECORDS FOR 2022 FISCAL YEAR FOR EXAMINATION

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin acknowledges that the Town Court, in compliance with Uniform Justice Act 2019-a, has presented its records for the 2022 fiscal year and such records have been duly examined.

Seconded by Mr. Francisco.

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

RESO 2024-67: AUTHORIZE PAYMENT/CLAIMS #24-00239 - #24-00285/\$121,453.41

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 #24-00239 through #24-00285, which have been audited and approved for payment, in the total amount of \$121,453.41:

General	\$ 82,920.71
Highway	2,195.67
Light Districts	1,809.91
Sewer District	2,506.07
Water District	29,626.05
Non-Budgeted	<u>2,395.00</u>
Total	\$121,453.41

Seconded by Mr. Francisco.

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

RESO 2024-68: AUTHORIZE MODIFICATION/STATED FROM & TO BUDGET LINES

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes modification of the stated From and To Budget lines as of March 26, 2024:

From Fund A 1989-4-400 Computer Contractual \$26,000.00
To Fund A-1680-4-400 Central Data Processing \$26,000.00
IT Expenditure Code Changed Per Comptroller's Office

Seconded by Mr. Francisco.

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

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PUBLIC COMMENTS:

DOG PARK

Mary Martir of Ahern Road commented about how clean the dog park is and how the holes had been filled and thanked the Parks Department for their efforts.

MORE DISCUSSION ON ZONING

Ms. Martir agreed with sentiments expressed earlier in the meeting that the Town should be “friendlier to small businesses.” William Brodsky, a member of the Zoning Board of Appeals, stated that the Town needs a “transitional plan” for zoning that would keep up with changes in needs of the community. He stated that the Town should consider districts and zones with a transitional plan for the next five to ten years. Randy Schuster asked about the Zoning Board of Appeals’ purpose and suggested that procedures used to determine if a variance is warranted should be changed. Sandra Beam, of the Town Planning Board, stated that the Town is wise to be cautious with re-zoning, noting that the northern end of Town is industrialized and commenting that “Hobart Stone ruined the neighborhood.”

Mr. Schuster also had a question about the Neighborhood Transportation question discussed earlier. He wanted to know where people who owned a private transportation service such as a limousine would park their vehicles. Mr. Dumian stated that they would be parked on the property owner’s property, not on the streets.

LEGAL UPDATES

Mr. Spinner stated that he sent an updated Cemetery Deed Transfer Form to Mr. Francisco.

Mr. Spinner stated that he is updating the solar power law, which includes fees to be set by Board resolution, and will email the draft law to the Town Board members to be discussed at the April 9 meeting.

YOUTH SPORTS

Mr. Farley stated that baseball and softball have started for the season.

ROAD ISSUES

Mr. Francisco stated that the trees on the property at the intersection of Shaw Road and Hardie Road make it difficult to see oncoming traffic and asked if the Town can force the property owner to trim the trees for better visibility. Mr. Dumian will look at the situation. Mr. Francisco stated that Broome County had promised to widen the intersection at Wilcox Road and Hardie Road and has not yet done so. Mr. Dumian will research this issue also.

TOWN EVENTS

Town Clerk Sherrie Jacobs thanked the Town for its support for the annual Easter Party and stated that the bands are all booked for Concerts in the Park.

There being no further business to come before the Board, Mr. Farley moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:58 P.M.

Respectfully submitted,

Sherrie L. Jacobs, Town Clerk

