

REGULAR TOWN BOARD MEETING
APRIL 23, 2024

The Town Board of the Town of Conklin held a Regular Town Board meeting at 6:00 p.m. on April 23, 2024, at the Conklin Town Hall. Supervisor William Dumian presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members James Finch, Dell Boyle, William Farley,
Chuck Francisco, Supervisor William Dumian
Town Counsel Mark Spinner
Secretary to the Supervisor Teresa Bamber
Highway Superintendent Jeff Hayes
Planning Board Sandra Beam
Zoning Board of Appeals William Brodsky
Deputy Town Clerk Elizabeth Einstein

GUESTS: Abundant Solar Andrew Van Doorn
Abundant Solar Bartolo Morales
Laurie Francisco
Dan Depue

MINUTES: APRIL 9, 2024, WORK SESSION & REGULAR TOWN BOARD MEETING

Mr. Farley moved to approve the April 9, 2024, Work Session and Regular Town Board Meeting Minutes as presented.

Seconded by Mr. Francisco

VOTE: Finch —Abstain, Boyle —Yes, Farley —Yes, Francisco —Yes, Dumian — Yes. The motion passed unanimously.

PUBLIC COMMENTS: None

CORRESPONDENCE:

Mr. Dumian said he had received a request to use the Town Pool from the person who trains the lifeguards every year. He said the Board had agreed at the previous meeting to open the pool for the 2024 season. He will talk to Dave Kilmer, Parks Dept., on Wednesday, to come up with some dates for the lifeguard training. He stressed the importance saying, "Without those lifeguards being trained by this person who works for the school, we cannot open the pool."

Mr. Dumian said he had some other correspondence this week, and it concerned some neighborhood situations that filter into different departments in the Town. Said Dumian, "When I get those calls from residents, I know they are frustrated about certain situations, but there are a lot of things that go into a process, in particular with dog control. Unfortunately, it seems that problems are ramping back up again now that it is nice outside. I think our crews are doing a very good job."

He said some habitual, consistent situations frustrate neighbors, but the DCO is doing what he can to handle and remediate the situations. He said he hears only good things from the neighboring towns regarding the services provided by the DCO. "He is doing a wonderful job," said the Supervisor.

REPORT: HIGHWAY DEPARTMENT

Highway Superintendent Jeff Hayes said he and his crew have been cleaning up roadside trash after the winter months. Unfortunately, when you drive the roads the next day new garbage is seen, said Mr. Hayes. The crew has also been working on cleaning road shoulders and ditches. He said they have had training on operating the new paver, and the Town of Binghamton sent two employees over to help. His team is ready to use the paver

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on some spring and summer projects. They just finished work on the crossover pipe under Carlin Road. An old corrugated pipe, probably from the '70s, had rotted out on its bottom, causing the road to begin to collapse. Digging was interesting as they followed all the proper procedures finding what was supposed to be there, an active gas line and a Verizon line, but on the second day of digging, they found an abandoned gas line. "They sent an inspector out who also said we had done everything right," said Hayes. Despite that unexpected find, the project has been completed. Mr. Hayes thanked the parks department for the loan of the excavator and air compressor. "It made a world of difference," said Hayes.

The Supervisor asked about plans for asphalt and road repair, which led to a discussion on the process presented at a previous Town Board meeting by Suite-Kote. Mr. Dumian said this new process is basically finishing the surface over the top of the old asphalt already in place. Two samples of the finished product were passed around to Board members with one looking better than the other. "It's kind of hard to determine what the true finished project looks like," said Dumian.

The Supervisor is concerned about the location of the streets scheduled to be repaved this year. The Suite-Kote process is extensive—similar to a stone & oil process but it must set for at least seven days. Mr. Dumian said it would be messy, and was certain to result in a lot of complaints despite the cost savings. Also, the new surface takes 40 minutes to harden. "So if you drive over it, you are going to imprint that surface," said Dumian.

He pointed out that this is a neighborhood that has a lot of activity with walkers and bicyclists. He referred the Board to the comparison costs—with the Suite-Kote finish at almost half the cost of the regular road resurfacing. The Supervisor said the road leading to Arnold Park in Vestal has this new process, as does Oakdale Road in Johnson City, so there are samples available to see. However, no one knew the life expectancy of the Suite-Kote process. Superintendent Hayes thought it was between 5-7 years. The discussion resulted in the Board determining that if the finished surface does not have the 10-year expectancy that asphalt has, then the cost could end up being more expensive.

Mr. Finch felt the conventional process should be used on Woodcrest Way while trying out the new process on streets less traveled. He would like to see how the roads with the new process hold up before using the product. Councilman Dell Boyle said he knows towns are using the new process quite a bit and would love to see twice as many roads resurfaced here because he sees walkers and bikers on all the town roads. However, he also wanted to see samples of the new finishing before making a decision. Mr. Farley wants to stay with the 10-year rotation plan for the four streets in question. He said if you end up resurfacing every five years, you are spending more money and asked what that would this action do to the rotation list? You'd even be paying a little more."

Mr. Francisco said he realized they were looking at \$184,000 compared to \$97,000 but by the same token if you have to go back every 5-7 years that \$97,000 could be \$150,000, so where's the real savings?"

Mr. Dumian said he favored the conventional hot mix for this particular neighborhood. In the end, the Board agreed that even though roughly \$64,000 would need to be added to the \$120,000 Consolidated Local Street and Highway Program (CHIPS) funding, they would proceed with asphalt for the streets this year. Mr. Dumian thought the Suite-Kote finishing could be a good process for the parks and Community Center.

REPORT: PARKS/WATER/SEWER

The Supervisor said he has heard nothing but good things about Schnurbusch Park and the cemeteries. He said new generators are being installed in the sewer stations. Baseball and softball season is underway. He said the Board would talk at some point about a solution to the water that sits in the park after the pipe was taken out. The Parks crew has

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been working at the dog park, mowing and weed-whacking parks and flood properties along with working on numerous other projects.

More new radios and meters have been installed for the water system, more mapping has been completed and valves uncovered. Sewer station 2 will be the next site for driveway work and generator installation. Cemeteries have been mowed and trimmed, trash and fallen tree limbs cleaned up. There was a cremation burial at the Conklin Cemetery.

REPORT: CODE DEPARTMENT

The Supervisor said he was part of a conference call about the property at 1298 Conklin Road. As reported at the last Town Board meeting, the property owner has a lawyer helping him with the cleanup process, but the code officer's call for an update was not returned. Recently there have been complaints about an unpleasant odor coming from the property.

Town Attorney Mark Spinner said he would ask for a cleanup timeline. Dumian said he had been hopeful this issue could be resolved without costing the taxpayers a lot of money. "There are a number of code violations at the residential-zoned property that have progressed to being well out of hand," said Dumian. The Attorney will get back to the Board after speaking to the property owner's attorney on Wednesday about setting the timeline.

REPORT: SUPERVISOR'S OFFICE

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

FORMATION OF NEIGHBORHOOD/COMMERCIAL
TRANSPORTATION SYSTEMS DISTRICT

Attorney Mark Spinner asked for more guidelines on the proposal to form a Neighborhood/Commercial Transportation District in the Town. He told the Board he had put together the starting draft of the new local law adding language to permitted uses in the zoning district, and said, "The number, type, and size of vehicle, as well as hours of operation, are subject to Board scrutiny during the site plan approval process." He said he understood the Board wanted to be specific on the type of vehicles allowed. Dumian said he did not want anyone to get far into the process and then find out something was not allowed. He suggested vehicles allowed might include two limousines or a medical transport vehicle that would be suitable for the character of a neighborhood. The Supervisor also suggested the number of vehicle passenger seats be included because parking a commercial bus would not be allowed. All agreed permitted uses for the district should be clear so people know right away what can and cannot be done.

Councilman Finch cautioned about the shortage of school bus drivers. "With the shortage of bus drivers for schools, it is becoming a sub-let business with people down south bidding on the job and parking the school bus in residential neighborhoods."

Councilman Farley said that is another reason they should consider stating the number of vehicles allowed on a property.

Councilman Francisco said he believed tandem-axle vehicles would be problematic and should not be allowed in this new transportation district, nor should construction vehicles.

The Supervisor agreed saying it is necessary to keep in mind the character of the neighborhood. Attorney Spinner said I understand. You want somebody who is planning a 50-unit transportation service to look at this definition and see right away that is not going to fly in this district. Before the next meeting, Board members will send their lists of suggestions to the attorney.

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DISCUSSION BUILDING/CODE LAWS WITHIN FLOODPLAIN

Following the agenda, the discussion turned to building code laws within a flood plain. Mr. Dumian gave the Board some "weekend reading" after he and Attorney Spinner sat down with Mary Plonski and Nick Pappas from the Code Office to determine what changes could be made in the town code Chapter 76, FLOOD DAMAGE PREVENTION.

The Attorney said he has also added a definition for compensatory storage along with the requirements that were previously discussed.

Councilman Francisco said that under definitions in Chapter 76, "flood plain and floodway" are not clearly defined.

The Supervisor agreed but cautioned that development in the floodway is still not allowed, while "we do allow development in the floodplain as long as it is done properly with compensatory storage."

Councilman Finch said he had heard on the news that same day that the Governor had just granted \$10 million, per NYS community, to make flood-prone communities more resilient to flooding and other climate impacts. The announcement he saw did not have any details. He believed it was important for the Board to get more information. Mr. Dumian agreed but said he was somewhat leery of state grants after the disappointing results in the past.

Discussion with the Town Attorney continued on the changes to Chapter 76. There will be more discussion at the next meeting.

DISCUSSION ON THE SOLAR MORATORIUM AND NEW SOLAR LAW

Attorney Spinner said he had no updates on his last draft for this meeting. He expects to have a new draft by the next Town Board meeting. He will be taking comments and suggestions until then. "We will just continue to go through this process until everybody is happy with what we have," said Spinner.

Supervisor Dumian said progress has been made. "We had a very interactive legal session last time to talk about legalities involved with the solar moratorium and defining areas where this would not be allowed based on the floodway/floodplain," said Dumian. He added that the Board also discussed the fee structure, elevation standards, and eliminating any facility that had battery storage.

Attorney Spinner said before the next meeting he would have a new version of the law with the full package— fee structure, application, and everything.

Mr. Dumian said the Board has taken into consideration the information from solar companies and has spoken with neighboring townships and other municipalities to determine how the Board wants to structure its own solar law. "I can see us getting through the process fairly quickly once we have the new draft done," said Dumian.

SOFTBALL/DUGOUT REPAIRS

The Supervisor told Board members they each had before them a new estimate submitted on the roof replacement and other repairs on four dugouts. The bidder would be a sole proprietor, so prevailing wage would not apply. Three quotes are always desired. Assistant to the Supervisor Teresa Bamber said she had reached out to four businesses. One didn't want the job, another never responded to a request for an estimate, another estimate was high, and the fourth would be Ostrowsky Builders, LLC.

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Mr. Dumian said in all fairness he did want to say they had asked the company that submitted the highest bid for a quick estimate. When the company submitted the bid they commented that it was a little high and they might be able to do better. However, Ostrowsky Builders' estimate was considerably lower, so the Town Board went with the low bidder.

RESO 2024-81: ALLOCATE FUNDS FOR THE REPAIRS
TO THE SCHNURBUSCH PARK DUGOUTS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the repairs to the Schnurbusch Park dugouts, 4 dugouts in total, by Ostrowsky Builders LLC in an amount not to exceed \$5,400.

Seconded by Mr. Finch

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

STORMWATER COALITION FUNDING

Continuing a previous discussion on the increased cost to belong to the Broome-Tioga Stormwater Coalition, the Supervisor went over the Southern Tier 8 Regional Board's endorsement of the fee increase and Broome County's role in the mapping process as explained by Town Engineer John Mastronardi and a representative from ST8. Mr. Dumian asked Board members for input. He said the funds requested would cover the costs for Broome County's collection of data and mapping of streams, creeks, catch basins, any possible sources of water infiltration, etc., formulate the information from all the different municipalities, and store the information. However, the Town must supply all this information. Councilman Farley said he believed the Town did not have a choice and would have to pay the fee.

Mr. Dumian agreed saying it would be a challenge to collect all the required information but feared if the Town did not join, the decision could open them to problems in the future, and it might be better to be part of a bigger group.

Councilman Dell Boyle commented on permits he is presently working on with the DEC and his good working relationship with the government agency. He said there are so many kinds of new rules and regulations that he had expressed his concerns with the DEC. He is also finding that the Town is on its own to do all the required sampling to determine everything in the topsoil/gravel bars. This is just an example of how complicated the new rules and regulations make things.

Mr. Finch asked if all the towns in the County were going along with the fee increase. He also felt the Town didn't have much of a choice but to pay the increased fee.

The attorney said he would check around to see who else is in favor of paying the cost for this data collection service. Dumian will also check around and said there could also be a possibility that not joining would eliminate the town from any grant funding. No decision was made at this time.

OPENING DAY FOR BASEBALL/SOFTBALL YOUTH SPORTS
WILL BE MAY 4, 2024

The Supervisor announced that Opening Day for Conklin Youth Baseball & Softball would be May 4, 2024. He asked everyone to hope for good weather. There will be a parade, announcement of the team players, and Mr. Dumian will represent the Town Board and speak briefly during the opening ceremonies.

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RESO 2024-82: RATIFY PAYMENT TO KB SERVICES, LLC
FOR CASTLE ROOF REPAIR

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$9,375.00 to KB Services, LLC, for final payment for repairs to the roof of the Castle.

Seconded by Mr. Farley.

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

RESO 2024-83: RATIFY PAYMENT TO MILTON CAT
FOR SEWER STATION GENERATORS USING ARPA FUNDS

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 \$150,877.00 to Milton Cat for sewer station generators, utilizing ARPA funds.

Seconded by Mr. Francisco

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

RESO 2024-84: RATIFY TRANSFER OF FUNDS FROM THE ARPA FUND
FOR CATERPILLAR DIESEL GENERATORS

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the transfer of funds, effective April 17, 2024, to use ARPA Funds for three Caterpillar Diesel Generators (see attached).

A 691-0000 Deferred Revenues-ARPA Db \$150,877.00
A980 Revenues Cr \$150,877.00
A40-89 Federal Aid, Other
A 9901.9 Transfer to Other Funds Db \$150,877.00
A 200-0002 Cash-Deferred Revenue ARPA Cr \$150,877.00
SS1 200-0001 Cash-PSBT Checking Db \$150,877.00
SS1-5031 Interfund Transfers In Cr \$150,877.00

Seconded by Mr. Finch

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

RESO 2024-85: RATIFY MODIFICATION TO 2024 BUDGET,
EFFECTIVE APRIL 17, 2024

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies modification to the 2024 Budget, effective April 17, 2024, as follows (see attached):

510 Estimated Revenues \$301,754.00
A-4089 Federal Aid, ARPA \$150,877.00 To use ARPA Funds for Caterpillar Generators

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SS1 5031 Interfund Transfers In \$150,877.00 To use ARPA Funds for Caterpillar Generators
960 Appropriations 301,754.00
A 9901 Transfer Other Funds \$150,877.00 To use ARPA Funds for Caterpillar Generators
SS1-8130-2-200 Sewer Treatment-Equipment \$150,877.00 To use ARPA Funds for Caterpillar Generators

Seconded by Mr. Finch

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

RESO 2024-86: AUTHORIZE PAYMENT OF CLAIMS
#24-00336 THROUGH #24-00392

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Claims #24-00336 through #24-00392, which have been audited and approved for payment, for the total amount of \$121,210.93:

General	\$ 34,563.82
Highway	2,451.23
Sewer District #1	77,911.55
Water District	<u>6,284.33</u>
Total	\$121,210.93

Seconded by Mr. Finch

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

RESO 2024-87: CANCEL 2ND TOWN BOARD MEETINGS SCHEDULED FOR
MAY 28, JUNE 25, JULY 23, AND AUGUST 27, 2024

Mr. Francisco moved for the following resolution:

Be it Resolved: that the Town Board of the Town of Conklin cancels the Regular Town Board Meetings scheduled for May 28, June 25, July 23, and August 27, 2024.

Seconded by Mr. Finch

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

PUBLIC COMMENTS:

Mr. Dan Depue asked if the schedule for the Concerts in the Park was done and on the website. Deputy Town Clerk said it was on the website and there were paper copies of the schedule in the Town Clerk's Office.

Mr. Depue asked who does the Town's milling and paving, and had they put in a bid. Highway Superintendent Jeff Hayes replied that Broome Bituminous did the work. Mr. Dumian added that the Town was working off the state bid price.

COMMUNITY CENTER BLEACHERS

Councilman Finch asked if the bleachers near the Community Center could be moved to a baseball field. Mr. Dumian said it was possible but there are bleachers already in place

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and most people bring comfortable chairs with them. They will take a look and see if they are needed somewhere else. Mr. Finch said he also wanted to take the time to thank the Parks/Water/Sewer and Highway Departments for the great job they are doing.

OPENING DAY MAY 4th

Mr. Farley reminded everyone that Opening Day for Conklin Youth Baseball & Softball is May 4th. He said the teams have already had some scrimmages. He commented, "The fields look excellent, just excellent. We are ready to go for the summer."

LETTER TO NYS SENATOR LEA WEBB (52ND DISTRICT)
TO BE REDIRECTED TO
SENATOR PETER OBERACKER (51ST DISTRICT)

Councilman Francisco said the Letter that was to be sent to Senator Lea Webb has been redirected to Senator Peter Oberacker. He has not had a response yet. Mr. Finch said Oberacker is the Senator representing our district. Mr. Francisco said that there was confusion because Senator Webb gets so much media attention here. Francisco said he also attended a meeting the previous week for towns and villages. He said Broome County Executive Jason Garner spoke and covered a lot of issues: sales tax, employment for municipalities, and the planned development for the demolished IBM Country Club. "A developer wanted to build some nice homes overlooking the golf course, but found a number of them had to be available for low income, and the contractor pulled out."

Francisco said Garner also said an announcement would be forthcoming in May regarding another addition to Oakdale Commons.

Mr. Dumian asked if the County Executive said anything about more ARPA money being made available to certain towns after the County's initial payouts were completed. Francisco said the topic did not come up as Mr. Garner was bombarded with other questions.

Mr. Dumian said the Town is working on addressing labor with non-CDL required trucks. He said CDL drivers are difficult to come by now; everyone is hiring with sign-on bonuses. "As we move forward we are going to continue to look a replacing some of the vehicles we have with trucks that can be utilized for many different things without the requirement of CDL licenses, although at the present time, all Conklin Highway personnel have their CDLs. He said NYS also needs to look at the structure of Tier 6 compared to Tier 4. It needs to be more attractive to job hunters. "County-wide we are all competing for a much smaller pool of people."

With no more business to come before the Board, Mr. Finch more for adjournment seconded by Mr. Francisco. The meeting adjourned at 7:24 p.m.

Respectfully submitted,

Elizabeth Einstein, Deputy Town Clerk