

WORK SESSION

JULY 9, 2024

The Town Board of the Town of Conklin held a Work Session at 6:00 P.M. on July 9, 2024, at the Town Hall. Mr. Dumian, Supervisor, presided.

PRESENT:	Town Board Members	Finch, Boyle, Farley, Francisco, Dumian
	Town Attorney	Mark Spinner
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Jeff Hayes
	Secretary to the Supervisor	Teresa Bamber
	Administrative Assistant	Mary Plonski
	Planning Board	Sandra Beam
	Zoning Board of Appeals	Elizabeth Einstein
	Zoning Board of Appeals	William Brodsky

GUESTS:	Laurie Francisco
	Milton Martir
	Mary Martir

NEIGHBORHOOD COMMERCIAL TRANSPORTATION DISTRICT

Mr. Dumian stated that not much progress has been made on the Neighborhood Commercial Transportation District project because he and Town Attorney Mark Spinner have been focused on work on the Solar Energy Systems Law. He stated that the same is true of work on Building and Code Laws within the Flood Plain.

DOG PARK

Mr. Dumian stated that Myers Security will provide a quote to the Town for an access system for the Dog Park. The system would probably require an annual fee from users of the Dog Park, whose dogs would have to be licensed and have current rabies vaccinations. There were two recent incidents at the Dog Park which brought this need to the forefront of the Board's attention.

CONKLIN POOL REPAIRS

Mr. Dumian stated that he recently participated in an interview with WBNG-TV regarding the Conklin Pool, which is closed this season. He cited many problems the Town is facing regarding the pool: mechanical problems; lack of lifeguards (only four applied this year, and of them, only two were certified); the \$250,000 it would cost just to remove and replace the liner, with an estimated total for all the needed repairs of between \$300,000 and \$500,000; the safety issues that have arisen around the pool in recent years from people's bad behavior; and the vacuum pump, which is inoperable and unfixable, with a replacement not available for seven or eight weeks, if available at all. Mr. Dumian stated that he recently spoke with a person experienced in pool repairs who has some suggestions, so he will try to get a more accurate estimate of what might be involved.

Mr. Dumian stated that he spoke with State Senator Oberacker regarding three projects: the water connection with the Town of Kirkwood, the Conklin Pool, and the water supply to the southern end of the Town (the cost of which was last estimated at \$1.2 million dollars to install). They also discussed the need for replacement fire hydrants and valve clusters for the Town.

Mr. Francisco is applying for a grant for \$400,000, which is part of the money set aside by Governor Hochul's administration for pool renovations throughout the State. Mr. Dumian is asking Senator Oberacker's staff for assistance with writing this grant application.

WORK SESSION
JULY 9, 2024

Mr. Dumian will work with his assistant, Teresa Bamber, to draft an explanation of the issues with the pool to put on the Homepage of the Town website, to help the Town residents better understand why the pool is closed this year. He added that without outside funding, it will be a challenge to ever re-open the pool. The Board agreed that there are other priorities in the Town that are more important than the pool.

SOLAR ENERGY SYSTEMS LAW

Mr. Dumian stated that Zoning Board of Appeals member William Brodsky had sent a list of questions and clarifications, which Mr. Dumian had discussed with Mr. Spinner. Mr. Spinner stated that the Public Hearing for the Solar Law will be held on August 13, adding that he has a new, revised copy of the proposed law for the Town website, along with a list of changes. Mr. Dumian asked about vegetation restrictions and Mr. Spinner stated that the proposed law would limit vegetation to 8 to 12 inches, with no herbicides allowed. Mr. Spinner stated that the demarcation between non-commercial and commercial installations will be 25 Kilowatts.

REGULAR TOWN BOARD MEETING

JULY 9, 2024

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on July 9, 2024, at the Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members	Finch, Boyle, Farley, Francisco, Dumian
Town Attorney	Mark Spinner
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Jeff Hayes
Secretary to the Supervisor	Teresa Bamber
Administrative Assistant	Mary Plonski
Planning Board	Sandra Beam
Zoning Board of Appeals	Elizabeth Einstein
Zoning Board of Appeals	William Brodsky

GUESTS:	Laurie Francisco
	Milton Martir
	Mary Martir

MINUTES: JUNE 11, 2024 REGULAR TOWN BOARD MEETING AND WORK SESSION

Attorney Spinner suggested that specific areas of the June 11, 2024 Work Session and Regular Town Board Meeting minutes be clarified as follows:

DISCUSSION ON PROPOSED SOLAR LAW FOR 2024

“Supervisor Bill Dumian told the Board that the first item on the work session agenda would be the solar moratorium and the proposed solar law. He asked Town Attorney Mark Spinner to go over any changes from the May 2024 meeting. The Attorney said the proposed law is set up with two parts. The first part deals with the Zoning code where changes deal with non-commercial solar energy systems being a customary accessory use in residential district. The way the Town Code is set up, each subsequent district incorporates the prior districts’ permitted uses. The new law is being proposed under NY Town Law 261-265. Mr. Spinner has been cross-referencing between the solar law, a new chapter in the Town Code (Chapter 138) and the Zoning Code (Chapter 140) “so there is no question that this is a Zoning law, not a land use law.” He added that there are five articles within the law and the law is broken down into commercial and non-commercial energy systems (under 25 watts). The Planning Board will be reviewing non-commercial and the Town Board, commercial solar site plans.

Mr. Dumian asked what kind of guidelines will the Planning Board have to go by in regard to non-commercial energy systems. He proposed more tools be provided. Spinner replied that there are specific site plan requirements. He said the Board will likely pass the Uniform Solar Permit Application for non-commercial, and the five-six-page application will lay out all the required documentation. He is willing to attend the first Planning Board meeting at which the new law is in force to ensure everything goes well. He went over many of the requirements that will be in play. Commercial solar energy systems are permitted in all zoning districts with a wide range of setbacks based on parcel size, location and proximity to neighboring parcels. Spinner said several permits may be required, and the Code Enforcement Officer, Supervisor and/or Town Attorney could sit down with the applicant beforehand and go over which permits are required. Attorney Spinner mentioned the different types of agreements that could be entered into, including the possibility of a road use agreement during the construction phase. There is a requirement for a Host Community Agreement. The Board will establish the paradigm for permitting fees and the decommissioning bond or security. The fee structure will be in place by the time the proposed Solar Law is adopted.

REGULAR TOWN BOARD MEETING
JULY 9, 2024

Mr. Francisco said he apologizes in advance because he was going to get on his soapbox and address a NYSERDA solar program he is enrolled with that is disappointing. He also addressed the effectiveness of solar saying, “Reading some articles on solar, depending on wind, rain, snow, weather conditions, and clouds, the only time solar is at its maximum capacity is 20% per day.” He said he had a hard time seeing the real benefit of solar energy and did not believe it was mandated by the State for the Town to do this.

UPDATE ON NEIGHBORHOOD COMMERCIAL TRANSPORTATION DISTRICT

The Supervisor noted that Attorney Spinner had provided an update to his springboard for the establishment of a Neighborhood Commercial Transportation District. Both Dumian and Spinner asked Board members to go over that information carefully and come to the next meeting with their thoughts and ideas for additions and subtractions. Spinner said he only presented a basic outline for permitted uses and said they need to consider what types of vehicles would be permitted, as well as how many, as they try to get the ball rolling to establish the guidelines for the district. Dumian asked that Board members make sure the comments go to everyone on the Board to keep them all abreast of the suggestions made.

The Supervisor asked Town Attorney Mark Spinner to give an update on the proposed solar law and progress made. Attorney Spinner said he had a draft of the Solar Law, covering both non-commercial and commercial solar energy systems that the Board would be introducing that evening. Dumian said to keep in mind, this was not the application but what the Board had done during the solar moratorium to put the needed requirements in place to minimize the impacts as much as possible for any surrounding neighbors, based on solar projects. “We looked at everything” setbacks, decommissioning requirements, fencing, upkeep, all of that is built into the local law that we will be introducing.”

Attorney Spinner said a public hearing will be set on the proposed law for August 13, 2024, at 6:30 P.M., allowing time for the Conklin Planning Board and the Broome County Planning Board to review the proposed law and make comments. Both Boards have 30 days to respond with comments. Once that information has been received the Board will conduct the public hearing and vote on adopting the new town law. Spinner said a copy of the law will be available to read in the Code Office at the Town Hall, and it will be posted on the Town website.”

Other than the above clarifications, Mr. Francisco moved to approve the June 11, 2024 Regular Town Board Meeting and Work Session Minutes as presented.

Seconded by Mr. Finch.

VOTE: Finch – Yes, Boyle – Yes, Farley – Abstain, Francisco – Yes, Dumian – Yes. Motion carried: 4 – Yes, 1 – Abstain.

PUBLIC COMMENTS:

SOLAR ENERGY SYSTEMS LAW

Before launching into a series of questions regarding the proposed Solar Energy Systems Law, Mr. William Brodsky, a member of the Town Zoning Board of Appeals, thanked the Town of Conklin and Town of Binghamton Fire Departments for their quick response in putting out a brush fire on his property which he stated was started by NYSEG, and to the Town of Binghamton Highway Department for their work cleaning up the debris.

REGULAR TOWN BOARD MEETING
JULY 9, 2024

Mr. Brodsky stated that in the municipality of DeKalb, 2,000 acres were approved by New York State for a solar farm, disregarding home rule and local laws. Mr. Dumian responded that this is why he wants to make sure the Town of Conklin law is not overly restrictive so that applicants appeal to New York State to potentially overrule the municipality. Mr. Brodsky stated that he thinks the non-commercial applications (less than 25KW) should be reviewed and issued by building permit only through the Code Office, without Board review, while commercial applications (25KW or more) would need a Special Permit and Town Board approval. After much discussion, it was decided to change the line of demarcation between non-commercial and commercial to 50 KW. Mr. Finch asked if the law protected the Town from incurring any expenses when a solar facility is decommissioned, and Mr. Spinner stated that it is included in the proposed law.

CORRESPONDENCE:

SOLAR FACILITY APPLICATIONS

Mr. Dumian stated that two solar facility companies, in addition to Abundant Solar, which has an interest in a site on Hardie Road, have reached out to the Town about proposed solar facilities in the Town. Both companies are looking at the area where the Town well head is located. Mr. Dumian stated that the Town must be able to prove that a solar facility would be a detriment to that area.

REPORT: HIGHWAY DEPARTMENT

Highway Superintendent Jeff Hayes stated that his department has been busy with summer projects of paving, and working on shoulders of roads and ditches.

REPORT: PARKS/WATER/SEWER TEAM LEADER

Mr. Dumian reported that the sewer station at JR Park has had issues with rags and wipes clogging the pumps. W2O is going to prepare a quote to install grinder pumps. Parks/Water/Sewer Team Leader David Kilmer's report stated that his department has also been busy with getting the concrete pad poured and the generator set at the sewer station on Terrace Drive. Mr. Kilmer reported that the Highway Department ground stumps at Sullivan Park and at Schnurbusch Park, and worked with the Parks Department to put up American flags on Conklin Road for the season.

Mr. Kilmer's report states that the well at Conklin Forks Park must be abandoned and capped, but that process must be done by a person certified to do so, according to DEC regulations. Mr. Kilmer provided a quote from Sergi's Well Drilling to decommission the well for a cost of \$1,500.00. Decommissioning and capping the well will also help the new electric panel to stay dry and not rot like the previous one did.

REPORT: CODE OFFICE

Mr. Dumian reported that the Code Office is working on seasonal complaints and working with Mr. Spinner on the Supreme Court case involving a property located on Conklin Road.

REPORT: SUPERVISOR'S OFFICE

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

OLD BUSINESS:

REGULAR TOWN BOARD MEETING
JULY 9, 2024

DOG PARK

Mr. Dumian reiterated that the Board will get the estimate for the access system to the Dog Park and will discuss it at the August 13 meeting. He reiterated that recent incidents at the Dog Park have highlighted the liability issues that the Dog Park brings to the Town.

POOL REPAIRS

Mr. Dumian reiterated that there have been many incidents due to people's bad behavior that have raised concerns about the safety of the Conklin Pool. He also reiterated that the Town would need outside money for 90% of the needed repairs.

KIRKWOOD WATER LINE CONNECTION

Mr. Dumian stated that he will follow up with Mr. Kilmer and Town Engineer John Mastronardi, who met to verify the size of the water main. Mr. Dumian would like to see this project completed in 2025.

NEW BUSINESS:

DISCUSSION/ARPA FUNDS

Mr. Dumian stated that the Town has \$67,577.87 in ARPA Funds which must be allocated by December 2024 and spent by 2026, or the Town will have to repay the funds. Mr. Spinner clarified that "allocated" means that the Town has accepted a bid or signed a contract on a project. Both the Kirkwood water connection and grinder pumps for the sewer stations were discussed as potential uses of the funds.

**RESO 2024-116: RATIFY PAYMENT/RICOH USA, INC./ RENTAL OF TOWN CLERK
COPIER/JUNE 14 – JULY 13, 2024**

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$67.92 to RICOH USA, Inc., for rental of the Town Clerk copier for the period of June 14 through July 13, 2024.

Seconded by Mr. Finch.

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

RESO 2024-117: RATIFY PAYMENT/PITNEY BOWES/POSTAGE METER REFILL

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 \$500.00 to Pitney Bowes for postage meter refill.

Seconded by Mr. Farley.

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

**RESO 2024-118: RATIFY PAYMENT/RICHARD KAUFFMAN (BLUE VELVET BIG
BAND)/ CONCERT IN THE PARK/JUNE 26, 2024**

REGULAR TOWN BOARD MEETING
JULY 9, 2024

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$450.00 to Richard Kauffman (Blue Velvet Big Band) for Concert in the Park June 26, 2024.

Seconded by Mr. Finch.

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

RESO 2024-119: RATIFY PAYMENT/KATHRYN SCOTT-HLAVAC/CONCERT IN THE PARK/JUNE 19, 2024

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$400.00 to Kathryn Scott-Hlavac for Concert in the Park June 19, 2024.

Seconded by Mr. Finch.

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

RESO 2024-120: RATIFY PAYMENT/JEREMY POLHAMUS/SCHEDULING & REIMBURSEMENT/FIELD SPONGE PURCHASE

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 \$339.02 to Jeremy Polhamus for scheduling and reimbursement for field sponge purchase.

Seconded by Mr. Farley.

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

RESO 2024-121: RATIFY PAYMENT/CLAIMS #24-00574 - #24-00617/\$25,710.19

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following Claims #24--574 through #24-00617, which have been audited and approved for payment, in the total amount of \$25,710.19:

General	\$ 17,821.55
Highway	3,211.50
Sewer District #1	477.49
Water District	<u>4,199.65</u>
Total	\$ 25,710.19

Seconded by Mr. Farley.

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

RESO 2024-122: APPROVE PAYMENT/CLAIMS #24-0625 - #24-00689/\$129,207.68

REGULAR TOWN BOARD MEETING
JULY 9, 2024

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Claims #24-00625 through #24-00689, which have been audited and approved for payment, in the total amount of \$129,207.68:

General	\$ 29,392.46
Highway	14,422.23
Light Districts	1,814.35
Sewer District #1	78,312.81
Water District	<u>5,265.83</u>
Total	\$129,207.68

Seconded by Mr. Francisco.

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

RESO 2024-123: AUTHORIZE SERGI'S WELL DRILLING/DECOMMISSION WELL
AT CONKLIN FORKS PARK

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Sergi's Well Drilling to decommission the well at Conklin Forks Park for a cost not to exceed \$1,500.00, purchase order #R2-00076.

Seconded by Mr. Finch.

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

Mr. Dumian noted that Mr. Kilmer had offered several suggestions for use of the ARPA Funds, including chopper pumps and a generator for sewer stations, a generator for the Town Hall and the well house, three park benches, and enclosed garbage cans around the park and pavilions.

PUBLIC COMMENTS:

PLANS FOR A NEW WELL

In light of the concern regarding requests to build a solar energy facility near the site of the Town well head, Mr. William Brodsky asked if the Town Board is planning for a second well. Mr. Dumian replied that the Town 'can't afford' a potential new well, although it has a potential site in mind. He added that the Kirkwood water connection is the best current plan to ensure that Conklin has sufficient water supply.

RESO 2024-124: AUTHORIZE APPLICATION FOR GRANT/POOL REPAIRS

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes application for a New York State grant through State Senator Oberacker's office to fund repairs to the Conklin Pool for an amount not to exceed \$500,000.00.

Seconded by Mr. Finch.

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

REGULAR TOWN BOARD MEETING

JULY 9, 2024

SECURITY AT TOWN HALL

Mr. Finch asked about the alarm system in the Town Hall and was informed that each office has an emergency call button that will summon the police immediately. It was also noted that the Town Justice has a police officer here for arraignments.

UPDATES

Mr. Boyle stated that he is working on getting DEC permits to remove gravel bars. He suggested that some of the ARPA Funds be used to purchase four new hydrants. Mr. Boyle also stated that American flags are needed in the Conklin Forks area and mentioned to Mr. Francisco that there are two street lights not working near the Town Hall. Mr. Francisco replied that there are street lights out on Carol Court and Camilla Drive and he will be contacting NYSEG to have them repaired.

COMPLAINTS/WOODSIDE AVENUE

Mr. Francisco stated that he has been getting complaints from residents of Woodside Avenue about late night transactions in a particular site, adding that the New York State Police have been contacted. Mr. Dumian stated that the Town Code Office has been contacted and law enforcement must handle the issue.

CONKLIN FAIR

Town Clerk Sherrie Jacobs reminded those present that the Conklin Fair will be held July 11 through the 13.

SOFTBALL/BASEBALL

Mr. Dumian stated that the Town Baseball and Softball had a great program this year, with a record number of youth participating. He gave a shoutout to the grounds crew, adding that there are limitations to what they can do to keep the fields in shape due to the weather. Mr. Dumian stated that the program will be going back to Williamsport rules next year, adding that “kids should have a place to play.” He stated that he is following up on the site testing at the property at the corner of Powers Road and Conklin Road, which could potentially house more playing fields.

TOWN ROADS

Mr. Boyle stated that he has looked at roads treated with the new coating process that was discussed earlier in the year and “they are holding up well.” He also wondered when New York State will fix the “speed bumps” on Route 7. Mr. Dumian stated that he has also looked at “compact asphalt” streets in the neighborhood.

Mr. Dumian stated that the Board needs to sell the Kenworth truck and buy a different truck that does not require a CDL to operate, which he wants to discuss at the August 13 meeting. He also wants to look at lease options on equipment.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:41 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

