

**REGULAR TOWN BOARD MEETING**  
**OCTOBER 22, 2024**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on October 22, 2024, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b> Town Board Members	Finch, Boyle, Farley, Dumian Francisco (absent – illness)
Town Counsel	Mark Spinner
Town Clerk	Sherrie L. Jacobs
Code Officer	Nick Pappas
Highway Superintendent	Jeff Hayes
Secretary to the Supervisor	Teresa Bamber
Planning Board	Sandra Beam
Zoning Board of Appeals	William Brodsky

<b>GUESTS:</b> Abundant Solar	Andrew Van Doorn
Abundant Solar	Matt McGregor
Barton & Loguidice	Jillian Blake
	Judy Frear
	Dale Frear
	Judy Kelly
	Dan Carruthers

**MINUTES: OCTOBER 8, 2024 WORK SESSION & REGULAR TOWN BOARD MEETING**

Mr. Farley moved to approve the October 8, 2024 Work Session and Regular Town Board Meeting minutes as presented.

Seconded by Mr. Dumian.

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

**PUBLIC COMMENTS:**

**116 STILLWATER ROAD/ROBERT TRIOLO**

Mr. Dumian stated that the hearing for Robert Triolo, owner of the property located at 116 Stillwater Road, would not be held this evening because the Notices of Hearing were not sent. William Brodsky, a member of the Zoning Board of Appeals, asked if the Court Order specified the hours during which Mr. Triolo is allowed to be on the property to clean. Mr. Dumian replied that there has been a great deal of clarification about the Court Order since the October 8 meeting. He added that Mr. Triolo should not be on the property. It was reported to the Town that Mr. Triolo was stealing electricity from NYSEG, so the Town notified NYSEG, which cut the power to the pole.

**CORRESPONDENCE:**

Mr. Dumian stated that the Town received an application from Delaware Solar to develop a 5MW solar facility on Fallbrook Road, adding that the Town Engineer is reviewing the application. Delaware Solar still needs to submit a SWPPP (Stormwater Pollution Prevention Plan).

**REPORT: HIGHWAY DEPARTMENT**

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Highway Superintendent Jeff Hayes reported that his crew is almost finished with equipment maintenance, and spent time repairing the Highway Garage. He stated that they are working on cleaning ditches, picking up branches and leaves, and working on drainage issues. Mr. Hayes stated that his department assisted Town of Binghamton with trees that had fallen on their garage. Mr. Dumian thanked the Highway Department for installing speed pumps at Schnurbusch Park.

**REPORT: CODE OFFICER**

Mr. Dumian stated that he has had many conversations with the owner of 13 Midway Drive, some of which have gone well, and one of which ended with the owner saying that “the Town and the Code Officer are holding up the process” (of cleanup of the property). The owner provided no timeline for cleaning up the property and bringing it up to Code. Mr. Dumian stated that the goal is to get the owner to remediate the property and bring it up to Code standards. “It needs to be fixed,” stated Mr. Dumian.

As was stated earlier, Mr. Triolo, owner of 116 Stillwater Road, was stealing electrical power from NYSEG, which the electric company remedied by cutting power to the pole. Mr. Dumian stated that the Town wants to piggyback off its original Court Order from the State Supreme Court, but this time ask for no extensions or adjournments and for a much shorter timeline. If Mr. Triolo does not meet the deadline, the building could then be boarded up and demolished. In a straw poll, Mr. Finch was in agreement to proceed “as soon as possible;” Mr. Boyle was worried about the expense but agree the Town should “do whatever it must do;” Mr. Farley stated the Town should “do whatever it can legally to remedy” the situation; and Mr. Dumian agreed.

Judy Frear, of Stillwater Road, asked if the Broome County Health Department could help with this problem, since there is no septic system working on the property. Mr. Dumian stated that the Health Department has been contacted but has not responded. Ms. Frear asked what would happen if, as has been rumored, Mr. Triolo transferred ownership of the property to his girlfriend. Town Attorney Mark Spinner stated that there would have to be a transfer of deed for that to occur. Ms. Frear asked about a land contract, and Mr. Spinner stated that the transfer of ownership in a land contract does not occur until after the final payment is made. Ms. Frear asked what will be done about Mr. Triolo’s dog, which he lets run off leash. Mr. Dumian stated that the Town must start all over with the dog issue, adding that testimony from witnesses will be required. He stated that he will talk with Dog Control Officer Rick Murray about this issue tomorrow. Mr. Dumian commented that recently enacted laws from New York State restrict what local law enforcement can do in situations like these. Mr. Finch asked if a petition from the neighbors would help the case, but Mr. Spinner stated that the Court may see that as a “neighborhood feud.”

Mr. Dumian stated that the case of the owner of the property at 1298 Conklin Road, also with major Code violations, would also be taken to the State Supreme Court for remediation.

**REPORT: PARKS/WATER/SEWER TEAM LEADER**

Mr. Dumian stated that the Parks/Water/Sewer Department is involved in its fall process, with soccer finishing this week. He stated that there are many projects he would like to see completed in 2024, and added that he will be meeting with Team Leader David Kilmer to set a priority list. Mr. Dumian stated that the Town is still waiting for delivery of the new chopper pumps for the sewer station at Julius Rogers.

**REPORT: SUPERVISOR’S OFFICE**

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

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**OLD BUSINESS:**

**2025 BUDGET**

Mr. Dumian stated that the Public Hearings for the 2025 Budget have been rescheduled to October 29, 2024. He stated that with regard to health insurance, an alternative plan, Medicare C, is being offered to eligible employees and retirees if they want to pursue that route, with a quarterly payment being given to help offset the cost. He stated that the Town Board decided to stay with the UHC plan, which will show an increase of 7.8% cost to the Town for Blue Cross/Blue Shield. The percentage paid by employees/retirees will stay the same for 2025, but employees and retirees should be looking at alternatives for 2026.

**COMMUNITY CENTER REPAIRS**

Mr. Dumian stated that the Town is waiting for quotes on repairs/replacements for the fascia and gutters for the Community Center, adding that he is hoping that this project is finished in 2024.

**UPGRADE TO COURT LAYOUT**

Mr. Dumian stated that the Town received a “good quote” for the revisions to the layout of the Town Court, including changing one of the doors, which will make the Court and the rest of the building safer. He stated that there is grant money through JCAP available for this project.

**NEW BUSINESS:**

**FEES FROM BROOME COUNTY FOR TAX COLLECTION**

Mr. Dumian stated that the Town received a letter from Broome County stating that it will be imposing a \$2.00 per parcel fee for collecting taxes on each municipality for which it collects taxes plus making the municipalities responsible for the costs of printing, postage, and advertisement of legal notices. It was noted that the County receives all of the interest and penalties on taxes that are collected. Mr. Spinner stated that he is drafting a letter from all of the participating towns disputing this fee proposal. He stated that the Town has a contract with Broome County regarding tax collection and it must be re-negotiated if the County wants to change the terms. He added that it is almost the end of the budget season and there is no way to estimate what the additional total costs might be. The letter will be sent to Broome County Executive Jason Garnar with the notice that if the fee and other costs to the towns is not rescinded, the towns will be reaching out to their representatives to have the measure blocked.

**RESO 2024-185: AUTHORIZE SUPERVISOR TO SIGN LETTER TO BROOME COUNTY EXECUTIVE PROTESTING FEE FOR TAX COLLECTION**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to sign a letter on behalf of the Town of Conklin to Broome County Executive Jason Garnar objecting to the fee proposed for tax collection and the additional costs of postage, printing, and advertising.

Seconded by Mr. Finch.

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

**PUBLIC COMMENTS:**

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**DELAWARE SOLAR**

Dan Carruthers of Fallbrook Road asked if the line for Delaware Solar to hook into the grid runs on his property easement or on the property owned by the Rickard family. Mr. Dumian stated that he will discuss it with the Delaware Solar representatives.

**MORE ON ROBERT TRIOLO**

Ms. Frear stated that her daughter had driven home during the meeting and has a picture of Mr. Triolo's house that shows a light inside, even though NYSEG has cut power to the pole. Judy Kelly asked if the same State Supreme Court Judge (McBride) will preside over this new request for a Court Order and Mr. Spinner stated that that is likely the case. Mr. Brodsky asked if the taxes are current and Mr. Dumian replied that they are paid within three years, so the property will not be going to auction for foreclosure for unpaid taxes.

**RESO 2024-186: INITIAL SEQRA CLASSIFICATION**  
**AND INTENT TO DECLARE LEAD AGENCY STATUS/**  
**ABUNDANT SOLAR POWER**

At a regular meeting of the Town Board of the Town of Conklin, held on the 22nd day of October, 2024, at Conklin Town Hall, 1271 Conklin Road, Conklin, New York, the following resolution was offered by Mr. Finch and seconded by Mr. Farley:

**WHEREAS**, the Town of Conklin is considering an application submitted by Abundant Solar Power (US NY-327 Hardie Rd-001) LLC. regarding the development of a 5MWAC solar photovoltaic (PV) facility located at 327 Hardie Road in the Town of Conklin; and

**WHEREAS**, adoption of said local law requires review under the State Environmental Quality Review Act ("SEQRA").

**NOW THEREFORE**, the Town Board of the Town of Conklin hereby resolves as follows:

1. The Town Board hereby determines that the action is subject to SEQRA; and
2. The Town Board hereby makes a preliminary classification of the action as Type I action pursuant to 6 NYCRR 617.4(b)(2); and
3. The Town Board hereby determines that it intends to serve as Lead Agency with respect to the SEQRA review and, in that capacity, will determine if the proposed action will have a significant adverse impact on the environment; and
4. A copy of this Resolution, the Environmental Assessment Form, and the Application will be sent to Involved Agencies and Interested Agencies, as applicable; and
5. Involved Agencies shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Town Board's Lead Agency designation and to provide written comments on the full Environmental Assessment Form.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**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

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Road, Conklin, New York, on the 22nd day of October, 2024. Said resolution was adopted by the following roll call vote:

Supervisor William Dumian, Jr.	YES
Councilman Dell Boyle	YES
Councilman William Farley	YES
Councilman Charles Francisco	ABSENT
Councilman James E. Finch	YES

Dated: October 22, 2024

Town of Conklin Seal

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Sherrie L. Jacobs, Town Clerk

**RESO 2024-287: SCHEDULE PUBLIC HEARING/ABUNDANT SOLAR POWER**

At a regular meeting of the Town Board of the Town of Conklin, held on the 22nd day of October, 2024, at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, the following resolution was offered by Mr. Finch and seconded by Mr. Farley:

**WHEREAS**, the Town Board is considering an application submitted by Abundant Solar Power (US NY-327 Hardie Rd-001) LLC regarding the development of a 5MWAC solar photovoltaic (PV) facility located at 327 Hardie Road in the Town of Conklin; and

**WHEREAS**, the Town Board desires to hold a public hearing to consider said application.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing will be held by the Town Board of the Town of Conklin with respect to the aforesaid application on December 10, 2024, at 6:30 p.m.; and it is further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

**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 the 22nd day of October, 2024. Said resolution was adopted by the following roll call vote:

Supervisor William Dumian, Jr	YES
Councilman Dell Boyle	YES
Councilman William Farley	YES
Councilman Charles Francisco	ABSENT
Councilman James E. Finch	YES

Dated: October 22, 2024

Town of Conklin Seal

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Sherrie L. Jacobs, Town Clerk

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**RESO 2024-188: RATIFY SCHEDULING OF SPECIAL TOWN BOARD**  
**MEETING/OCTOBER 29, 2024**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the scheduling of a Special Town Board Meeting at 9:00 A.M. on October 29, 2024.

Seconded by Mr. Farley.

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

**RESO 2024-189: RE-SCHEDULE PUBLIC HEARING/PROPOSED 2025 FIRE**  
**PROTECTION CONTRACT WITH CONKLIN VOLUNTEER FIRE DEPARTMENT,**  
**INC.**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-schedules a Public Hearing at 9:00 A.M. on October 29, 2024, to receive input regarding the proposed 2025 Fire Protection Contract with the Conklin Volunteer Fire Department, Inc.

Seconded by Mr. Boyle.

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

**RESO 2024-190: RE-SCHEDULE PUBLIC HEARING/PROPOSED 2025 MUNICIPAL**  
**WATER & SEWER BILLING RATES**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-schedules a Public Hearing at 9:02 A.M. on October 29, 2024, to receive input regarding the proposed 2025 Municipal Water and Sewer Billing Rates.

Seconded by Mr. Boyle.

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

**RESO 2024-191: RE-SCHEDULE PUBLIC HEARING/PROPOSED 2025 GENERAL**  
**AND HIGHWAY BUDGET FOR TOWN OF CONKLIN**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 9:05 A.M. on October 29, 2024, to receive input regarding the proposed 2025 General and Highway Budget for the Town of Conklin.

Seconded by Mr. Finch.

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

**RESO 2024-192: RATIFY PURCHASE/MULCHER/BOBCAT OF BINGHAMTON**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies the purchase of a mulcher from sole source Bobcat of Binghamton for a price of \$15,205.00.

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Seconded by Mr. Finch.

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

**RESO 2024-193: RATIFY PAYMENT/RICOH USA, INC./RENTAL/TOWN CLERK**  
**COPIER/10-14-2024 – 11-13-2024**

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 \$67.91 to RICOH USA, Inc., for rental of Town Clerk Copier for the period October 14 through November 13, 2024.

Seconded by Mr. Farley.

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

**RESO 2024-194: RATIFY PAYMENT/THE HARTFORD/3<sup>RD</sup> QUARTER DISABILITY**  
**INSURANCE**

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 \$134.91 to The Hartford for 3<sup>rd</sup> Quarter 2024 Disability Insurance.

Seconded by Mr. Finch.

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

**RESO 2024-195: APPROVE PAYMENT/CLAIMS #24-01008 - #24-01069/\$170,351.14**

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 #24-01008 through #24-01069, which have been audited and approved for payment, in the total amount of \$170,351.14:

General	\$ 61,236.37
Highway	26,045.85
Sewer District #1	78,409.56
Water District	<u>4,659.36</u>
<b>Total</b>	<b>\$170,351.14</b>

Seconded by Mr. Finch.

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

**HALLOWEEN CURFEW**

Mr. Finch asked if the Sheriff's Department has been contacted to ask for extra coverage during the Halloween curfew. Mr. Dumian state that he will make sure this gets done.

Mr. Finch also thanked the Highway Department for their work on the park road at Schnurbusch Park.

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**TREES ON WATER LINE EASEMENT/STILLWATER BOAT RAMP**

Mr. Boyle asked Mr. Hayes if the Highway Department could trim the trees in the easement for the water line at the Stillwater boat ramp. Mr. Hayes stated that his crew has already done some trimming there but he will look into it to see if more is needed.

**YOUTH SPORTS**

Mr. Farley stated that soccer season ends this week, and added that the Town of Binghamton/Town of Conklin football team will play in the championship game this weekend. He stated that signups for basketball and wrestling are currently taking place. Mr. Dumian asked Mr. Farley to talk to Youth Commissioner Justin Parker to remind him that the Town needs a quote for turf for the batting cages.

**GRANTS FOR NEW LIGHTS FOR SCHNURBUSCH PARK**

Mr. Dumian stated that Administrative Assistant Mary Plonski has some information regarding grants that are available for new, more efficient lights for Schnurbusch Park, adding that he will research this further.

There being no further business to come before the Board, Mr. Finch moved for adjournment, seconded by Mr. Farley. The meeting adjourned at 7:03 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk