

WORK SESSION
NOVEMBER 12, 2024

The Town Board of the Town of Conklin held a Work Session at 6:00 P.M. on November 12, 2024, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided.

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

GUESTS: Laurie Francisco

COMMUNITY CENTER REPAIRS/SOFFIT & FASCIA

Mr. Dumian stated that the Town had received a quote of \$29,900.00 from Ostrowsky Builders to repair and replace the soffit and fascia at the Community Center. Mr. Dumian stated he thinks this is a “fair price,” adding that it is hard to get quotes right now. It was noted that the exterior lights are not working currently and the Town is waiting for quotes to repair those as well. Mr. Francisco asked if the repair project will be done in 2024 and Mr. Dumian replied, “Hopefully.”

BATTING CAGES

Mr. Dumian stated that the Town received funding of \$14,100 toward the new batting cages. The total for the batting cages and turf will be \$14,490.76, so the Town will have to come up with the extra funding. He stated that the Town cannot afford to purchase the pitcher’s mound right now, as it will cost \$1,290.00.

NEW RAM 5500 TRUCK

Mr. Dumian stated that the Town wants to purchase a second RAM 5500 truck for the cost of \$112,006.79, adding that he wants to get a new quote to make sure it has not changed. The RAM 5500 truck can be driven by employees who do not have their CDL. Mr. Dumian would like to approve this purchase at the December 10 meeting. Highway Superintendent Jeff Hayes stated that the RAM 5500 truck on order currently should be delivered to the Town by the end of December.

CORE & MAIN OFFER FOR VXU SYSTEM

Mr. Dumian stated that Core & Main is offering to purchase the Town’s old VXU water meter reader system in exchange for one year of Sensus support at no charge, a value of \$3,700. It was noted that there are still four meters being read with the old hand-held unit but the Water Department wants the Town to accept Core & Main’s offer.

UPGRADE/COURT LAYOUT

Mr. Dumian stated that Town Justice Dawn Shafer has submitted the paperwork for the grant to cover the cost of the upgrade to the Court layout and the Town is awaiting quotes for the work.

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CHANGES TO EMPLOYEE MANUAL/HEALTH INSURANCE BUYOUT

Mr. Dumian stated that the Board is going to offer a choice to employees and retirees of whether to continue in the Town-provided UHC insurance plan or opt out and choose an individual option which might be a cheaper rate.

116 STILLWATER ROAD/TRIOLO

Mr. Dumian addressed the ongoing problems with this property, adding that he is looking for “teeth” for the Court order demanding that the site be cleaned up. He added that the house is inhospitable, according to the Broome County Health Department. Mr. Dumian stated that the neighbors have complained about a dog running at large and Dog Control Officer Rick Murray has sent property owner Robert Triolo a letter regarding unlicensed dogs. Mr. Dumian stated that there is “no faster way than through the process.”

Town Attorney Mark Spinner stated that he met with Judy Frear, who lives near Mr. Triolo, and is working on an affidavit for the State Supreme Court. The Town wants a Court Order to prevent him from entering the property, with the building to be boarded up unless and enforceable cleanup plan is in place, with violation of the Order leading to arrest. Mr. Spinner stated that the Broome County Health Department does not enforce its own orders; the Town does that. He stated that Mr. Triolo will still own the property, even if the building is demolished, as the government cannot just take someone’s property. The Town can demolish the house if it presents a health and safety risk. Mr. Finch asked if Mr. Triolo could sue the Town if the house is demolished and Mr. Spinner stated that he cannot sue if it is done pursuant to the Court Order. Mr. Dumian stated that the Town can spend \$60,000 in legal fees and Mr. Triolo will still own the property.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING AN APPLICATION SUBMITTED BY
OLD DOMINION FREIGHT LINE

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian declared the Public Hearing open at 6:32 P.M. and asked those present to speak either for, or in opposition to, the application submitted by Old Dominion Freight Line.

There being no questions or public comments, Mr. Dumian declared the Public Hearing closed at 6:33 P.M.

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PUBLIC COMMENTS:

116 STILLWATER ROAD/TRIOLO

Judy Frear of Stillwater Road asked if the property at 116 Stillwater Road could be taken for foreclosure for non-payment of taxes. Mr. Spinner replied that Broome County handles foreclosures for taxes, adding that he will reach out to the County to check the status on the property at 116 Stillwater Road. Administrative Assistant Mary Plonski stated that she had researched this issue and Mr. Triolo has signed an agreement with Broome County to make partial payments on his taxes. Mr. Spinner added that there was a one-year moratorium on foreclosures, which has now been lifted.

Ms. Frear stated that there are lights on in the house, even though Mr. Triolo is not supposed to be living there. She asked if the Town could take his dog, adding that she is worried that it might not have its rabies vaccinations. Mr. Spinner replied that the Town cannot take someone's property. Ms. Frear stated that there is a growing burn pile and garbage pile. Mr. Spinner told her to keep updating Code Officer Nick Pappas, adding that he will ask for a Court date within ten days of filing.

Dale Frear, also of Stillwater Road, asked if Mr. Triolo must stay current on taxes. Mr. Spinner stated that Broome County would foreclose if the taxes were several years in arrears. She asked if Mr. Triolo can sell the property if there are liens against it, adding that Mr. Triolo and his girlfriend have been harassing her. Ms. Frear stated that Mr. Triolo's girlfriend claims she now owns the house. Mr. Spinner stated that if she and Mr. Triolo had gone through that process, there would be a filing and there is nothing filed. He added that in a land contract the land is not transferred until the last payment has been made and the transfer filed. Mr. Spinner added that the new owner would become liable for any liens against the property. Ms. Frear stated that Mr. Triolo's dog has broken loose several times and asked who she should call if it attacks her dog. Mr. Dumian stated she should call law enforcement and DCO Rick Murray, to pursue a dangerous dog action.

DELAWARE SOLAR/FALLBROOK ROAD

Daniel and Naomi Van Hart of Fallbrook Road expressed concerns about the proposed solar facility by Delaware Solar on Fallbrook Road, adding that their well is only 30 feet from the property line and the property slopes toward their property, causing them concern about runoff and contamination. They also cited concerns about the visual impact and the negative impact it might have on the property values in that area.

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Mr. Dumian stated that there is a new law in place stating that water must be tested to ensure there is no negative impact. He added that the setback requirements have been extended. Mr. Dumian stated that the Town has received the application from Delaware Solar, adding that it is in progress. He added that the facility cannot be within 300 feet of the residence, with Mr. Spinner adding that the distance is measured to the fence, not the equipment itself.

SEQRA/OLD DOMINION FREIGHT LINE

Dan Griffiths of Griffiths Engineering spoke about the Old Dominion Freight Line project on 129 and 159 Carlin Road. He stated that the parcel is 19.55 acres, adding that the new construction is being kept downslope “for the largest buffer possible.” Mr. Griffiths stated that there will be an addition in the future. He stated that the lighting will be Dark Sky compliant. There will be 84 trucks per day through three shifts, with a traffic study showing a minor impact. Mr. Griffiths stated that there will be no filling station.

Mr. Griffiths stated that a noise study showed that the worse scenario would be 55 db, with 50 db at the closest house. He stated that the trucks use white noise reverse beepers and that trucks only idle for two minutes before their auto-shutoff kicks in. Traffic will be 7 AM through 7 PM Monday through Friday, and 7 AM through 5 PM on Saturday, with the facility “mostly” closed on Sunday and holidays, although there could be some traffic on those days.

Mr. Griffiths stated that the amount of stormwater will not increase in quantity nor decrease in quality, so there will be no adverse impact on adjacent properties. Retention ponds will be added. There will be no maintenance of vehicles on site. It is a cross-docking operation. The top of the building is below the grade of the site.

William Brodsky of the Zoning Board of Appeals asked about the height of the lights. Mr. Griffiths replied that the lights are shielded downward (a shroud on an LED light) and are sitting low on the site.

Steven Howard of Rosewood Drive asked if there are backup beepers on the forklifts. Mr. Griffiths replied that there are white noise beepers on the trucks, but no alarms on the forklifts.

Mr. Griffiths stated that the trees are on grade at the back of the stormwater ponds, adding that water will flow into the nearby creek. Mr. Brodsky stated that in a short time the pine trees will have grown tall enough that people will be able to see the facility under the branches. Mr. Howard asked if Old Dominion will fix any issues that might arise. There was a question regarding signage, noting that FedEx does not have signage and truck drivers get lost and end up in the residential area. Code Officer Nick Pappas will ask FedEx to install a sign. Mr. Francisco asked if the trucks are scheduled to travel south on Corporate Drive to Route 7. Mr. Griffiths stated that this is the plan. There will be 40-50 employees at the facility. There will be fencing.

Mr. Spinner walked the Board through Part 2 of the EAF (Environmental Assessment Form), with the project listed as Type 1 under SEQRA (State Environmental Quality Review Act). It was noted that Alex Urda of Urda Engineering had reviewed Part 1 of the EAF. Mr. Boyle asked if Old Dominion is business and neighbor-friendly and willing to work with the neighbors in that area, and the representative from Old Dominion stated that they will work with the neighbors.

The Board answered the following questions in the EAF:

- 1) Impact on Land – Yes, but No or Small Impact on all six sub-questions.
- 2) Impact on Geological Features – No
- 3) Impact on Surface Water – No
- 4) Impact on Groundwater – No
- 5) Impact on Flooding – No
- 6) Impact on Air – No

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- 7) Impact on Plants and Animals – Yes, but only question g, which deals with interference with nesting/breeding, foraging, or over-wintering habits was seen as “small impact.” Everything else was “No.”
- 8) Impact on Agricultural Resources – No.
- 9) Impact on Aesthetic Resources - Yes, but Small
- 10) Impact on Historic and Archaeological Resources – No
- 11) Impact on Open Space and Recreation – No
- 12) Impact on Critical Environmental Areas – No
- 13) Impact on Transportation – Yes, Small, with a low possibility of altering the present pattern of movement of people or goods (question 13-e).
- 14) Impact on Energy – No
- 15) Impact on Noise, Odor, and Light – Yes, Small
- 16) Impact on Human Health – No
- 17) Consistency with Community Plans – No, site plan is not inconsistent
- 18) Consistency with Community Character – No, site plan is not inconsistent.

RESO 2024-199: ISSUANCE OF NEGATIVE DECLARATION REGARDING IMPACT ON ENVIRONMENT/OLD DOMINION FREIGHT LINE

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin issues a Negative Declaration regarding impact on the environment from the proposed Old Dominion Freight Line project at 129 and 159 Carlin Road.

Seconded by Mr. Farley.

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

RESO 2024-200: APPROVE APPLICATION/OLD DOMINION FREIGHT LINE, INC.

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

WHEREAS, Old Dominion Freight Line, Inc., submitted an application for the development of a 19.58-acre site that includes trucking terminal, offices, truck parking, employee parking, and all associated storm water practices, located at 129 and 159 Carlin Road; and

WHEREAS, the Town Board scheduled a public hearing at for November 12, 2024, at 6:30 p.m. 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, the Town of Conklin Planning Board reviewed the application and recommended approval of the same; and

WHEREAS, the Broome County Planning Department reviewed the application pursuant to GML § 239-m, and found no significant county-wide impacts; and

WHEREAS, said public hearing was duly held on the 12th day of November, 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 application; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town Board determined that approval of the application

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constitutes a Type I Action, as defined under said regulations. The Town Board has declared itself Lead Agency and notice was sent to all Involved/Interested Agencies. The Town Board has considered the possible environmental impacts of project. The approval of the application will not have a significant adverse impact on the environment and the Town Board adopts a negative declaration with respect thereto.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Conklin hereby approves the application of Old Dominion Freight Line, Inc. as set forth hereinabove; and

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 Road, Conklin, New York, on November 12, 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	YES
Councilman James E. Finch	YES

Dated: November 12, 2024

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk

Mr. Urda stated that the SWPPP addresses any conditions for the site. Construction is scheduled to begin in the spring.

[Recess 8:00 – 8:05 P.M.]

CORRESPONDENCE:

Mr. Dumian stated that the Town received an email thanking the Highway Department for their excellent care of Town roads. He also received a letter from Daniel and Naomi Van Hart expressing their concerns regarding the proposed solar facility on Fallbrook Road.

REPORT: HIGHWAY SUPERINTENDENT

Highway Superintendent Jeff Hayes stated that his crew has been working on leaf and brush pickup.

REPORT: CODE OFFICER

Mr. Pappas stated that in addition to working on the Stillwater Road case, he is also addressing complaints regarding a residence on Midway Drive.

REPORT: PARKS/WATER/SEWER

Mr. Dumian stated that the new pumps for the sewer station were delivered but could not be installed because the concrete floor was concave. A company had to be hired to pump out the sewer station and new concrete had to be poured. This emergency situation created an increased cost of approximately \$6,000 for the project.

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Mr. Dumian reported that the batting cages will be ordered.

REPORT: SUPERVISOR'S OFFICE

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

OLD BUSINESS:

CONKLIN POOL

Mr. Dumian stated that Mr. Francisco is working with Senator Oberacker's office on a grant for the Conklin Pool, but it does not look like it will be successful. Mr. Dumian stated that "without funding the Town cannot fix the many issues facing the pool. He added that there has also been an increase in safety issues at the pool in recent years.

NEW BUSINESS:

UPGRADE/MORE COST EFFECTIVE LIGHTING AT SCHNURBUSCH PARK

Mr. Dumian stated that his assistant, Teresa Bamber, and Administrative Assistant Mary Plonski have researched a possible upgrade of the lighting for the big field at Schnurbusch Park to LED lighting, which is more cost effective. The quote from Hoover Electric was \$38,000 for materials, not including installation. Mr. Dumian stated that the Town needs to research the hours of usage of the lights at the field. Mr. Francisco commented that LED bulbs, at a cost of \$70 or less, will fit into existing fixtures.

POSSIBLE SOLAR FACILITY/TOWN DUMP

Mr. Dumian stated that the County wishes to decommission the Town Landfill and install a solar facility. He added that Abundant Solar is also interested in leasing this site. Mr. Dumian stated that he has been receiving calls from the solar company in Georgia that owns the field where the Town aquifer is located, asking why they cannot locate a solar facility on that site.

RESO 2024-201: RATIFY PAYMENT/PITNEY BOWES/POSTAGE METER REFILL

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 \$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 2024-202: RATIFY PAYMENT/STERPDB/1/2 REGISTRATION FEE/PLANNING & ZONING SUMMIT

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 \$225.00 to STERPDB for ½ registration fee for Planning and Zoning Summit to be held on November 13, 2024, for E. Einstein, D. Boyle, and C. Ostrowsky.

Seconded by Mr. Francisco.

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

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RESO 2024-203: RATIFY PAYMENT/AMAZON CAPITAL SERVICES/REPLACEMENT WELL HOUSE SINK

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 \$513.70 to Amazon Capital Services for a replacement Well House sink.

Seconded by Mr. Francisco.

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

RESO 2024-204: RATIFY PAYMENT/PITNEY BOWES GLOBAL FINANCIAL SERVICES, LLC/POSTAGE METER RENTAL/08-10-2024 – 11-09-2024

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 \$461.64 to Pitney Bowes Global Financial Services, LLC, for postage meter rental for the period August 10 through November 9, 2024.

Seconded by Mr. Finch.

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

RESO 2024-205: RATIFY PAYMENT/BULLDOGS SPORT COMPLEX/2024-2025 BYBL BASKETBALL SEASON

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 \$3,100.00 to Bulldogs Sport Complex for the 2024-2025 BYBL Basketball Season.

Seconded by Mr. Francisco.

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

RESO 2024-206: APPROVE PAYMENT/CLAIMS #24-01075 - #24-01145/\$47,437.78

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Claims #24-01075 through #24-01145, which have been audited and approved for payment, in the total amount of \$47,437.78:

General	\$ 21,025.41
Highway	6,545.53
Light Districts	1,665.96
Sewer District #1	958.96
Water District	3,104.04
Water District #6	11,005.88
Non-Budgeted	<u>3,132.00</u>
Total	\$ 47,437.78

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Seconded by Mr. Finch.

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

RESO 2024-207: AMEND TOWN EMPLOYEE POLICY MANUAL/INSURANCE OPTION

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin amends the Town Employee Policy Manual to change the amount of \$3,750.00 to \$1,500.00 to employees who are eligible but do not participate in the health insurance plan.

Seconded by Mr. Francisco.

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

RESO 2024-208: APPROVE PURCHASE/BATTING CAGES

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the purchase of two batting cages and nets from Gopher at a cost of \$10,490.76, per Gopher quote #QT189541, utilizing Small Communities Block Grant.

Seconded by Mr. Farley.

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

RESO 2024-209: APPROVE EXCHANGE/VXU SYSTEM FOR ONE YEAR FREE SENSUS SUPPORT

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the exchange of the VXU System to Core and Main for one year of Sensus support at no charge, a value of \$3,700.00.

Seconded by Mr. Finch.

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

RESO 2024-210: APPROVE QUOTE FOR REPAIRS/COMMUNITY CENTER/OSTROWSKY BUILDERS

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the quote by Ostrowsky Builders for repairs to the Community Center, including materials and labor, for a cost not to exceed \$29,900.00.

Seconded by Mr. Finch.

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

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FLAGS

Mr. Finch asked when the American flags along Conklin Road will be taken down for the winter, noting that some are ripped. Mr. Dumian stated that they will be taken down soon, now that Veterans Day has passed, adding that the ripped ones will be replaced next spring, along with the addition of solar lights. Mr. Boyle wished all a happy Veterans Day and a Happy Birthday to the U.S. Marine Corps on November 10.

YOUTH SPORTS

Mr. Farley reported that wrestling has started, with approximately 50 youth participating. Basketball has also started for the season.

STREET LIGHTS

Mr. Francisco stated that residents should notify the Town if street lights are out or are shining in houses.

SHED AT CEMETERY

Mr. Francisco stated that a company on Front Street has sheds, with options costing from \$3,800 to \$4,500, with a five-foot door on the end of the building. He stated that it must sit on the ground on stone. Mr. Dumian stated that the shed should be anchored to the ground.

NEW SWING AT SCHNURBUSCH PARK

Town Clerk Sherrie Jacobs stated that the new swing purchased by the Conklin Kiwanis Club for Schnurbusch Park has been delivered.

RESO 2024-211: EXECUTIVE SESSION/LEGAL ADVICE

Mr. Farley moved to close the Regular Town Board Meeting and move into Executive Session at 8:44 P.M. to discuss legal advice.

Seconded by Mr. Finch.

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

RESO 2024-212: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Dumian moved to close the Executive Session and reopen the Regular Town Board Meeting at 9:24 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. Finch moved for adjournment, seconded by Mr. Dumian. The meeting adjourned at 9:25 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

