

WORK SESSION
DECEMBER 10, 2024

The Town Board of the Town of Conklin held a Work Session at 6:00 P.M. on December 10, 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
	Code Officer	Nick Pappas
	Secretary to the Supervisor	Teresa Bamber
	Administrative Clerk	Mary Plonski
	Planning Board	Sandra Beam
	Zoning Board of Appeals	William Brodsky
	Town Engineer	John Mastronardi

GUESTS:	Abundant Solar	Andrew Van Doorn
	Abundant Solar	Matt McGregor
	Barton & Loguidice	Jillian Blake
		Laurie Francisco
		Gary E. Huntley
		Joanne Huntley
		Peter J. Motsavage
		Judy Frear
		Dale Frear
		Darby Weidman
		Gretchen Van Walterop
		David Ross
		Brenda McDonough
		Paul Basti
		Lynne Stewart
		Pam Freije
		Jerry Kron
		Daniel VanHart
		Naomi VanHart
		Richard Underhill
		Glen C. Huntley
		Ken Everling
		Sue Freije
		Patty Baker

NEW RAM 5500 TRUCK

Mr. Dumian stated that the original quote the Town has for a new RAM 5500 Truck is without a salt box and salt spreader. Highway Superintendent Jeff Hayes has two new quotes and has reached out for a third quote. Mr. Dumian stated that when the Town has all three quotes, he will conduct a straw poll with the Board to move forward in ordering the truck, then ratify the purchase at the January 14, 2025 meeting.

UPGRADE/COURT LAYOUT

Mr. Dumian stated that Judge Shafer has submitted the grant application and it is being reviewed, adding that the change in layout would give the judge better visibility in terms of who is coming into the Court room.

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116 STILLWATER ROAD/TRIOLO

Mr. Dumian stated that he has received complaints from Robert Triolo, owner of 116 Stillwater Road, concerning Town of Conklin employees. Mr. Dumian stated that he explained to Mr. Triolo that his dogs must be licensed and their rabies vaccinations must be up-to-date. Mr. Dumian stated that the Town Dog Control Officer must start over with the Town's dangerous dog case against Mr. Triolo's male dog, Aslan. Mr. Triolo's other dog, a female, reportedly killed another dog at Tractor Supply in Vestal. A Court date for the case of the female dog's attack was scheduled for December 10 but was postponed as Mr. Triolo is rumored to be in the hospital. One dog is at the Front Street Dog Shelter and the other is at the Broome County Humane Society.

Mr. Dumian stated that the Town is following the legal procedure in regard to Mr. Triolo's house. An inspection was done on the building and it was found to be structurally safe, although Mr. Triolo "has a long way to go" in terms of cleanup, stated Mr. Dumian. He stated that the Department of Social Services inspected the house and deemed it "not inhabitable," so the building was placarded as such. Mr. Dumian stated that the Town is redrafting a letter to Mr. Triolo about the property, adding that he "wants to see remediation." He stated that Mr. Triolo needs to clean the structure until it is "livable and safe." Town Attorney Mark Spinner stated that the building, according to the inspection, has no electricity, no heat, no septic service, and no furniture, with buckets of water being used to flush the toilets. He added that the inspector stated that battery-powered lights are being used to clean after dark, but Mr. Triolo "does not appear to be living there." Mr. Spinner stated that the legal threshold is "Is the structure a danger to the public?" He added that it "does not appear to be." Mr. Dumian stated that the structure is a hazard to firefighters and emergency medical staff. Mr. Spinner stated that a report would be made to the Board and a Notice would be sent to Mr. Triolo allowing him to have a hearing before the Board to create a plan to remedy the situation. He stated that if Mr. Triolo does not appear at the hearing, the Board can then vote to board up the building. Mr. Spinner stated that the Town cannot move forward at this time because Mr. Triolo is not living in the house.

UPGRADE/LIGHTING AT SCHNURBUSCH PARK

Mr. Dumian stated that he met with Mr. Francisco and there are no records in regard to the lights/bulbs in Schnurbusch Park, adding that the Town will need to rent a lift to properly inspect the fixtures. He stated that Cooper Electric is willing to work with the Town on this project.

POSSIBLE SOLAR FACILITY/TOWN LANDFILL

Mr. Dumian stated that he left a message with the solar company that is interested in possibly constructing a solar facility on the Town Landfill in the Broome Corporate Park. He added that decommissioning the Landfill would be beneficial to the Town.

BATTING CAGE TURF

Mr. Dumian stated that the Town is looking at the timeline for installation of the batting cages.

COMMUNITY CENTER ELECTRICAL QUOTE

Mr. Dumian stated that the Town received a quote from MO Electric of \$2,500.00 for electrical work/repair at the Community Center, which he stated is a "very fair price." He added that the Board is talking to the contractor scheduled to do construction repairs at the Community Center about the potential timeline.

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2002 VOLVO

The Town Board agreed to put the 2002 Volvo on the Auctions International site to see if there is any interest in purchasing it.

WILLIAMSPORT RULES/BASEBALL & SOFTBALL

Mr. Dumian stated that because there are some “enthusiastic volunteers” and “great young athletes” in the Town of Conklin Youth Sports baseball and softball program, adoption of the Williamsport Rules is being considered. He stated that the negative result of this move would be that some 13-year-olds would age out and not be able to play. He stated that the Williamsport Rules do not exclude any children based on their skill level. Mr. Dumian stated that Maine-Endwell has a Williamsport baseball and softball program but it is separate from the Town Youth Sports Program. He stated that he would be in favor of adopting the Williamsport Rules “if the Town of Conklin has control” of the program. Mr. Dumian added that the Town of Binghamton would be invited to participate, adding that the Town of Kirkwood seems to be on board with this decision. He stated that there has been some talk about an increase in cost to the players, which he stated he does not favor.

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PUBLIC HEARING
TO RECEIVE INPUT REGARDING APPLICATION BY
ABUNDANT SOLAR POWER TO ESTABLISH SOLAR POWER
FACILITY AT 327 HARDIE ROAD

PRESENT: Same as listed on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian declared the Public Hearing open at 6:32 P.M. and invited those present to speak either for, or in opposition to, the application by Abundant Solar Power to establish a solar power facility at 327 Hardie Road.

Pamela Freije of Shaw Road stated that she is “highly opposed” to the proposed solar facility, adding that it abuts her property. She stated that she believes the parcel is landlocked. Ms. Freije stated that there are a number of questions that have not been answered about the proposed facility. Mr. Dumian stated that “the Town cannot deny it without good cause.” Town Attorney Mark Spinner stated that public opposition can be “taken into consideration but is not considered a viable cause.” Mr. Dumian stated that the Board’s goal is “to protect the residents as best we can.”

Ms. Freije asked about the setback requirement, which is 100 feet from the property line. She asked if the decibel level is above the Town limit and Mr. Dumian replied that it is not. Town Engineer John Mastronardi has reviewed the application and stated that the setback meets the Town requirement. Andrew Van Doorn of Abundant Solar Power stated that an independent review of the noise level had been conducted and explained the study, which he stated was done on November 24, 2023. William Brodsky of the Zoning Board of Appeals asked if the study included the utilities equipment and Mr. Van Doorn stated that it did. Mr. Dumian stated that this testing is a requirement in the Town’s solar law. Mr. Mastronardi discussed the results of the test.

Ms. Freije asked about radiation from the solar facility and Mr. Mastronardi replied that the data had been submitted and analyzed and the conclusion is that there is no danger to humans. Richard Underhill of Hardie Road stated that he is concerned with radiation because his wife is battling cancer, adding that his property value will go down if the solar facility is installed. “What will they do for us?” he asked. “Who benefits?” Ms. Freije stated that the Town already has “enough solar,” adding that this proposed facility is “too close to residences.” She asked if the facility will pose a fire hazard and Mr. Van Doorn replied, “No.” Ms. Freije stated that the fire department will not be able to access the facility. Mr. Dumian stated that there will be no battery storage at the proposed facility.

Daniel Van Hart of Fallbrook Road stated that a different solar company has proposed to install a solar facility three hundred feet from his house and one hundred feet from the property line. Ms. Freije asked again, “What is the benefit to the Town of Conklin?” Mr. Dumian explained that the Town cannot ban solar and must have a legal cause to deny a particular application. Mr. Spinner stated that without the solar law, the solar company could apply as a public utility provider, adding that the law was written to regulate solar facilities. Jillian Blake of Barton & Loguidice stated that the proposed facility on Hardie Road meets the setback requirements.

Glen Huntley expressed concern about radiation. Mr. Van Doorn stated that solar facilities do not radiate anything. Mr. Underhill asked about magnetic radiation, and Mr. Van Doorn stated that the voltage is equivalent to that of a refrigerator or the electrical panel in a basement. Mr. Underhill stated that the area is a wetlands area, and Mr. Van Doorn stated that the facility is designed around the wetlands. Mr. Underhill asked, “What will you do for us?” Mr. Van Doorn

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stated that the Town will receive tax revenue from the property. He added that his company “has not done any clearing” and will plant thick, fast-growing evergreen trees to form a “green wall.” Paul Basti commented that he had found “survey markers on my property.” Returning to the topic of radiation, Mr. Van Doorn stated that there is no radiation from aluminum and glass conductors; that is only found in high voltage solar farms and that is not what is planned for this facility.

Sandra Beam of the Town Planning Board stated that appearance is an issue, adding that residents “do not want to look at” the solar facility. “There is no benefit from it,” she said. Mr. Van Doorn stated, “We want to work with our neighbors,” adding, “the grid needs power.” He added that a “visual barrier” will be installed to help hide the solar panels. Glen Huntley asked if the company is considering using goats or sheep to graze the grass in the facility and Mr. Van Doorn stated that his company is trying to do that. Mr. Huntley stated that there is “no place to dispose of the panels” and Mr. Van Doorn stated that there are now more places where the panels can be recycled. Mr. Dumian added that there is a bond requirement for decommissioning, including any underground lines.

Mr. Huntley asked if the revenue from the facility will be enough to keep taxes down, and Mr. Dumian replied, “Not enough for a tax reduction, but any revenue helps.” Ms. Freije asked about the proposed solar facility on the Town Landfill and asked, “How much is too much?” She asked what would constitute legal cause to deny the application and Mr. Dumian replied it could be setbacks not met or testing failure. Mr. Spinner explained that the EAF (Environmental Assessment Form) looks at environmental impact, adding that the Board cannot deny the application if all the requirements are met.

Mr. Huntley asked if the DEC (NYS Department of Environmental Conservation) can deny the application, and Ms. Blake stated that the application required permits from the Army Corps of Engineers and the DEC, a SWPPP (StormWater Pollution Prevention Plan), and sampling. It was noted that the Special Permit must be renewed every three years with testing required. Mr. Basti asked if individual wells had been tested and Ms. Blake stated that they were not tested.

Jerry Kron of Ahern Road asked if the Town Assessor is considering a revaluation of the Town. Mr. Dumian stated that the PILOT program will reduce the taxes for the solar company. Mr. Kron asked if the public will know the number of the tax revenue from the company. Mr. Spinner explained that the Town, Broome County, and the Susquehanna Valley School District must all agree to the PILOT. Mr. Kron asked if there will be storage of power on site and Mr. Dumian replied no, per Town Solar Law. Mr. Kron asked about fire protection and Mr. Dumian replied that there is 24-hour fire protection. Mr. Kron countered that there is not 24-hour access because of trains being stopped on the railroad tracks. Mr. Dumian stated, “We have addressed this with the railroad company.” Mr. Kron asked about the panels catching fire and Mr. Van Doorn stated, “The panels do not burn.” Mr. Huntley commented that the railroad pays a fine for blockage of the tracks.

Mr. Spinner reiterated that “no government can deny property owners of their property rights without due cause.” He explained that the Town would receive revenue through a Host Community Agreement for 25 years, adding that the PILOT would increase 2% per year in amount of taxes paid. Mr. Dumian stated, “This is not a great driving revenue source.”

Mr. Dumian kept the Public Hearing open until the January 14, 2025 Town Board meeting.

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PUBLIC COMMENTS:

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HOURS OF CONKLIN CEMETERY FOR BURIALS

Darby Weidman questioned why the Conklin Cemetery is not open for burials after 1:00 P.M., adding that it should be open when funeral directors need it. Mr. Dumian stated that Town personnel resources, required to open graves and oversee burials, are limited. He added that “communication to the right people is key,” in response to a recent miscommunication over a burial.

116 STILLWATER ROAD/TRIOLO

Dale Frear of Stillwater Road asked if property owner Robert Triolo does not appear at his hearing if the Board will petition the Court for a new Court Order. Mr. Spinner stated that, if that happens, the Board will petition the Court to be able to board up the property until Mr. Triolo appears before the Board to explain his plans for the property. She asked who will do the inspections and how often will they be done. She asked if the inspections will be random. Mr. Dumian stated that the Town cannot do random inspections because it cannot send personnel onto the property without a Court Order. Ms. Frear asked what is the criteria for “not living there.” “What do you need to prove that he’s living there?” She stated that his rumored “medical issues” have “delayed Court proceedings for years.” Mr. Spinner stated that Mr. Triolo will be personally served for the hearing with the Board. Judy Frear of Stillwater Road asked if they should submit more evidence. Mr. Spinner suggested giving any evidence to Code Officer Nick Pappas, including any pictures. Mr. Spinner stated that if the property becomes boarded up as unsafe, the neighbors can call law enforcement if Mr. Triolo enters the building. Mr. Dumian added that if Mr. Triolo does not appear for the hearing with the Board, the building will be boarded up immediately, reiterating that he must be personally served. It was noted that garbage can only be in the yard for 14 days or he will be fined. Ms. Dale Frear asked about Mr. Triolo’s dogs and Mr. Dumian stated that a new Court date of December 18 has been set in the Vestal Court for the dangerous dog case there allegedly involving one of Mr. Triolo’s dogs.

CORRESPONDENCE:

Mr. Dumian stated that he had received numerous correspondence from solar companies and complaints regarding 116 Stillwater Road.

REPORT: HIGHWAY DEPARTMENT

Mr. Dumian stated that Highway Superintendent Jeff Hayes is waiting for a third quote on a new RAM 5500 truck. The Board will consider putting the 2002 Volvo on Auctions International.

REPORT: CODE OFFICE

In addition to the issues with 116 Stillwater Road, Mr. Dumian would like to see increased work with the owner of a house on Conklin Road with similar violations and issues.

REPORT: PARKS/WATER/SEWER DEPARTMENT

Mr. Dumian provided an update from Parks/Water/Sewer Team Leader David Kilmer. Mr. Kilmer’s department organized the SCADA room in the Castle; decorated the Town Hall outside for Christmas; winterized Schnurbusch Park and the pool, including closing and locking the gates and discontinuing trash and septic services until spring; cleaned out the building at JR Park; called for Dig ticket for batting cages; installed a hydrant and winterized all hydrants in town; installed a stainless steel sink at the well house; installed a new meter at Conklin Fire Station #1; installed and repaired meters and radios; installed SCADA upgrades at the well and sewer stations; prepped main break equipment; did some cleanup work at Conklin Cemetery; removed the flags from Conklin road; repaired the furnace at the Community Center and

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acquired a quote for outside light repairs; mowed and trimmed the Landfill; and drained the collection tank with approval.

REPORT: SUPERVISOR'S OFFICE

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

OLD BUSINESS:

UPGRADE/LIGHTING/SCHNURBUSCH PARK

Mr. Dumian stated that the Town needs to get a lift, perhaps from MO Electric, to properly examine the lights at Schnurbusch Park. Mr. Boyle stated that he will ask the Conklin Volunteer Fire Department if the Town could use their ladder truck for this purpose.

POSSIBLE SOLAR FACILITIES

Mr. Dumian stated that the Town has been approached about the possibility of installing a solar power facility on the Town Landfill in the Corporate Park. He also stated that he had an initial meeting regarding a proposed solar facility at 930 Conklin Road but is wary about that site because it is the site of the Town's aquifer and only wells.

BATTING CAGE TURF

Mr. Dumian stated that the Board will discuss the turf for the batting cages after they are installed.

NEW BUSINESS:

BASEBALL & SOFTBALL WILLIAMSPORT RULES

Mr. Dumian stated that more information will be forthcoming about the Williamsport Rules and how they might impact the Town sports program.

RESO 2024-213: RATIFY PAYMENT/RICOH USA, INC./RENTAL/TOWN CLERK
COPIER/11-14-2024 – 12-13-2024

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

Seconded by Mr. Finch.

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

RESO 2024-214: 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. Boyle.

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

**RESO 2024-215: APPROVE USE OF REMAINING ARPA FUNDS/
SEWER 5 PUMP PROJECT**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the use of the remaining ARPA Funds towards Sewer 5 Pump Project at an amount of \$67,577.87.

Seconded by Mr. Francisco.

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

**RESO 2024-216: APPROVE PAYMENT/ACTUAL COST/SUBURBAN SEPTIC/
USE OF TWO PUMPER TRUCKS/JR SEWER STATION**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the actual cost to Suburban Septic for the use of two pumper trucks at the JR Sewer Station at a cost of \$15,200.00, amending Resolution 2024-151.

Seconded by Mr. Farley.

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

**RESO 2024-217: RATIFY PAYMENT/RICOH USA, INC./RENTAL/TOWN CLERK
COPIER/12-14-2024 – 01-13-2025**

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 the Town Clerk copier for the period of December 14, 2024, through January 13, 2025.

Seconded by Mr. Boyle.

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

RESO 2024-218: RATIFY PAYMENT/CLAIMS #24-01153 - #24-01191/\$141,132.38

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 #24-01153 through #24-01191, which have been audited and approved for payment, in the total amount of \$141,132.38:

General	\$ 23,343.90
Highway	1,570.15
Sewer District #1	105,994.26
Water District	8,352.07
Non-Budgeted	<u>1,872.00</u>
Total	\$141,132.38

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Seconded by Mr. Finch.

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

RESO 2024-219: APPROVE PAYMENT/CLAIMS #24-01197 - #24-01238/\$54,293.06

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 #24-01197 through #24-01238, which have been audited and approved for payment, in the total amount of \$54,293.06:

General	\$ 24,347.07
Highway	3,642.89
Light Districts	1,695.60
Sewer District 31	16,329.64
Water District	<u>8,277.86</u>
Total	\$ 54,293.06

Seconded by Mr. Francisco.

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

RESO 2024-220: APPROVE PURCHASE & INSTALLATION/REPLACEMENT LED CANOPY LIGHTS/COMMUNITY CENTER/MO ELECTRIC, LLC

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the purchase and installation of replacement LED canopy lights at the Community Center by MO Electric, LLC, at a cost not to exceed \$3,500.00.

Seconded by Mr. Finch.

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

PUBLIC COMMENTS: None.

QUOTE/SURVEY & ANALYSIS/RIGHT OF WAY/WHISTLE DESIGN

Mr. Boyle presented a quote from Whistle Design for \$2,500.00 for analysis and survey of a Right-of-Way between Tax Map No. 194.04-1-34 and 194.04 – 35 (the site of the sewer station near the Minoia property). The Board will take this into consideration.

RESO 2024-221: EXCHANGE EXPRESS 8.5 X 20 FOOT DOUBLE AXLE TRAILER/FOR 7 X 16 X 7 FOOT DOUBLE AXLE TRAILER/J & J TRAILER & AUTO

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the exchange of one Express 8.5 by 20-foot black double-axle trailer for one black 7 by 16 by 7-foot Express double-axle trailer at an even cost at J & J Trailer and Auto.

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Seconded by Mr. Farley.

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

YOUTH SPORTS

Mr. Farley stated that the wrestling team had its first tournament of the season on December 8.

CEMETERY RATES

Mr. Francisco presented the current cemetery rates so that the Board could consider whether or not to change them for 2025. It was discussed that the 1:00 PM deadline for burials is due to the fact that it gets dark earlier now and starting later than 1:00 PM would involve overtime for the Parks Department.

CHILDREN'S CHRISTMAS PARTY

Town Clerk Sherrie Jacobs reminded those present that the annual Children's Christmas Party will be held December 14, 2024, at the Community Center.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 9:14 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk