

REGULAR TOWN BOARD MEETING
SEPTEMBER 11, 2018

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on September 11, 2018, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance and a moment of silence to remember those lost in the terrorist attacks on September 11, 2001.

PRESENT: Town Board Members Boyle, Farley, Platt, Francisco, Dumian

Town Counsel	Nathan Van Why
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Brian Coddington
Secretary to the Supervisor	Lisa Houston
Code Officer/Dog Control Officer	Nick Vascello
Administrative Assistant	Mary Plonski
Crew Leader	Tom DeLamarter

GUESTS:

	Laurie Francisco
	Merton Caskey
	Betty S. Caskey
	Tracey Evans
	Linda Thomas
	John Thomas
	John Colley
Stacie Duncan	Tom Kelly
LeRoy Jenkins	Halkaft Doski
Jackie Penny	Rick Penny
Karen Deliman	Wendy Zaic
Linda Arnold	Tom Zaic
Candy Cathy	Tina Summa

MINUTES: AUGUST 14, 2018 REGULAR TOWN BOARD MEETING

Highway Superintendent Brian Coddington stated that the August 14, 2018 Regular Town Board Meeting minutes should be corrected on page 3 under “2019 Budget” to stated that the transfer of monies from Unappropriated Funds was to pay for **500 tons** of blacktop, rather than **500,000 tons**. Secretary to the Supervisor Lisa Houston stated that these minutes should be corrected on page 3, under RESO 2018-99 to read **DA5110-4** rather than **DA110-4**. Mr. Platt moved to approve the August 14, 2018 Regular Town Board Meeting minutes with the above corrections.

Seconded by Mr. Francisco.

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

MINUTES: AUGUST 21, 2018 SPECIAL TOWN BOARD MEETING

Mr. Francisco moved to approve the August 21, 2018 Special Town Board Meeting minutes as presented.

Seconded by Mr. Farley.

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

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OLD BUSINESS:

FLOOD UPDATE

Mr. Dumian stated that part of the issue with flooding from Carlin Creek in Schnurbusch Park is a drainpipe that needs repair. He stated that there is vacant property near the old pumphouse in the park that the Town is considering purchasing, with the intent of rerouting drainage from the park so that it can drain properly.



PUBLIC HEARING
TO RECEIVE PUBLIC COMMENTS ON THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROJECT #272ed877-16, ASSISTANCE TO DICK’S SPORTING
GOODS

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian opened the Public Hearing at 6:35 P.M. and asked those present to speak either for, or in opposition to, Community Development Block Grant (CDBG) Project #272ED877-16, Assistance to Dick’s Sporting Goods, and the funding amount of \$750,000.00. He explained that this grant was for internal equipment at the new Dick’s Sporting Goods facility and that the Public Hearing is required to close out the grant.

Stacy Duncan of The Agency stated that Dick’s Sporting Goods received a grant in the amount of \$750,000.00 to purchase equipment and has spent \$3,250,000. She stated that one requirement of the grant was that the new Dick’s Sporting Goods facility provide 60 jobs for people with low income and added that 60 of the over 200 new jobs created at the new facility are held by people who previously had low income.

There being no further questions or public comments, Mr. Dumian declared the Public Hearing closed at 6:37 P.M.



CORRESPONDENCE:

While he had no written correspondence, Mr. Dumian stated that he received numerous calls from residents regarding damage caused by the recent flash flooding.

PUBLIC COMMENTS:

DAMAGE FROM FLASH FLOODING

Candy Cathy of 13 Corbettsville Road asked who is responsible for the creek between the bridge and Route 7 – the Town or New York State. Mr. Dumian replied that the Town’s legal team is researching this question. Ms. Cathy stated that the stream bank has been eroded, which will allow the creek to overflow and cause property damage. Mr. Dumian agreed that there is “not much gap at the bridge,” which he added belongs to New York State.

Rick Penny of 23 Corbettsville Road, which he added is located “right next to the creek,” stated that the ID numbers on the bridge, which belongs to the Town, indicate that the Town “is

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responsible for 100 feet each way of the bridge,” according to the New York State Department of Transportation (DOT). Mr. Dumian responded that he has conflicting information, which stated that the Town has 50% responsibility and New York State has the other 50% of responsibility for the creek from Route 7 to the bridge. He stated that part of the question is who is responsible for the creek upstream of the bridge.

Wendy Zaic of 19 Corbettsville Road asked, “What are we supposed to do while people decide?” She added that the bridge owned by New York State “fills up with garbage and makes us sitting ducks.”

Tina Summa of 28 Corbettsville Road agreed that residents in the area are “sitting ducks,” adding that flash flooding has caused damage to her property twice in August. Ms. Summa stated that the creek bank is eroding and she is losing land from her property. She added that there are two trees in the creek. “I can’t do this over and over,” she said.

Linda Arnold of Carlin Road stated that her basement was flooded by a creek that is one-eighth of a mile from her home. “Who are our advocates?” she asked. “Do you monitor the creeks proactively? Why weren’t the trees cleared out?” Highway Superintendent Brian Coddington replied that water alone, not blockage, caused the flooding, citing a high saturation level of the ground and a large amount of rain in a short time as contributing factors. He stated that the culvert pipes in the Town cannot handle a rainstorm of that magnitude, adding that the only one that held in the recent storm was the culvert pipe on Wilcox Road.

Mr. Dumian stated that representatives from New York State in conducting a flood damage assessment cited greater storms, adding that he does not know where the funds are (from the State) to remediate this situation properly. Mr. Dumian stated that New York State will only fund to the same level as existed pre-flood, it will not fund making the situation better. He stated that it will only fund 15% of any improvements. Mr. Dumian stated that it would cost \$2 million to replace the culvert on Banta Road, adding that the Town is talking about “huge numbers,” and getting no help from FEMA (Federal Emergency Management Agency). Code Officer Nick Vascello added that he compiled a list of properties affected by the flash flooding and sent it to Broome County.

Ms. Arnold stated that she needs names, asking “Who do we put pressure on?” She suggested hiring more workers for the Highway Department. Mr. Dumian replied that he is getting no response from Governor Cuomo and suggested that the residents write to the Governor directly. Ms. Arnold asked if the local corporations owe something to the residents and suggested reaching out to them for assistance. “That’s on them,” stated Mr. Dumian. “I can’t speak for them.” He added that the Town cannot legally solicit assistance from corporations. He suggested contacting Broome County Executive Jason Garnar.

Mr. Penny asked, “Who will be liable for damage?” He added that FEMA representatives state that their agency was never contacted regarding ongoing problems with drainage in the Banta Road/Corbettsville Road area. Mr. Dumian stated that representatives from New York State, Broome County, the Town of Conklin, and Griffiths Engineering met recently regarding the bridge.

John Thomas of Banta Road stated that this is the fourth time his property has sustained severe damage, noting that it cost \$15,000 to cover his corn field after the soil was washed away and adding that “no one from the Town of Conklin came to talk to me.” He addressed the Supervisor and the Board and stated, “You are paid by the taxpayers. Declare an emergency and clean the

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creek.” Mr. Thomas also stated that there are issues with the culvert pipes on Banta Road. He stated that the railroad bridge does not have a bottom, so the creek can be cleaned, but both the Corbettsville Road bridge and the Route 7 bridge have bottoms that catch gravel and get plugged. He stated that the gravel needs to be removed.

Mr. Thomas stated that new culvert pipes are a “waste of time.” He stated that he had heard rumor that the Town is considering building a new road, getting rid of the bridge, and making Corbettsville Road a dead end. He stated that if this happens it will ruin his corn sale business on Corbettsville Road, adding that it is a “bad idea.” Mr. Thomas suggested that the Town investigate flood control structures used in other parts of the state, which he explained catch brush and debris.

REPORT: SUPERVISOR’S OFFICE

Report is filed in the office of the Town Clerk.

OLD BUSINESS:

FLOODING

Mr. Dumian recapped some of the earlier discussion regarding flooding on Corbettsville Road and Banta Road, Schnurbusch Park, and Fallbrook Road. He reiterated that New York State will only fund remediation to pre-flood levels, not improvements to the drainage systems. He stated that Broome County was looking for a list of small businesses that were affected by the recent flash flooding.

NEW BUSINESS:

2019 TENTATIVE BUDGET

Copies of the 2019 Tentative Budget were distributed to Board members. Mr. Dumian asked the Board to review the Tentative Budget and bring suggestions to the next meeting.

MORE PUBLIC COMMENT:

DEBRIS FROM FLOODING

Jackie Penny of Corbettsville Road stated that debris, including siding and Styrofoam, ended up in her yard after the flash flooding, adding that she is worried about her property and the erosion of soil. Mr. Thomas stated that the debris is from an “illegal dump” on the Peters property. Rick Penny asked why tires weren’t included in the debris pickup and Mr. Dumian stated that Broome County “wouldn’t waive the tipping fee” on tires. Linda Thomas thanked Mr. Vascello, stating that she called him about debris and he “took care of the problem.”

REZONING 919 CONKLIN ROAD

Halkaft Doski requested permission to rezone 919 Conklin Road, currently zoned R12 (Residential), to Commercial so that he can create a used car lot on the property. The Board questioned whether this might be considered spot zoning and Town Attorney Nathan Van Why explained what spot zoning is, noting that the re-zoning would be a Town Board decision, and that the property in question is located in a flood zone. Mr. Doski stated that the lot is 80 feet by

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180 feet, but he would only utilize 45 feet by 60 feet of it. Mr. Dumian stated that the request must first go to the Planning Board for its recommendation. Code Officer Nick Vascello asked if the Board would like the request sent to the Planning Board for its input and Mr. Dumian stated yes, if that is what Mr. Doski wishes to do.

STILLWATER ROAD DRAINAGE PROJECT BID OPENING RESULTS

Mr. Dumian stated that the State had “pushed the bid process” for the Stillwater Road Drainage Project and added that the bids were opened on September 5. He stated that Griffiths Engineering has reviewed the bids and recommends low bidder ZMK Construction, who bid \$183,000 to complete the project. The new drainage system would drain water from Route 7A to the Susquehanna River at a point near Fountain Bleau Mobile Home Park and Pride Manor Mobile Home Park. Mr. Dumian stated that GOSR (Governor’s Office of Storm Recovery) must approve the bid, adding that he is hoping the project will be completed by the end of 2018.

RESO 2018-114: ACCEPT BID/ZMK CONSTRUCTION
CORPORATION/STILLWATER ROAD STORMWATER IMPROVEMENTS
PROJECT/SUBJECT TO REVIEW AND APPROVAL BY GOSR

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the bid from ZMK Construction Corporation on the Town of Conklin’s Stillwater Road Stormwater Improvements Project under the New York Rising Community Reconstruction Program; the contract for this project, funded by the Department of Housing and Urban Development’s Community Development Block Grant, Disaster Recovery Program, is hereby tentatively awarded to ZMK Construction Corporation, subject to review and approval of the contract and other relevant documents and issuance of written consent to award and contract with said vendor by the Governor’s Office of Storm Recovery (GOSR).

Seconded by Mr. Francisco.

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

Mr. Dumian thanked Mr. Boyle for his suggestions to change the project plan to make it more effective and easier to maintain.

RESO 2018-115: AUTHORIZE SUPERVISOR OR DESIGNEE/SIGN NECESSARY
DOCUMENTS TO CONTINUE WITH STILLWATER PROJECT

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes William Dumian, Jr., Town Supervisor, or designee, to sign those documents (Applicant/Recipient Disclosure/Update Report and Request for Project and/or Construction Contract(s) Approval) from GOSR, NYS, and U.S. HUD, necessary to continue with the Stillwater Project.

Seconded by Mr. Platt.

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

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RESO 2018-116: ACCEPT DONATION/SKYLARK DINER/FIELD USE

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts a donation in the amount of \$50.00, account code A2705, from Richard Kober/Skylark Diner for field use.

Seconded by Mr. Francisco.

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

RESO 2018-117: RATIFY PAYMENT/U.S. POSTAL SERVICE/3RD QUARTER WATER & SEWER BILLING

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #14292, account codes SW8310.4 and SS1 8310.4, in the amount of \$315.00 to the U.S. Postal Service for postage for 3rd Quarter Water and Sewer Billing.

Seconded by Mr. Platt.

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

RESO 2018-118: RATIFY PAYMENT/WILLIAM DUMIAN, JR./FLOOD EMERGENCY MILEAGE REIMBURSEMENT

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #14294, account code A8760.4, in the amount of \$95.93, and of check #14311, account code A8760.4, in the amount of \$60.51, both paid to William Dumian, Jr., for flood emergency mileage reimbursement.

Seconded by Mr. Francisco.

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

RESO 2018-119: AUTHORIZE PAYMENT/PRE-APPROVED AUGUST 28, 2018 BILL LIST/\$98,717.80

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following pre-approved August 28, 2018 Bill List in the total amount of \$98,717.80:

General	\$ 18,135.52
Highway	66,905.81
Light Districts	2,293.84
Sewer Districts	3,336.76

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Water District	2,486.87
Non-Budget	<u>5,559.00</u>
Total	\$ 98,717.80

Seconded by Mr. Boyle.

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

RESO 2018-120: AUTHORIZE PAYMENT/BILL LIST/\$23,319.94

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$23,319.94:

General	\$ 11,823.73
Highway	4,023.87
Sewer District	17.63
Water Districts	276.82
Water District 6	<u>7,178.89</u>
Total	\$ 23,319.94

Seconded by Mr. Farley.

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

RESO 2018-121: AUTHORIZE MODIFICATION/STATED FROM AND TO BUDGET
LINES/AS OF SEPTEMBER 11, 2018

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes modification of the stated From and To Budget Lines, as of September 11, 2018 (see attached).

Seconded by Mr. Farley.

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

Mr. Dumian explained that these transfers were needed to pay for the LED lighting at the Town Hall, concrete repair and the new generator.

RESO 2018-122: AUTHORIZE APPROPRIATION/UNANTICIPATED
REVENUE/EFFECTIVE AUGUST 14, 2018

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes appropriation of unanticipated revenue, effective August 14, 2018 (see attached).

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Seconded by Mr. Farley.

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

Mr. Dumian explained that these funds are needed for more blacktop for road repair.

PUBLIC COMMENT:

FLASH FLOODING

Candy Cathy asked who Mr. Dumian spoke with at New York State and he replied that he will check the protocol for giving out contact information. Wendy Zaic stated that she appreciated Highway Superintendent Brian Coddington's efforts at the last flood.

John Thomas stated that New York State has an easement from the 1930's or 1940's allowing the creek to be cleaned from the bridge upstream.

RESO 2018-123: EXECUTIVE SESSION/PERSONNEL

Mr. Farley moved to close the Regular Town Board Meeting and move into Executive Session at 7:25 P.M. to discuss a personnel issue.

Seconded by Mr. Francisco.

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

An Executive Session of the Town Board of the Town of Conklin was held at the Conklin Town Hall at 7:25 P.M. with Supervisor William Dumian, Jr., presiding. Present were: Supervisor Dumian, Mr. Boyle, Mr. Farley, Mr. Platt, Mr. Francisco, and Attorney Nathan Van Why. Mr. Dumian assumed duties of secretary of the meeting.

A discussion was held pursuant to Public Officers Law section 100 of the State of New York regarding the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

RESO 2018-124: RE-OPEN REGULAR TOWN BOARD MEETING

After this discussion, Mr. Boyle moved to close the Executive Session and re-open the Regular Town Board Meeting at 8:07 P.M.

Seconded by Mr. Farley.

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

There being no further business to come before the Board, Mr. Boyle moved for adjournment, seconded by Mr. Farley. The meeting adjourned at 8:07 P.M.

Respectfully submitted,

Sherrie L. Jacobs, Town Clerk

