

REGULAR TOWN BOARD MEETING
FEBRUARY 11, 2020

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on February 11, 2020, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

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

Town Counsel	Cheryl Sacco
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Brian Coddington
Secretary to the Supervisor	Laurie Gregory
Code Officer	Nick Pappas
Administrative Assistant	Mary Plonski
Parks/Water/Sewer Superintendent	Tom DeLamarter

GUESTS: Country Courier Elizabeth Einstein
John Colley
LeRoy Jenkins

MINUTES: JANUARY 28, 2020 WORK SESSION AND REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the January 28, 2020 Work Session and Regular Town Board Meeting minutes as presented.

Seconded by Mr. Farley.

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

CORRESPONDENCE:

Mr. Dumian acknowledged receipt of correspondence from Shumaker Consulting, Engineering, and Land Surveying, D.P.C., regarding inspection of the Town Landfill. He added that there has been “significant savings” on this annual expense.

PUBLIC COMMENTS: None.

REPORT: SUPERVISOR’S OFFICE

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

OLD BUSINESS:

PROSPECTIVE SALE OF 29 JR BOULEVARD

Town Attorney Cheryl Sacco stated that the Board has already declared the property at 29 JR Boulevard surplus, adding that the fact that the property is for sale was mentioned in an article in the **Country Courier**, and no one has responded except the original interested party. This person stated that he will pay the taxes and sewer bond payment, as he wants to buy the property to mow and maintain. The parcel is too small to be built on. Ms. Sacco stated that the Board can sell the property, at a minimum price of \$300.00, if it so chooses.

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COMMUNITY CENTER/WELLNESS CENTER

Mr. Dumian stated that he is still considering funding options for the Community Center/Wellness Center, including a B.A.N. (Bond Anticipation Note) or a short term bond. He stated that these are issued for five or ten years and usually carry a penalty for early payoff. Mr. Dumian stated that no payment is required for the first twelve months with a B.A.N., so the Town could use only what it needed. He stated that by February 14, he must send documents to GOSR (Governor's Office for Storm Recovery) proving that the Town has permission to take out a B.A.N. , adding that NBT Bank, with whom he is working, should have the necessary documents tomorrow or Thursday. Mr. Dumian stated that he has a meeting with representatives from GOSR and from Delta Engineering, who are providing engineering services for the project, on February 12 at 3 P.M., so he will have more information after that meeting.

Mr. Dumian stated that he met with representatives from Ascension Health and is negotiating the term of the lease agreement. He stated that the Town wants a 7 year low-cost lease then re-examine the situation while Ascension wants a guaranteed rate lease for 15 years. He added that he needs a Letter of Intent from Ascension this week.

Mr. Dumian stated that he has been discussing the possibility of leasing the Maines Community Center to Broome County for its Yesteryears Program for older adults, as a source of revenue for the Town to help fund the new Community Center. He reminded the Board that the final payment on the Town Hall will be paid in 2021. Ms. Sacco stated that the Bond Permissive Referendum has been published, adding that after 30 days the Estoppel Notice must be published, after which time the Town can borrow money to fund the Community Center.

Mr. Dumian stated that groundbreaking for the project would probably occur in late May or early June. He again stressed the importance of having a Red Cross ready shelter out of the flood zone, adding that the new facility will have 3,500 square feet of space. Mr. Dumian agreed with Mr. Boyle's statement at an earlier meeting that the high cost of Architectural and Engineering services already paid should insure that there will not be Change Orders for the project.

1539 CONKLIN ROAD

Mr. Dumian stated that Douglas Ritter, who owns 1539 Conklin Road, had a February 3 deadline by which all needed repairs to his building were supposed to be completed. He stated that there have been multiple phone calls, meetings at the site, and documents with a detailed list of needed repairs involving Mr. Ritter, Mr. Dumian, Mr. Boyle, and Code Officer Nick Pappas. Mr. Dumian stated that he last spoke with Mr. Ritter two weeks ago, adding that the Town "has tried to work with him so he can move forward." Mr. Pappas, Mr. Boyle, and Mr. Ritter all met on site on February 11. Mr. Ritter stated at that time that he wants the term "condemned" lifted from his building. He is not following the Town's requirements or agreements, and he stated that he "will rent" the building anyway, adding that "I think I can beat this in a court of law." Mr. Dumian stated that the safety concerns regarding the building have not been addressed. He stated that Mr. Ritter has stated that he "will not make any repairs until the term 'condemned' is lifted."

Mr. Boyle stated that the upstairs apartment is "close to ready to rent," adding that Mr. Ritter could move the one downstairs tenant upstairs while renovations were being done on the downstairs apartment. However, he stated, the back porch is unsafe, adding that if two people were to be on the porch at the same time, it could collapse. Mr. Boyle added that the windows on the front of the building are still broken and boarded up, which he stated creates a fire hazard

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in that in the event of an emergency, the person inside could not use the windows to escape the building.

Mr. Dumian stated that the tenants were removed from the second floor apartment after a church group working in the building and DSS (Department of Social Services) both expressed concerns regarding the building. He added, “This is why the Town of Conklin is involved and why we have Code laws – to protect people’s lives.” Mr. Dumian stated that Mr. Ritter wanted an Executive Session with the Town Board, which is not allowed. Ms. Sacco stated that there are other legal options to pursue, adding that she could advise the Board in a recess for legal advice, and then the Board could decide at the February 25 meeting on the best course of action. “He’s had due process. It’s time to move forward,” stated Mr. Dumian.

NYS DOT UPDATE/PASSING ON RIGHT IN SCHOOL ZONE

Mr. Dumian stated that he spoke with the Lead Engineer for the New York State Department of Transportation (NYS DOT) regarding the Town’s request to put a plan in place to eliminate passing on the shoulder of the road in the school zone at Susquehanna Valley High School campus. He stated that a plan has been submitted to the Senior Account Engineer for approval and the Lead Engineer is awaiting approval of the plan. Mr. Dumian stated that he will have more information at the February 25 Town Board meeting.

NEW STREET LIGHTS

Mr. Francisco stated that he addressed the Town’s concerns regarding some street lights that had not been converted to LED (Light Emitting Diode) lights and was told that all the lights that were on the Town’s inventory have now been changed. He stated that the NYSEG (New York State Electric and Gas Company) representative with whom he spoke stated that if the lights have not been changed, they were never on the Town’s inventory and the Town has not been paying for them. Mr. Francisco stated that the new rate structure is in place. He stated that he has heard many compliments about the new lights and only a few complaints, mostly about the lights not working. He stated that he will conduct a survey of lights in the Town that have not been converted and will have them put on the inventory. Mr. Francisco added that this change will “save a ton of money.” Parks Superintendent Tom DeLamarter asked if the lights in Schnurbusch Park will be converted. Mr. Francisco stated that NYSEG plans to change all of the lights, reiterating that the Town will “save \$40,000 per year.” He stated that the salvage cost was \$25,000. Mr. Boyle asked about the angle of the lights to the street and Mr. Francisco stated that the NYSEG representative stated that all the lights have been adjusted.

MAINTENANCE OF FEMA PROPERTIES

Mr. Dumian opened the discussion regarding maintenance of FEMA (Federal Emergency Management Agency) properties and developing a process for dealing with unexpected issues on these properties by recapping the situation of the camper on Shipman Road, which was discussed at the last Board meeting. In that case, a camper was parked illegally on FEMA property and people were living in it and strewing garbage around. When the Town informed the owners of the camper that they were on Town-owned property, they moved the camper to another FEMA property. The Town asked a New York State trooper to check on the situation. The owners then wanted to move the camper into the driveway of the adjacent house, which they would be allowed to do. The Town advised them that they are trespassing on Town property and must move the camper and clean up the garbage.

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Mr. Dumian stated that the Town needs a process with which to address situations like these. Mr. Boyle stated that Broome Security used to do investigations to determine if the garbage left behind could lead to the perpetrators. Mr. Dumian stated that the Town needs to prevent people from dumping garbage on FEMA property and asked the Board for ideas. Mr. Pappas stated that the grass is low currently, so any dumping or littering that has occurred is readily visible.

Mr. Boyle asked Mr. DeLamarter if the Sheriff's Department weekend workers are available to clean up garbage in the winter. Mr. DeLamarter replied that he usually only utilizes them in the summer but he will research availability during winter months. Mr. Dumian stated, "The Town of Conklin is not a garbage service," adding that municipalities, the County, and the State pick up debris at the side of the road, but that is the extent of it.

Mr. Boyle again suggested contacting Broome Security. Highway Superintendent Brian Coddington suggested mounting trail cameras. Mr. Dumian replied, "I don't want policing action." He stated that a Neighborhood Watch group would be a useful way to proceed. Those trespassing would have to appear in Town Court and would be given due process.

HIGHWAY DEPARTMENT/WINTER PARKING VIOLATIONS

Mr. Coddington stated that the Highway Department has issued several warnings to people in violation of the winter parking regulations, as well as issuing one ticket for a vehicle parked on Wilcox Road.

ABANDONED VEHICLES OFF CONKLIN ROAD

Mr. Pappas stated that Gary's U-Pull-It will remove two abandoned vehicles that were discovered in an area off Conklin Road.

RESO 2020-29: APPROVE THE SALE
OF REAL PROPERTY LOCATED AT 29 JR BOULEVARD

Offered by: Supervisor Dumian

Seconded by: Councilman Francisco

WHEREAS, the Town of Conklin, New York, desires to sell the property consisting of .15 acres located at 29 JR Boulevard, Tax Map # 161.08-1-39; and

WHEREAS, the value of said property has been assessed at a value of \$300.00; and

WHEREAS, the Town Board has received an offer of \$300.00 from George McKay to purchase said property; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to accept the offer of \$300.00 and sell said property to George McKay;

NOW THEREFORE, BE IT RESOLVED, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Town Board that the sale of said property is a Type II Action as defined under the SEQRA regulations.

RESOLVED, that the Town Board previously declared said property to be surplus property and no longer needed for municipal purposes; and further

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RESOLVED, that the Town Board hereby determines that the above-referenced property located at 29 JR Boulevard shall be sold to George McKay for the amount of \$300.00; and further

RESOLVED, that the Town Board hereby authorizes the Conklin Town Supervisor to execute any and all documents that are necessary and proper to sell said real property; and further

RESOLVED, that, pursuant to Town Law § 64(2), this resolution is subject to a permissive referendum.

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 the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on February 11, 2020. Said resolution was adopted by the following roll call vote:

Supervisor William Dumian, Jr.	YES
Councilman Willis M. Platt	YES
Councilman Charles Francisco	YES
Councilman Dell Boyle	YES
Councilman William Farley	YES

Dated: February 11, 2020

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk
Town of Conklin, New York

NEW BUSINESS:

STATE OF THE COUNTY ADDRESS

Mr. Dumian stated that a representative from Broome County Executive Jason Garnar's office is scheduled to appear at the February 25, 2020 Board meeting at 6:30 P.M. to provide an abbreviated version of the State of the County address.

SNOW REMOVAL/NEW COMMUNITY CENTER & WELLNESS CENTER

Mr. Dumian stated that he discussed with the representative from Ascension Health that, as part of the lease, Ascension would have to employ private snow removal, at least part of the time, as the Town equipment would not always be available during its open hours of 6:30 A.M. until 2:00 P.M.

RESO 2020-30: AUTHORIZE SUPERVISOR/EXECUTE AGREEMENT/BOLAND'S EXCAVATING & TOPSOIL, INC./CONKLIN STREAM REPAIR PROJECT

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to execute an agreement with Boland's Excavating and Topsoil, Inc., for work on the Conklin Stream Repair Project.

Seconded by Mr. Platt.

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

Mr. Dumian commented that this project is to repair damage done by the August 2018 Flood.

RESO 2020-31: APPROVE DCO/ELMER MURRAY/ATTEND NYS DEPARTMENT OF AGRICULTURE & MARKETS ANNUAL DCO/ACO CONFERENCE

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Elmer Murray, Town of Conklin Dog Control Officer, to attend the New York State Department of Agriculture and Markets Annual DCO/ACO Conference from May 6 through 7, 2020, in Guilderland, New York, at a cost of \$60.00 registration, plus all necessary travel and lodging expenses, account code A3510.4.

Seconded by Mr. Farley.

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

RESO 2020-32: APPROVE TOWN CLERK/SHERRIE JACOBS/ATTEND ANNUAL NYSTCA CONFERENCE

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Town Clerk Sherrie Jacobs to attend the annual New York State Town Clerks Association Conference from April 26 through 29, 2020, in Albany, New York, at a cost of \$125.00 registration fee, plus all necessary travel and lodging expenses, account code A1410.4.

Seconded by Mr. Francisco.

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

RESO 2020-33: AUTHORIZE SUPERVISOR/SIGN SHUMAKER 2020 LANDFILL CONTRACT

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Supervisor to sign the Shumaker 2020 Landfill Contract SCE NO. R09357.12.

Seconded by Mr. Farley.

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

RESO 2020-34: AUTHORIZE PAYMENT/BILL LIST/02-06-2020/\$341,185.12

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List dated February 6, 2020, for the 2020 fiscal year in the total amount of \$341,185.12:

General	\$ 10,499.12
Highway	16,093.15
Water Districts	161.77
Sewer Districts	33,241.08
Fire District	272,550.00

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Non-Budgeted	\$ 8,640.00
Total	\$ 341,185.12

Seconded by Mr. Farley.

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

RESO 2020-35: AUTHORIZE PAYMENT/BILL LIST/02-06-2020/\$1,885.73

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List dated February 6, 2020, for the 2019 fiscal year in the total amount of \$1,885.73:

General	\$ 438.17
Highway	<u>1447.56</u>
Total	\$ 1,885.73

Seconded by Mr. Platt.

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

PUBLIC COMMENTS: None.

UPDATE/MEETING IN ALBANY WITH NYS LEGISLATORS

Mr. Boyle reported that he and Town of Windsor Supervisor Carolyn Price traveled to Albany to meet with New York State legislators to discuss issues affecting upstate New York. He summarized the discussions by stating that “they are in favor of anything they can tax.” Mr. Boyle stated that the deficits in budgets of big cities across the state are “huge.” He stated that the State Legislature had removed money from the budget for education regarding ticks and Lyme disease but due to pressure from the Upstate Association of Towns restored the funding for that education. Mr. Farley thanked Mr. Boyle for the update.

CARLIN ROAD RAILROAD CROSSING

Mr. Farley reported that he is still working with the railroad company to make the closed Carlin Road railroad crossing a “no whistle” area.

YOUTH SPORTS

Mr. Farley reported that the Town Basketball program is almost wrapped up, with the end of season party to be held this week. He stated that the Wrestling program will end on February 24 for Novice Class, noting that 12 wrestlers will go on to compete at the State level.

Mr. Francisco stated that the Town Board will present a plaque to the Susquehanna Valley Sabers Football Team, New York State Champions, at the February 19 School Board meeting to be held at 6:00 P.M.

SEWER RATES

Mr. Francisco asked if the Binghamton-Johnson City Sewage Treatment Board is once again raising the sewer rates for Town of Conklin users. Mr. Dumian stated that it is very frustrating to attend meetings of the Sewage Treatment Board, as no one is allowed to speak except members of that board, which seems to only want input from its own board members. He stated that this is another unfunded mandate, citing the long-term contract between the Town and the Sewage Treatment Board. Mr. Dumian added that the residents of Conklin “can’t afford these increases.”

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MAINES COMMUNITY CENTER RENTALS

Mr. Francisco stated that he had asked Town Clerk Sherrie Jacobs to compile a report of rentals for the Floyd Maines Community Center for 2019. He added that the Community Center is being well utilized, with 47 rentals last year. Ms. Jacobs added that the total net revenue brought in from the rentals was \$6,050.00, with \$2,300.00 in security deposits refunded. She stated that the Community Center is already booked in 2020 for every Saturday in February and April, and the first Saturday in March.

ICE SKATING PARTY RESCHEDULED

Ms. Jacobs stated that the Conklin Kiwanis Ice Skating Party has been rescheduled for February 22, from 11 A.M. to 2 P.M.

STATE OF THE TOWN

Reflecting some more on the downstate/upstate New York difference and the deficits in major cities in the State, Mr. Dumian stated that Conklin “tries to run on a very lean basis,” seeing a cost savings of \$400,000 to \$500,000 over the last three years. He added that there is “always room for process improvement and added efficiency.”

RESO 2020-36: RECESS FOR LEGAL ADVICE

Mr. Dumian moved to close the Regular Town Board Meeting at 7:45 P.M. to move into a recess for legal advice.

Seconded by Mr. Boyle.

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

A recess for legal advice was held at the Conklin Town Board meeting at 7:45 P.M. Present were: Supervisor Dumian, Mr. Boyle, Mr. Farley, Mr. Platt, Mr. Francisco, Code Office Nick Pappas, and Town Attorney Cheryl Sacco. Ms. Sacco assumed duties of secretary for the recess for legal advice.

RESO 2020-37: RE-OPEN REGULAR TOWN BOARD MEETING

Mr. Dumian moved to close the recess for legal advice and re-open the Regular Town Board Meeting at 8:12 P.M.

Seconded by Mr. Francisco.

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

A short discussion was held regarding presentation of the plaque to the SV Football Team at the School Board meeting.

There being no further business to come before the Board, Mr. Dumian moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 8:13 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

