

REGULAR TOWN BOARD MEETING

APRIL 28, 2020

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on April 28, 2020, via Zoom. 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
Code Officer	Nick Pappas
Secretary to the Supervisor	Laurie Gregory
Administrative Assistant	Mary Plonski

MINUTES: APRIL 14, 2020 REGULAR TOWN BOARD MEETING

Mr. Boyle had noted that the April 14, 2020 Regular Town Board Meeting minutes should be corrected on page 4 to state that the concession stand at Schnurbusch Park is worth about **\$42,000** not **\$4,200**.

Mr. Francisco moved to approve the April 14, 2020 Regular Town Board Meeting minutes with the above correction.

Seconded by Mr. Platt.

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

CORRESPONDENCE:

Mr. Dumian stated that he received correspondence from Delta Engineering about bid evaluations and award recommendations and cost reasonableness for the Wellness and Community Center. He stated that there were conflicting numbers in total cost vs. amount of accessible funding, but added that “we’re fine,” as the confusion is on the part of GOSR (Governor’s Office for Storm Recovery). He stated that the Town has more than \$2.6 million left from the grant from GOSR, but their books only showed \$2.4 million remaining. Mr. Dumian stated that Mr. Boyle saved that Town a substantial amount of money on the Stillwater Road Drainage Project but that saved money hadn’t been transferred back to the Wellness Center project. He stated that GOSR is working on adjusting the accounts so that they are correct.

Mr. Dumian also stated that he has spoken with Broome County Executive Jason Garnar and was told that the \$300,000 promised by Broome County is not part of the grant money that has been put on hold during the COVID-19 pandemic, so the Town will still receive that financial assistance for this project. Mr. Dumian also stated that he told the engineering firm for the project, “No Change Orders should be necessary.” He stated that he is also working with The Agency on obtaining CFA (Community Funding) monies.

Mr. Boyle asked if the radiant heat had been removed from the bid contracts and Mr. Dumian stated that it has been removed to decrease the cost of the project. He added that Delta Engineering is working with the low bidders on the project, adding that they “need to work out the numbers.” Mr. Dumian stated that the stone veneer for the building and the backup generator were also removed, although he added that Code Officer Nick Pappas could pour a concrete pad for the generator at some future time. Mr. Boyle also stated that the federal government has issued \$9 million in loans for local governments.

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PUBLIC COMMENTS: None.

REPORT: SUPERVISOR'S OFFICE

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

OLD BUSINESS:

PARK DRAINAGE

Mr. Dumian stated that the Town does not yet have the necessary signed easement for the Schnurbusch Park Drainage Project, adding that the property owner wants more details regarding the intended scope of work, which he will provide to the property owner. He stated that the DEC (New York State Department of Environmental Conservation) has put all park projects on hold during the pandemic, but hopes to be able to help with the project in May. Mr. Dumian stated that he would like to see this project completed by the end of May. Mr. Boyle stated that he can assist the Highway Department with the project. Mr. Dumian stated that the Town will make sure the project gets done properly. Mr. Francisco asked if the DEC is still looking for access near the pavilion and Mr. Dumian stated that this is what the DEC wants, so that it can clean snags and other drainage obstacles in the Susquehanna River.

FILLING IN FLOOD PLAINS

Mr. Dumian addressed filling being done by the property owner at 1280 Conklin Road, stating that he is bringing in fill and changing the flow paths and drainage on his property which is in the 100 Year flood plain. Mr. Dumian stated that this area is part of the Army Corps of Engineers wetlands, not DEC wetlands, so are not of concern to the DEC. Mr. Dumian stated that, when asked who gave him permission to bring in fill, the property owner replied, "I was told it's fine." He never asked the Town about the process required to bring in fill.

Mr. Pappas stated that filling in the flood plain requires a permit with a fee of \$200 and engineers' plans for water displacement. The property owner in question spoke with Mr. Boyle about the area and Mr. Boyle advised him not to bring in any fill.

Mr. Dumian stated that at another site on Conklin Road, also in the flood plain, there is a huge pile of millings from the Susquehanna Valley High School blacktop project stored next to E. L. Tires, owned by Scott Landers.

Mr. Dumian stated, "People need to follow the process" – the \$200 permit and the engineers' plans for water displacement. Mr. Pappas issued a Stop Work Order to 1280 Conklin Road on April 26. Mr. Boyle stated that he does not like the fee requirement, but wants to move the process along, adding that no more fill should be brought into these areas. Mr. Boyle stated that if someone brings in clean fill they must remove an equal amount. Town Attorney Cheryl Sacco stated that the Town is required to have this law in place. Mr. Dumian stated that moving dirt around is allowed but a property owner cannot change water flow patterns. Mr. Boyle stated that he thinks the situation with 1280 Conklin Road is a "neighbor vs. neighbor dispute." Mr. Pappas asked how the Town should set the ground rules for moving forward. Mr. Boyle suggested the issuance of a "simple permit," without fees. Mr. Dumian stated that the \$200 fee pays for the Town Engineer to review the plans that are submitted to the Town.

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Mr. Farley stated, "We have a process and law in place. Follow them." He added that he lives on the Susquehanna River. Mr. Dumian stated that no filling at all is allowed in the floodway near the river.

Mr. Platt stated that the Town has laws to "control people who think they are above the law." He added that when someone fills in their property, it moves the water to someone else's property. Mr. Francisco commented that when fill was put in behind the car wash on Conklin Road, it altered the water flow towards Warner Gas, and the process was stopped and the property owner was required to remove all of the fill they had brought in to the area. Mr. Dumian stated that the owner of 1280 Conklin Road must remove the fill he brought in. Mr. Francisco stated, "We have laws for a reason."

Mr. Dumian asked if the Town needs to revisit the existing laws, adding that the Town wants people to help with drainage but at the same time must protect other people from getting flooded. He added that the Code Officer must be able to do his job, adding that he has been acting as a buffer between the Code Officer and the public. Mr. Dumian stated that he wants to simplify the process and keep his office out of the process. He wants to enforce the laws in a way that residents can work with the Town.

Mr. Dumian stated that the Code office will be sending letters to people who are filling without a permit. All of the Board members approved of this action except Mr. Boyle, who stated he is "50-50" on the action. Mr. Boyle stated that he "has no problem with the permit" requirement, but has an issue with the fees. He stated that it is "easy with the DEC or Army Corps signing off" approving the filling. He asked why the Town Engineer also needs to review the plans. Mr. Farley replied, "Because the Town issues the permit." Mr. Dumian added, "If the area in question is in the 100 Year or 500 Year Flood area but not in DEC or Army Corps of Engineers wetlands." Mr. Boyle stated that those are "old laws," adding that newer laws allow cleaning out of waterways. Mr. Pappas countered that when waterways are cleaned out, fill is removed, not added. Mr. Dumian stated that cleaning out water ways and moving material out are good things for the Town, but filling in the flood plain is a different situation and requires a permit. Ms. Sacco stated that there have been suggestions for increase in separated water for the MS4 law, but she is not sure any have been approved. Mr. Dumian stated that a SWPPP (Storm Water Pollution Prevention Plan) is required.

SALT BARN UPDATE

Mr. Dumian stated that the pad for the foundation of the Salt Barn has been approved, but Hybrid Solutions, who will construct the building, has not been deemed an "essential business" during NY- PAUSE, so cannot build the structure currently.

PROCESS CONTROL

Mr. Dumian discussed the process for obtaining clean fill permits outside of the flood plain. He stated that if less than one acre is disturbed, the permit costs \$25. If more than one acre will be disturbed, a \$200 permit and engineers' plans are required. He stated that people add to their property and must consider length x width x depth of the area being filled, adding that "laws make sure you don't disturb your neighbor's property and change flow paths." Sometimes barriers like silt fences are required. Mr. Dumian stated that some residents are exceeding the one acre limit without providing the necessary plans, adding "we are all on the same playing field." He cited several examples on Conklin Forks Road, Kabanek Road, and Powers Road in which the property owner was close to or was exceeding the one acre permit. Mr. Dumian asked

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the Board for input regarding the best way to handle these situations, adding it is not “do first, ask later.”

Mr. Boyle stated that the properties can be smoothed out so it is “not a dump.” Mr. Dumian stated, “You can’t push water on someone else’s property.” Mr. Pappas stated that the property in question on Powers Road is over the one acre limit and would need a SWPPP from the DEC and a permit. Mr. Dumian asked if this seems unreasonable and Mr. Boyle stated that it is not unreasonable. He asked if the permit is an annual fee and Mr. Dumian replied that it is an open permit. Mr. Farley stated that he is ok with the Town’s process and suggested that the Code Officer send a letter to the property owner when filling is close to one acre. Mr. Pappas stated that the filling on Powers Road goes on regularly, adding that the noise of the trucks is not fair to the neighbors.

Mr. Platt stated, “Do what you want to do unless you step on other people’s rights. The Code Officer must be able to do his job.” Mr. Francisco agreed, adding that the Town must “keep a handle on situations. Mr. Dumian stated, “Consistency breeds accuracy” and favors a simple process. “And limits litigation,” added Ms. Sacco.

Mr. Dumian stated that there have been violations of the Town Code with residents not getting the necessary permits even for construction. A discussion followed of the best ways to handle such situations, with Mr. Dumian stating, “If we need to look at the laws to simplify them, we can. People need to follow the process.”

NEW BUSINESS:

COVID-19 DOORS AT TOWN HALL

The Town Board discussed changing the doors of the offices which interact with the public to accommodate safety when the Town re-opens from the COVID-19 shutdown. The doors of the offices of the Town Clerk, Secretary to the Supervisor, Water and Code Office, and Assessor will have a window and shelves on either side installed in the doors with a pass through area for the public and the staff member to sign and exchange paperwork. The Justice Clerk office already has this type of door. Other options for mobile sneeze guards were discussed but most of the Board felt that a permanent solution was needed, as the building will eventually re-open for DMV and voting. A budget of \$1500 was set for the project.

RESO 2020-54: AUTHORIZE SUPERVISOR/AUTHORIZE INSTALLATION OF COVID-19 SEPARATION DOORS AT TOWN HALL/COST NOT TO EXCEED \$1500

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes the Town Supervisor to authorize installation of COVID-19 separation doors at the Town Hall at a cost not to exceed \$1,500.

Seconded by Mr. Farley.

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

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**RESO 2020-55: CANCEL WORK SESSIONS AND TOWN BOARD MEETINGS/
MAY 26, JUNE 23, JULY 28, & AUGUST 25**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels the Work Session and Town Board Meetings on May 26, June 23, July 28, and August 25, 2020 (the second meeting of each month). On the dates of the first meeting of each month, a Work Session will be held at 6:00 P.M., followed by a Regular Town Board Meeting at 6:30 P.M.

Seconded by Mr. Farley.

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

**RESO 2020-56: AUTHORIZE SCHEDULING OF EIGHT CONCERTS IN THE PARK
FOR 2020/\$375 EACH/TO BE HELD AT THE NEW PAVILION AT 956 CONKLIN
ROAD**

Mr. Dumian moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes scheduling of eight Concerts in the Park for 2020, at a cost of \$375 each, to be held at the new pavilion located at 956 Conklin Road.

Seconded by Mr. Platt.

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

**RESO 2020-57: APPROVE DELTA ENGINEERING'S RECOMMENDATION/AWARD
GENERAL CONSTRUCTION/WELLNESS CENTER/F.E. JONES**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Delta Engineering's recommendation to award the Conklin Wellness Center and Community Center bid for General Construction to F.E. Jones, the lowest responsible bidder, for the total bid price of \$2,098,220.00.

Seconded by Mr. Farley.

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

**RESO 2020-58: APPROVE DELTA ENGINEERING'S RECOMMENDATION/AWARD
PLUMBING CONSTRUCTION/WELLNESS CENTER/EVANS MECHANICAL**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Delta Engineering's recommendation to award the Conklin Wellness Center and Community Center bid for Plumbing Construction to Evans Mechanical, the lowest responsible bidder, for the total bid price of \$501,400.00.

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Seconded by Mr. Platt.

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

**RESO 2020-59: APPROVE DELTA ENGINEERING'S RECOMMENDATION/AWARD
MECHANICAL CONSTRUCTION/WELLNESS CENTER/J&K PLUMBING &
HEATING**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Delta Engineering's recommendation to award the Conklin Wellness Center and Community Center bid for Mechanical Construction to J & K Plumbing and Heating, the lowest responsible bidder, for the total bid price of \$304,000.00.

Seconded by Mr. Francisco.

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

**RESO 2020-60: APPROVE DELTA ENGINEERING'S RECOMMENDATION/AWARD
ELECTRICAL CONSTRUCTION/WELLNESS CENTER/SCHULER-HAUS**

Mr. Platt moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves Delta Engineering's recommendation to award the Conklin Wellness Center and Community Center bid for Electrical Construction to Schuler-Haus, the lowest responsible bidder, for the total bid price of \$251,475.00.

Seconded by Mr. Francisco.

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

**RESO 2020-61: RATIFY PAYMENT/BOLANDS EXCAVATING/FEMA SMALL
STREAMS PROJECTS**

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #16885, account code DA 8760.4, in the amount of \$42,847.00 to Bolands Excavating for contracted work on FEMA Small Streams Projects #72475 and #72470, Purchase Order #20-00482.

Seconded by Mr. Platt.

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

**RESO 2020-62: RATIFY PAYMENT/THE HARTFORD/FIRST QUARTER
DISABILITY INSURANCE**

Mr. Francisco moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #16884, various account codes, in the amount of \$206.10 to The Hartford for payment of First Quarter Disability Insurance, Purchase Order #20-00481.

Seconded by Mr. Farley.

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

RESO 2020-63: APPROVE PAYMENT/BILL LIST/04-24-2020/\$144,660.91

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List dated April 24, 2020, in the total amount of \$144,660.91:

General	\$ 14,871.53
Highway	6,200.92
Water Districts	3,729.79
Sewer Districts	118,675.22
Light Districts	<u>1,183.45</u>
Total	\$144,660.91

Seconded by Mr. Platt.

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

PUBLIC COMMENTS: None.

TRAINING REQUIREMENTS/PLANNING BOARD & ZONING BOARD OF APPEALS

Ms. Sacco reminded the Board of the importance of training requirements being fulfilled by members of the Planning Board and the Zoning Board of Appeals.

DRAINAGE & SAFETY ISSUES

Mr. Boyle stated that there is a thin rock near the railroad tracks at Carlin Road which he stated, if someone were to stand on it and it broke, would drop that person ten feet and so presents a dangerous situation. He asked if perhaps ZMK Construction would remove the stone.

Mr. Boyle stated that there is debris building up in Schnurbusch Park near the gates which is impeding drainage.

RAILROAD CROSSING/CARLIN ROAD

Mr. Farley stated that he has had no contact from the railroad company regarding the Town's request that train whistles not be blown at the closed Carlin Road crossing.

FLOOD INSURANCE

Mr. Platt asked about the flood insurance on the concession stand at Schnurbusch Park, discussed at the April 14 meeting. Mr. Dumian stated that all of the flood insurance was grouped together

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in 2019, which is the reason no one noticed the \$7,000 cost of flood insurance for the concession stand, the value of which is estimated at \$42,000. He added that the Town is not paying this amount and the concession stand currently is uninsured.

STREET LIGHTS

Mr. Francisco stated that he is working with NYSEG (New York State Electric and Gas Corporation) regarding the street lights in Conklin and has a document signed to send to NYSEG to convert three more lights to LED lighting. He stated that there are two more that need to be converted to LED lighting and three that are out of alignment.

YOUTH SPORTS/SUMMER FUN/FOOD DISTRIBUTION

Mr. Dumian stated that spring Youth Sports have been cancelled because of the COVID-19 shutdown, and the Summer Fun Program is in question as to whether or not the State will allow it this year. He stated that another food distribution will occur later this week in conjunction with the distribution by the SV School District.

With regard to earlier discussion of process control, Mr. Dumian stated, "We are here to work with the public, but sometimes we must take tough stances."

There being no further business to come before the Board, Mr. Boyle moved for adjournment, seconded by Mr. Farley. The meeting adjourned at 9:03 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk