

REGULAR TOWN BOARD MEETING
AUGUST 12, 2025

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on August 12, 2025, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

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

GUESTS:	Delaware River Solar Power	Mollie Messenger
	Delaware River Solar Power	Melissa Lomas
	Delaware River Solar Power	Michael Boncado
	Delaware River Solar Power	Marty Meriwether
	Conklin Volunteer Fire Dept.	Paul Jacobs
		Laurie Francisco
		Daniel VanHart
		Naomi VanHart
		Tony Marascia
		Derek Pavelski
		Dennis J. Pavelski

MINUTES: JULY 8, 2025 REGULAR TOWN BOARD MEETING

Mr. Francisco moved to approve the July 8, 2025 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Farley.

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



PUBLIC HEARING
TO RECEIVE INPUT REGARDING APPLICATION BY DELAWARE RIVER SOLAR
POWER TO ESTABLISH A SOLAR FACILITY ON FALLBROOK ROAD

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Dumian declared the Public Hearing open at 6:03 P.M. and asked those present to speak either for, or in opposition to, the application by Delaware River Solar Power to establish a solar facility on Fallbrook Road.

Derek Pavelski of Fallbrook Road stated that he read in the Board minutes from July 8 that Delaware River Solar Power representatives stated that they had contacted all of the neighbors, yet he never has been contacted by the solar company. He stated that his family had farmed that area since 1990 and he is not in favor of solar power, adding that he is Vice President of the local Farm Bureau. Mr. Pavelski is concerned about the water quantity and quality of his shallow spring, which is his water source for his home. Mollie Messenger of Delaware River Solar Power

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stated, "We are trying to work with all the neighbors. We have been focused on the visual aspects, but we are open to suggestions from the neighborhood." She stated that the company will address Mr. Pavelski's water concerns. Mr. Dumian asked if the site plan's SWPPP (Storm Water Pollution Prevention Plan) addresses the runoff issue and Ms. Messenger stated that the runoff sheds away from the solar project and will be diverted to existing swale. She added that Town Engineer John Mastronardi has the site plan SWPPP. Mr. Pavelski commented that Fallbrook Creek is at maximum capacity when it rains. Mr. Dumian asked if retention ponds are part of the remediation plan and Ms. Messenger replied, "I'm not sure retention ponds are the right answer." Town Attorney Mark Spinner asked if Delaware River Solar Power could send a link with their site plan and other documents to Town Clerk Sherrie Jacobs to put on the Town website. Ms. Messenger stated that her company will do that as soon as the adjustments from tonight's Public Hearing have been made to the site plan.

Daniel Van Hart of Fallbrook Road stated that his property is closest to the proposed project and he is opposed to it, citing concerns with visual impact and runoff. He stated that he also has not been contacted by Delaware River Solar Power. "I don't want to see it," stated Mr. Van Hart. "Make the trees sufficient height to block it from Day 1." He asked who enforces the criteria of the site plan. Mr. Dumian replied that the Town Code Officer, Nick Pappas, and the Town Engineer will enforce the conditions of the site plan, adding that there is ground water testing required before and during the construction process. Mr. Dumian added, "The Town didn't solicit solar power. The solar law was enacted to give the Town some control over where facilities are located." He added that there are two more potential solar facilities that would be located in Conklin.

Mr. Van Hart stated that his well is only 100 feet deep. He added that it is "their job to shield the view" (the solar company). It was noted that there is already a solar facility in the Broome Corporate Park. Mr. Pavelski stated that there is "enough NYSERDA money around" to make it work for the solar companies, adding that Conklin will become "the Mecca of solar." Mr. Dumian reiterated that the solar law is in place to prevent solar companies from filing an Article 78 against the Town with New York State, if the Town were to deny all solar facilities. An Article 78 essentially overrides Town law with the NYS law. In response to a question about what would happen if a solar company goes bankrupt, Mr. Dumian explained that there is a decommissioning bond in place for that reason.

Mr. Pavelski asked if the local volunteer fire department can handle the situation if there is a fire at the solar facility. Do they have access to a foam truck? Mr. Dumian stated that the solar law prohibits storage of batteries, so any fire would be an electrical fire. Ms. Messenger stated that the solar company's emergency plan has been submitted to the Town. She added that many fire departments request ATVs so that personnel can access the site, with the strategy being to set up a perimeter to isolate and control the burn. Ms. Messenger stated that training is set up with the local fire department and it was noted that Conklin Fire Chief Bill Gorman just received the information from Delaware River Solar Power and will be contacting the company. Tony Marascia asked if a fire break is planned and Ms. Messenger explained that the setback is 25 feet from the fence and all foliage in that area is removed. Mr. Pavelski asked about grass maintenance and Ms. Messenger stated that there is a maintenance schedule for grass and for snow removal to allow access to the facility. Mr. Dumian added that the solar law prohibits grass above ten inches in height.

Mr. Marascia asked if there is a tax advantage for the Town for having the solar facility located here. Mr. Dumian stated that there will be a PILOT (Payment In Lieu Of Taxes) agreement and incentives with New York State. Ms. Messenger added that the Town will receive commercial tax from the facility. Mr. Pavelski asked if this facility will be the largest in Conklin, and Mr. Dumian confirmed that, at 7 megawatts, it is the largest, with the new Abundant Solar facility being 5 megawatts.

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Mr. Pavelski asked about the right-of-way off Fallbrook Road. Mr. Dumian read excerpts from a letter from Mark and Sharon Vitanza expressing safety concerns about adding traffic to that area. Mr. Pavelski stated that he agrees but thinks it is the best spot for access. William Brodsky of the Zoning Board of Appeals stated that the field cannot be de-energized in the event of an emergency and asked where the disconnects are located. He also asked how long it would take for a company representative to be on site in the event of an emergency. Ms. Messenger stated that a local agent would be available in an emergency, adding that the site is monitored constantly.

Mr. Pavelski noted that there are trees planned near Mr. Rickard's house (owner of the nearby golf course). Ms. Messenger stated that her company is providing a visual assessment for everyone. Mr. Van Hart stated that if deciduous trees are planted, the facility will be visible during the winter months. Mr. Pavelski suggested extending the tree line. Mr. Dumian left the Public Hearing open and will continue it at the September 9 Town Board meeting.

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PUBLIC COMMENTS: None.

CORRESPONDENCE:

Mr. Dumian reiterated that he had received an email from Mark and Sharon Vitanza regarding the proposed Delaware River Solar Power facility. He stated that he also received information from Meier Supply about a proposed addition to their building in the Corporate Park, as well as receiving complaints about chickens and roosters in the Town.

REPORT: HIGHWAY DEPARTMENT

Highway Superintendent Jeff Hayes stated that his department has been busy with paving, mowing, picking up brush, maintaining ditches and road shoulders, and tree removal. He stated that the new truck has been delivered and was immediately put into service. Mr. Dumian asked if the Highway Department could create a blacktop access ramp near the Court entrance for people with disabilities, and Mr. Hayes stated that he would have his department take care of it.

REPORT: CODE OFFICER

Mr. Dumian addressed the issue of the Code violations at 1298 Conklin Road, stating that Code Officer Nick Pappas has tried to make contact with owner Nathan Cross, but has been unsuccessful. Mr. Dumian stated that the situation is getting worse instead of better and asked the Board if they want to pursue taking this case to the New York State Supreme Court. Mr. Farley stated that he is in agreement with that path. Mr. Dumian stated that Mr. Cross has presented "many excuses," including financial hardship, which Mr. Dumian stated could be alleviated if Mr. Cross would sell some of the scrap metal on his property. If the Town has to remove the materials that are in violation of the Town Code, the money for the scrap metal would be applied to the legal fees the Town would incur. Mr. Cross has been to the Town Court several times. Mr. Spinner asked if the Board wants him to serve notice again to Mr. Cross and Mr. Dumian stated that he wants notice to be served, adding that the Board will move forward in October in no progress is made in the cleanup of the property.

In addition to Mr. Cross's case, Mr. Pappas is working with the property owner of 21 JR Boulevard, which was heavily damaged in a fire earlier this year, and is working on an issue with a property on Powers Road. That property has undergone foreclosure but the person staying there has "squatter's rights."

REPORT: PARKS/WATER/SEWER

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The Parks/Water/Sewer Department provided a written report of their activities, which included installing the driveway at the Conklin Cemetery, working with North Bridge Church to weed and mulch at the Veterans' Memorial and at Schnurbusch Park, adding topsoil at the Conklin Cemetery, installing a new bench in the playground area at the park, preparing the soccer fields for the upcoming season, adding topsoil at Sullivan Park, reading and installing water meters, repairing hydrants, and working on SCADA upgrades. The first step of mapping both Conklin Cemetery and Shawsville Cemetery has been completed. The Highway Department hauled mulch to both JR Park and Conklin Forks Park. Mr. Dumian stated that the Department did a "great job" on the road in the Conklin Cemetery, and added that the mapping is "huge for the Town." Administrative Clerks Mary Plonski and Angel Lavin have been working to consolidate information about both cemeteries in a central location.

Mr. Dumian stated that there was a water main break which cost over \$13,000 to repair, adding that a new hydrant is needed. He stated that the upgrades to the SCADA system are very important.

REPORT: SUPERVISOR'S OFFICE

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

OLD BUSINESS:

The Board already discussed 1298 Conklin Road and the roads and mapping in Conklin Cemetery.

NEW BUSINESS:

2026 BUDGET

Mr. Dumian stated that he is working on Schedule A (salaries) and is waiting for information regarding the cost of health insurance for 2026. He stated that sales tax revenue has increased this year and stated that the Town will need to budget to upgrade the generator for the JR Sewer Station.

PLAYGROUND EQUIPMENT DONATION/CONKLIN KIWANIS CLUB

The Conklin Kiwanis Club has been fundraising and researching to be able to donate some large scale equipment to the playground at Schnurbusch Park. Kiwanian Elizabeth Einstein presented the pieces of equipment the Club would like to purchase, so that the Board could approve them. The two predominant pieces are a dome climber, which is currently on sale, and a musical percussion instrument called a "Tutti." These two pieces will cost over \$19,000.00. The Kiwanis Club is also considering a smaller dome climber for young children and a low-to-the-ground balance beam. Parks Superintendent David Kilmer has looked at the proposed equipment and approves of it. Mr. Dumian stated that this donation is "awesome," adding that he can find money in the budget for mulch for the equipment. He added that the Town wants to look at placement for the new equipment because the Town wants to install a permanent ice skating rink in that area also. The Conklin Kiwanis Club was given the approval to move forward. There will be a ribbon-cutting celebration when the new equipment is in place. Mr. Francisco suggested that the Town sell its existing portable ice rink.

MEIER SUPPLY ADDITION

Mr. Dumian stated that Meier Supply is planning an expansion of their facility in Corporate Park and has given preliminary notice to the Town. Mr. Francisco asked about the location of the

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proposed addition in relation to Carlin Creek and was told the creek runs along the building. Mr. Dumian stated that there would be retention practices in place.

PARKS 2012 F250 TRUCK/AUCTIONS INTERNATIONAL

The Board was in agreement to list the Parks 2012 F250 Truck on Auctions International.

RESO 2025-130: ACCEPT RESIGNATION/PAUL DEELEY/TOWN PLANNING BOARD

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin accepts the resignation of Paul Deeley from the position of member of the Town Planning Board, effective immediately.

Seconded by Mr. Finch.

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

RESO 2025-131: RE-APPOINT JOSEPH COOK/TOWN ASSESSOR/SIX-YEAR TERM/10-01-2025 – 09-30-2031

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints Joseph Cook to the position of Town Assessor for a six-year term to run from October 1, 2025, through September 30, 2031.

Seconded by Mr. Boyle.

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

RESO 2025-132: RE-APPOINT JOHN SARNICOLA/BOARD OF ASSESSMENT REVIEW/FIVE-YEAR TERM/10-01-2025 – 09-30-2030

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin re-appoints John Sarnicola to the position of member of the Board of Assessment Review for a five-year term to run from October 1, 2025, through September 30, 2030.

Seconded by Mr. Francisco.

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

RESO 2025-133: RATIFY PAYMENT/ROBINSON HILL NURSERY & MULCH/100 YARDS OF PLAYGROUND MULCH DELIVERED

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment in the amount of \$3,600.00 to Robinson Hill Nursery & Mulch for 100 yards of playground mulch delivered.

Seconded by Mr. Francisco.

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

Mr. Dumian thanked North Bridge Church for their help in distributing the mulch.

RESO 2025-134: RATIFY PAYMENT/THE HARTFORD/2ND QUARTER 2025
DISABILITY INSURANCE

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 \$156.48 to The Hartford for Second Quarter 2025 Disability Insurance.

Seconded by Mr. Farley.

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

RESO 2025-135: RATIFY PAYMENT/ROBIN MOTT (CHUCK MOTT –
SOLOIST)/CONCERT/07-16-2025

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 \$400.00 to Robin Mott (Chuck Mott – soloist) for Concert in the Park on July 16, 2025.

Seconded by Mr. Farley.

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

RESO 2025-136: RATIFY PAYMENT/GO TO TECHNOLOGIES USA, INC./
ANNUAL 2025 CENTRAL BASE/SEWER DISTRICT

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 \$60.00 to GoTo Technologies USA, Inc., for balance difference from check #5312 for Annual 2025 Central Base for the Sewer District.

Seconded by Mr. Boyle.

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

RESO 2025-137: RATIFY PAYMENT/MYERS SECURITY, LLC/NEW AKUVOX DESK
UNIT/WATER CLERK

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 \$728.53 to Myers Security, LLC, for a new Akuvox desk unit for the Water Clerk's desk.

Seconded by Mr. Farley.

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

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RESO 2025-138: RATIFY PAYMENT/KASSANDRA PROFERA (BROTHERS & FRIENDS)/CONCERT/07-23-2025

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 \$400.00 to Cassandra Profera (Brothers and Friends) for Concert in the Park on July 23, 2025.

Seconded by Mr. Boyle.

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

RESO 2025-139: RATIFY PAYMENT/KATHRYN SCOTT-HLAVAC (PERSUASION)/CONCERT/07-30-2025

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 \$400.00 to Kathryn Scott-Hlavac (Persuasion) for Concert in the Park on July 30, 2025.

Seconded by Mr. Francisco.

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

RESO 2025-140: RATIFY PAYMENT/ROBIN MOTT (HIGHER GROUND)/CONCERT/08-06-2025

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 \$400.00 to Robin Mott (Higher Ground) for Concert in the Park on August 6, 2025.

Seconded by Mr. Boyle.

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

RESO 2025-141: RATIFY PAYMENT/CLAIMS #25-00700 - #25-00741/\$51,020.72

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following Claims #25-00700 through #25-00741, which have been audited and approved for payment, in the total amount of \$51,020.72:

General	\$ 16,413.72
Highway	14,178.82
Sewer District #1	12,356.08
Water District	6,343.10
Non-Budgeted	<u>\$ 1,729.00</u>
Total	\$ 51,020.72

Seconded by Mr. Francisco.

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

RESO 2025-142: APPROVE PAYMENT/CLAIMS #25-00743 - #25-00824/\$231,743.74

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the payment of the following Claims #25-00743 through #25-00824, which have been audited and approved for payment, in the total amount of \$231,743.74:

General	\$ 56,564.75
Highway	120,862.01
Light Districts	1,930.26
Sewer District	27,807.40
Water District	<u>24,579.32</u>
Total	\$ 231,743.74

Seconded by Mr. Boyle.

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

RESO 2025-143: APPROVE MONTHLY CELL PHONE REIMBURSEMENT/ANGEL LAVIN/EFFECTIVE 08-01-2025

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves a monthly cell phone reimbursement in the amount of \$50.00 for Angel Lavin, effective August 1, 2025.

Seconded by Mr. Finch.

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

RESO 2025-144: DECLARE TOWN OF CONKLIN LEAD AGENCY/DELAWARE RIVER SOLAR FACILITY PROJECT

Mr. Francisco moved for the following resolution:

WHEREAS, the Town Board of the Town of Conklin previously issued a Notice of Intent to act as Lead Agency for the 1410 Conklin Road Solar Farm, Project 1 and Project 2, under the State Environmental Quality Review Act (SEQRA), and no objections were received within the statutory time period;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Conklin hereby declares itself Lead Agency for the SEQRA Review of the project.

Seconded by Mr. Finch.

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

PUBLIC COMMENTS:

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FLOOD CONTROL

Mr. Pavelski asked if there will be more information forthcoming regarding Mr. Bill Rogers' presentation to the Board at the June 10, 2025 Board meeting regarding flood control. Mr. Dumian stated that there will be more information forthcoming, adding that there are differing opinions about dredging the Susquehanna River. Tony Marascia stated that the Town should utilize the fire alarm system to issue alerts in the case of flooding or other emergencies.

THANK YOU TO BILL DUMIAN

Mr. Marascia thanked Supervisor Bill Dumian for his assistance in getting the steam release issue with International Paper resolved. Mr. Dumian replied that the credit really goes to Administrative Assistant Mary Plonski, who reached out to International Paper to resolve the issue. Mr. Marascia also thanked Mr. Dumian for reaching out to New York State Transportation Department to get the speed bumps on Route 7 resolved.

COMBINING PLANNING BOARD & ZONING BOARD OF APPEALS

Mr. Spinner stated that the Town is allowed to combine the Planning Board and the Zoning Board of Appeals, adding that the process is done by a local law abolishing the two current boards and establishing a new one. He added that there is a potential for conflicts for the members in trying to follow the guidelines of both boards, adding that this is something for the Town Board to consider in its decision. Mr. Dumian stated that it is not a financial decision but is being considered because it is "difficult to find members." Mr. Finch asked how many members the new board would have and Mr. Spinner stated it could be 5 to 7 members. He added that the Town has currently "enough interest to fill two five-person boards."

1298 CONKLIN ROAD/CROSS

Nathan Cross, owner of 1298 Conklin Road, appeared near the end of the meeting. Mr. Dumian asked him what progress is being made on the cleanup of the property. Mr. Cross replied that "you can't see what's in the back." Mr. Dumian stated that the Town needs to see significant progress by October 31, 2025. Mr. Cross stated, "I'll do my best." Mr. Dumian asked him to check back in with the Town in two weeks.

FLAGS AND STREET LIGHTS

Mr. Finch stated that Highway Superintendent Jeff Hayes will have his crew fix the American flags on Conklin Road.

Mr. Francisco asked that any reports of non-functioning street lights be forwarded to him. He also saw that he saw a vehicle driving down the river bank from Sullivan Park and asked if signs could be installed stating that this is prohibited. Mr. Dumian stated that the Town can put up some signs but he doubts they will deter the behavior.

YOUTH SPORTS

Mr. Farley reported that soccer season has started. Mr. Dumian stated that the Town needs to purchase new soccer goals, adding that it will cost over \$11,000 for all four goals.

There being no further business to come before the Board, Mr. Farley moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 7:35 P.M.

Respectfully submitted,
Sherrie L. Jacobs, Town Clerk

