

**TOWN BOARD WORK SESSION**

**JUNE 26, 2012**

The Conklin Town Board held a Work Session at 5:30 P.M. on June 26, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Highway Superintendent	Patrick Latting
	Code Officer	Robert Jones
	Planning Board Chairman	James Hauss
	Zoning Board of Appeals Chairman	William C. Northwood
	Planning Board	Dell Boyle
	Zoning Board of Appeals	Arthur Boyle

<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein Laurie Francisco
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**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from the New York State Environmental Facilities Corporation (EFC) and the New York State Department of Environmental Conservation (DEC) regarding possible engineering grants from the Clean Water State Revolving Fund (CWSRF) for eligible water quality projects. He stated that the grants provide up to \$30,000 and the deadline for the application is July 16, 2012. Mr. Finch stated that Town Attorney Cheryl Sacco, Town Engineer Dan Griffiths, and Water and Sewer Superintendent Tom Delamarter are working on this application.

**OLD BUSINESS:**

**TIME WARNER CABLE FRANCHISE AGREEMENT**

Attorney Sacco stated that she is working on the new franchise agreement with Time Warner Cable, adding that she is down to “fine-tuning the language.” The Town has asked for several items in the agreement, with security cameras at the Highway Garage, Community Center, and sewer stations high on the Town’s priority list. Mr. Finch stated that the Town has also asked for more cable channels and has agreed to a five year term, with an option of adding three more years to the agreement period if desired. Ms. Sacco stated that the franchise fee equals the gross revenue and so should be defined in as broad terms as possible. Mr. Finch stated that there is a line tax on lines coming through the Town and added that the Town has asked Time Warner to pay its property tax directly. Ms. Sacco stated that she is awaiting the draft of the agreement, adding that the Town must schedule and hold a Public Hearing before it can adopt the new agreement. She stated that the New York State Public Service Commission must also approve the agreement.

**WATER SYSTEM EXPANSION/PRIDE MANOR MOBILE HOME PARK**

Ms. Sacco stated that she is working with the Town of Kirkwood attorney on the agreement to supply water to the Pride Manor Mobile Home Park, which will expand the portion of the water system in Conklin that is supplied by the Town of Kirkwood. She added that both the Town of

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Conklin and the Town of Kirkwood have approved the terms of the agreement. Mr. Finch added that the property owner is researching a pump to move water to the top of the hill, adding that the property owner will bear all of the costs of the expansion, including engineering costs. He added that the property owner hired Ron Lake as engineer. Mr. Finch stated that there are 47 homes on Stillwater Road that also want to be included in the expansion. He added that the existing bond to pay for the water district will be divided by more users, which will mean that individual bills should be less. Ms. Sacco stated that she is awaiting information from the engineer. Mr. Francisco asked if the plans include a new fire hydrant and Mr. Finch stated that the Town will raise the existing fire hydrant by three feet and will utilize the existing hydrant.

### **RAILROAD/FORMER CITY LINE GARAGE SITE**

Mr. Finch stated that CP Rail wants to install a new signal tower and added that he is working with the railroad company to reach an agreement. He stated that Assemblyman Clifford Crouch is researching possible grants from New York State to pay for drainage to be drilled under the railroad tracks, with a swale and flapper valve installed.

Mr. Finch stated that the railroad company owns the property at the former City Line Garage site, but does not own the building. Mr. Ray Knapp claims to have a lease for the building, but no lease agreement has been produced. CP Rail has been paying property taxes on the building but has not received any lease payments. Mr. Minoia stated that the building is unsafe and Mr. Finch stated that CP Rail is aware of this issue.

### **DRAINAGE ISSUES/ROUTE 7A**

As stated earlier, Mr. Finch stated that he is working on an agreement with CP Rail to deal with the water drainage on Route 7A and Assemblyman Clifford Crouch is researching possible grants to fund installation of drainage. Mr. Finch stated that there is a small piece of property owned by a resident of Montrose, Pennsylvania, that may have to be taken through eminent domain. A pipe would be run under Route 7A, with a swale installed, and water routed to the Susquehanna River. A flapper valve would be installed at the point at which the drainage would flow under the railroad tracks. Ms. Sacco stated that a deeded permanent easement would be needed for the drainage to cross property owned by Mario Masciarelli. She stated that there is currently a permanent easement for the water main.

### **NEW BUSINESS:**

#### **BILLBOARDS IN THE TOWN OF CONKLIN**

Planning Board Chairman Jim Hauss, Zoning Board of Appeals Chairman William Northwood, and Zoning Board of Appeals member Arthur Boyle were invited to join the Town Board's discussion regarding billboards in the Town of Conklin. Ms. Sacco stated that Code Officer Robert Jones had been contacted regarding the number and locations of the existing billboards. She added that current local law bans billboards in the Town and set a five-year amortization period in which the existing billboards were supposed to be phased out and removed. Ms. Sacco stated that this five-year period expired some time ago. She explained that Highway Law Section 88 states that if the Town removes a billboard from within 650 feet from a highway that is part of the State's designated system, the Town must reimburse the billboard owner for lost potential revenue. Mr. Jones stated that there are currently 11 billboards in Conklin. All of the billboards are located on Conklin Road except one, which is on Montrose Drive. Ms. Sacco stated that the Town needs to determine whether any of these billboards are located on roads

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where their removal would require compensation. She added that the Town has three options: set a time limit for the removal of all billboards; repeal the current local law; or amend the current local law.

Ms. Sacco stated that Park Outdoors owns the billboards, and added that the company wanted to put up 12 foot by 24 foot billboards rather than the standard 5 foot by 9 foot billboards. Mr. Jones stated that he issued a permit to Mr. Storti to replace a billboard that blew over in a storm. Ms. Sacco stated that she will have to look at the local law and added that the Town may have to allow five years from the date of issuance of the permit before this particular billboard can be removed. She advised Mr. Jones not to allow any more billboards to be put up or replaced. Ms. Sacco added that the Town cannot control the content of billboards, since this violates First Amendment rights. She stated that the best way to handle the issue is to get rid of billboards altogether.

Mr. Northwood reiterated that Park Outdoors does not want to use 5 foot by 9 foot billboards but rather wants 12 foot by 24 foot ones. He stated that Park Outdoors stated that “towns have lost court cases when they tried to get rid of all billboards.” Mr. Northwood stated that Park Outdoors would take down its smaller signs if it is allowed to have the larger ones that it wants. Ms. Sacco stated that this is just a tactic to try to intimidate the Town Board. She stated that the Village of Johnson City made the company remove all of its billboards and Park Outdoors made the same threat.

Mr. Hauss stated, “If it is a law, then let’s work toward it.” He asked if the banning of billboards is a law or not, adding that he needs a “better discussion with the Planning Board. We have more homework to do.” Ms. Sacco asked, “Do we see a benefit to keeping billboards?” Mr. Finch replied, “No.” Mr. Bullock agreed, adding that the existing billboards are not maintained adequately. Mr. Hauss asked about electronic billboards and Ms. Sacco replied, “The door is closed now, but if you change the law, it opens the door to other companies.” Ms. Sacco stated that she will check the amount of time that has to be allowed to the newly permitted billboard and will check the listings for Highway Law Section 88 to see if Route 7 is included in the system classified by New York State for the federal government. She explained that the State chooses roads to classify to be part of a federal system, as a way to get money from the federal government to the State. If the billboard is removed, the Town has to compensate the owner for removal of the billboard. Ms. Sacco added that New York State law supersedes local law. She stated that she will also research how long the Town would have to pay the compensation, if it is owed.

Mr. Francisco agreed that there is no need for billboards, calling them “an eyesore.” Mr. Minoia agreed, adding, “Get rid of them.” Mr. Finch stated that the existing local law should be enforced and the rest of the Town Board members agreed.

### **2010 CONKLIN ROAD**

Ms. Sacco stated that the Town received a Court Order requiring Mr. Daniel Parker to clean up his property located at 2010 Conklin Road within a certain time frame, which she stated has expired. A notice of this was sent to Mr. Parker and Code Officer Jones inspected the property. A meeting will be scheduled with Mr. Jones, Mr. Finch, and an attorney from Coughlin & Gerhart to determine whether Mr. Parker is in compliance with the Town Code or not. Ms. Sacco stated that Mr. Jones may need to cite Mr. Parker for new violations.

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**TOWN COMPREHENSIVE PLAN  
& PLANNING BOARD & ZONING BOARD OF APPEALS DUTIES**

Mr. Northwood stated that the Zoning Board of Appeals (ZBA) will meet in July to discuss updating the Comprehensive Plan, which was written in 2004, adding that there have been significant changes to the Town in the wake of two devastating floods. The ZBA will make recommendations for updates to the Comprehensive Plan. The Town Planning Board will do the same. Ms. Sacco stated that if the Comprehensive Plan is to be totally rewritten, there is a procedural process that must be followed, which includes public hearings and a Type 1 Action under SEQRA (State Environmental Quality Review Act).

Arthur Boyle, a member of the ZBA, asked if the Planning Board can correctly allow more than one business per property, or whether that is the jurisdiction of the ZBA. Ms. Sacco stated that it is actually the Code Officer's jurisdiction to decide whether a use is permitted or not. If the Code Officer disallows the use, the applicant can then appeal to the Zoning Board of Appeals. She stated that the Planning Board has the authority to grant a Special Use Permit.

Ms. Sacco recommends repealing the local law that limits a third business on one site. She stated that the Planning Board already oversees approval for a second use permit. Mr. Finch asked about the provision for the number of parking spaces, etc., and Ms. Sacco stated that this is already covered in the Planning Board's site plan review. Mr. Hauss stated that this would streamline the process and be better for businesses trying to establish a presence in Conklin. Ms. Sacco stated that she will bring the amended local law to the July 10 Town Board meeting, with language that removes the need for a Special Use Permit and the Public Hearing that this Permit requires.

Mr. Hauss asked if the Town Board has a time frame in which it is seeking feedback on the Comprehensive Plan and whether or not the Town Board is seeking recommendations. Mr. Finch stated that the Town Board is seeking recommendations from both the Planning Board and the ZBA and would like them by the second meeting in September. Mr. Northwood commented that a number of towns are updating their Comprehensive Plans, adding that Conklin needs to bring the obsolete areas of its Comprehensive Plan up to date.

**MEDICAL POOL & EMPLOYEE MANUAL**

Mr. Finch distributed copies of the Town Employee Manual and Medical Pool information and asked the Board members to read the documents and give any suggestions for changes to his assistant, Lisa Houston.

**MAPS OF BUYOUT PROPERTIES**

Mr. Minoia asked about maps of the Buyout Properties and Mr. Jones stated that he is working with Town Engineer John Mastronardi to obtain maps from the 2006 Flood Buyout. Some properties between Town-owned Buyout Properties are owned privately by individuals. Mr. Bullock asked about cleaning up the Buyout Property on Stillwater Road.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 6:50 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk

