

REGULAR TOWN BOARD MEETING

FEBRUARY 9, 2016

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on February 9, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Assistant to Supervisor	Lisa Houston
	Code Officer	Ron Lake
	Administrative Clerk	Mary Plonski
	Public Works Superintendent	Tom DeLamarter
	Zoning Board of Appeals	Art Boyle

GUESTS:	Country Courier	Elizabeth Einstein
		Laurie Francisco
		John Colley
		Tom Kelly

MINUTES: JANUARY 26, 2016 WORK SESSION & REGULAR TOWN BOARD MEETING

Mr. Bullock stated that the January 26, 2016 Work Session and Regular Town Board Meeting minutes should be clarified on page 3 of the Town Board Meeting section, line 18 from the top, to stated that the “cost of replacing the roof at the Community Center **could** be \$30,000,” rather than “**would** be \$30,000,” as this is an estimated cost and has not yet been bid.

Mr. Francisco moved to approve the January 26, 2016 Work Session and Regular Town Board Meeting minutes as clarified.

Seconded by Mr. Bullock.

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

CORRESPONDENCE:

Mr. Finch acknowledged receipt of correspondence from Tom Kelly inviting the Town Board members to participate in the St. Patrick’s Day Parade in Binghamton. He also acknowledged receipt of correspondence from Governor Cuomo’s office regarding high-speed Internet service and receipt of information from Town Attorney Cheryl Sacco regarding taxation of solar farms.

PUBLIC COMMENTS:

SPEED LIMIT/CONKLIN ROAD

Mr. Arthur Boyle stated that he thinks the speed limit on Conklin Road should be set at 45 miles per hour from Fallbrook Road to the City of Binghamton line, for the sake of safety and consistency. He stated that as a member of the Conklin Volunteer Fire Department and Fire Police, he has seen many near misses on Conklin Road. Mr. Boyle also stated that there is a need to slow traffic as it approaches the intersection of Conklin Road and Corporate Parkway.

REGULAR TOWN BOARD MEETING
FEBRUARY 9, 2016

Mr. Dumian stated that the Board recently requested that the speed limit be reduced to 40 miles per hour on Conklin Road between Shaw Road and the Maines Community Center.

MEETING NOTICES

Mr. Arthur Boyle stated that meeting notices for the Town Board, Planning Board, and Zoning Board of Appeals should be advertised in the **Country Courier** as well as on the Town website because “not everyone has computers.” Town Clerk Sherrie Jacobs stated that Town Board meetings, the only ones for which she is responsible to provide notices, are advertised in the **Country Courier** and on the Town website. She stated that she also posts the Planning Board and ZBA meetings on the website if she receives information about them. Mr. Boyle also stated that the Town Board members should “speak up” so that the public can hear them better during Town Board meetings.

REPORT: CODE OFFICER

Mr. Bullock thanked Code Officer Ron Lake for his work in getting the site of the former Progressive Dental office cleaned up. In addition to his written report, Mr. Lake recommended to the Board that it remove the requirement from the Code that applicants wishing to install a swimming pool must appear before the Zoning Board of Appeals (ZBA) to obtain a Special Permit. He added that the Code Office could inspect and approve swimming pools.

RESO 2016-24: SCHEDULE PUBLIC HEARING/APRIL 12, 2016/6:10 P.M./PROPOSED
LOCAL LAW REPEALING REQUIREMENT OF SWIMMING POOL APPLICANTS
TO APPEAR BEFORE ZONING BOARD OF APPEALS

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin schedules a Public Hearing at 6:10 P.M. on April 12, 2016, to receive input regarding a proposed local law that would repeal the requirement that applicants wishing to install a swimming pool be required to appear before the Zoning Board of Appeals.

Seconded by Mr. Francisco.

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

DEC/FLOOD PLAIN MAPS & PERMITS

Mr. Lake stated that the new representative from the DEC (New York State Department of Environmental Conservation) working in the Kirkwood office met with him regarding the flood plain maps and permits. The new representative stated that Mr. Hobart needed a permit from the Town of Conklin Code Office as well as one from the DEC to legally fill in the lot he owns on the corner of Powers Road and Conklin Road. It was stated that the Town must make sure other property owners in the flood plain had obtained required permits and elevation certificates for buildings and swimming pools. Mr. Dumian stated that it costs approximately \$500 for an elevation certificate. Mr. Lake stated that there is no choice in the matter – the Town must correct the situation according to the DEC and must floodproof existing pools and buildings. He stated that pools must be staked down and the electrical connections situated above the water level. Mr. Dumian asked if current residents in those areas are “grandfathered in” and Town

REGULAR TOWN BOARD MEETING
FEBRUARY 9, 2016

Attorney Cheryl Sacco stated that there is no “grandfather clause.” Mr. Lake stated that this is New York State law.

Mr. Bullock asked if the Town received permission from the DEC to cut bamboo and Mr. Lake stated that the Town has permission to cut bamboo along the roads.

REPORT: TOWN CLERK

Refer to written report.

REPORT: HIGHWAY DEPARTMENT

Refer to written report.

REPORT: WATER & SEWER DEPARTMENT

In addition to his written report, Public Works Superintendent Tom DeLamarter reported that the Conklin Ice Rink is closed and will probably re-open Thursday and Friday, adding that the rink will be resurfaced. He stated that the water meters have been read and bills are being processed for mailing. Mr. DeLamarter stated that the pump at Well 6 is vibrating, adding that his department will pull the pump out and get it repaired and will put Well 5 online. He stated that he has been talking to the insurance carrier regarding damage to the sewer pumps from debris and added that he will send a letter. He stated that the Town should be able to recover some money for the damage. Mr. DeLamarter stated that he is working on proposals for a grinder. He stated that he received the test results from the Town Landfill and was able to release 26,000 gallons of leachate into the sewer system.

REPORT: SUPERVISOR’S OFFICE

Refer to written report.

OLD BUSINESS:

2016 TOWN-WIDE INSURANCE

Mr. Finch stated that the Town added the generators to the list of insured items and added terrorism insurance, increasing the cost of premiums by \$938.

PROFESSIONAL FEES

Ms. Sacco reminded the Board of the discussion regarding assessing the cost of professional fees to applicants to the Planning Board and Zoning Board of Appeals. She stated that the Town is “obeying the law” and is “under no obligation to change.” Mr. Dumian stated that he wants to table this discussion to have more time to think about it, adding that he “doesn’t want to deter business.” A difference between residential and commercial applicants could also be discussed.

NOTICE TO NEIGHBORS

Ms. Sacco stated that the joint Town Board/Planning Board/Zoning Board of Appeals Work Session to be held on March 22 will focus on energy extraction and storage, specifically solar, natural gas, and wind. She added that the Town already has a law addressing wind power.

REGULAR TOWN BOARD MEETING
FEBRUARY 9, 2016

Mr. Finch asked if the Town has jurisdiction in the Broome Corporate Park. Ms. Sacco clarified that the question is – does Town of Conklin zoning apply to the Corporate Park and Broome County, adding that there is a nine-step process to determine whether or not the County is immune to Town zoning regulations, including whether or not the proposed project is a government function. Mr. Finch reiterated that the proposed solar farm is to be a County-owned project on property owned by Broome County and asked if the County is immune to Town of Conklin zoning laws. Code Officer Ron Lake stated that this determination has been deferred to the Town Board. Mr. Finch stated that a resident must get a permit and have the facility inspected by the Code Officer to have solar panels installed. Ms. Sacco stated that it would be subject to the Uniform Building Code.

Mr. Bullock stated that the Town must prepare for solar power. Ms. Sacco stated that she will send information regarding solar power legislation to the Board. Mr. Francisco stated that there are safety concerns due to added weight from solar panels. Ms. Sacco stated that there are also concerns regarding fire safety. She added that “solar farms” are not considered “farms” under the Agriculture and Markets distinction, adding that the Town should be careful with Agricultural tax exemptions, which normally last ten years. She stated that solar farm tax exemptions usually are in effect for fifteen years. Mr. Francisco added that a utility must approve the solar farm. Mr. Bullock asked if the Town is being “business-friendly” in its approach. He stated that the Town can still be require the project to be done correctly, without discouraging business, adding that this will benefit Broome County taxpayers.

Referring back to the Notice to Neighbors discussion, Mr. Bullock asked about the use of posters and/or signs on the properties in question. Mr. Francisco, liaison to the Zoning Board of Appeals, stated that ZBA Chairperson Bill Northwood favors providing a written notice for neighbors within 500 feet of a proposed project. Signs on properties, notice in the newspaper and on the Town website were all discussed, as were posting signs in public places within the Town. Mr. Francisco stated that “consistency is needed.” Ms. Sacco asked for which applicants the Town Board would like notices provided – Noise, Economic Development Zone, ZBA, site plans, Wind Energy? Mr. Dumian stated that he “never said not to do Neighbor Notices,” adding that he wants to look at this topic further before deciding a course of action. It was confirmed that the current requirement for notice is to everyone within 1,000 feet of the boundary of the Broome Corporate Park. Mr. Boyle asked if this topic should be brought to the joint meeting of the Town Board, Zoning Board of Appeals, and Planning Board. Ms. Sacco stated that this is a Town Board decision, although it must be sent to the Planning Board for input. She stated that the Town Board could ask the Zoning Board of Appeals for input as a courtesy.

EMPLOYEE POLICY MANUAL

Mr. Bullock asked what the focus of discussion will be regarding the employee policy manual and Mr. Finch replied the focus is vacation and sick time. It was decided to hold over discussion of this topic until the February 23 meeting.

CASTLE RENOVATIONS

Mr. Finch stated that the Highway Department will help move furnishings that are downstairs back to their intended sites. He stated that he is looking at a new front door for the Castle. Mr. Francisco stated that cabinetmaker Stephen Menz recommends using a white oak door, if the Board chooses a wooden door over a metal one. It was noted that the closing mechanism is missing. Mr. Finch wants a window light in the door. Discussion was held regarding the possibility of replicating the door to the original era. It was decided to wait until warm weather

REGULAR TOWN BOARD MEETING
FEBRUARY 9, 2016

to change the door. Mr. Bullock asked if a contractor will build and install the door and Mr. Francisco confirmed that this is the case. It was also decided to refurbish the interior door so that it closes properly.

VETERANS MEMORIAL LIGHTING

Mr. Finch stated that the Veterans Memorial Committee will obtain the funding needed to install the lighting. The Town will donate the lights it has already purchased, as well as the donated use of the ditch witch (donated by Agway).

UPDATE/STILLWATER ROAD STORMWATER DRAINAGE PROJECT

Mr. Finch stated that there will be a meeting of the Rising Community Grant Committee on February 11 to discuss whether the stormwater runoff water can be rechanneled into the ground instead of into the river, as was originally planned. Mr. Dumian asked how much money has been spent on this project to date and Mr. Finch replied, "\$12,000." Mr. Dumian asked if the Town has received any money yet from the grant toward this project and Mr. Finch replied that it is now being overseen by a new committee set up by Governor Cuomo.

UPDATE/CELL TOWERS

Mr. Finch stated that Mr. Lake is working with Upstate Towers to look at five sites in Conklin with the potential for installation of cell towers.

NEW BUSINESS:

USDA GRANT

Mr. Finch stated that grant writer Autumn Tompkins has been researching grants for the Town and has been informed that the median income in Conklin is \$52,000 per year, making the Town ineligible for any grants because the median income is too high to qualify.

RESO 2016-25: AUTHORIZE PAYMENT/BILL LIST/\$162,107.28

Mr. Bullock 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 \$162,107.28:

General	\$ 41,491.18
Highway	28,105.60
Sewer District #1	79,667.16
Water District	1,374.34
Non-Budget	<u>11,469.00</u>
Total	\$162,107.28

Seconded by Mr. Francisco.

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

REGULAR TOWN BOARD MEETING
FEBRUARY 9, 2016

RESO 2016-26: AUTHORIZE TOWN CLERK/ATTEND ANNUAL NYSTCA
CONFERENCE/SARATOGA SPRINGS/APRIL 17-20, 2016

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes Town Clerk Sherrie Jacobs to attend the annual New York State Town Clerks Association Conference from April 17-20, 2016, in Saratoga Springs, New York, at a cost of \$125.00 registration fee, plus all necessary travel and lodging expenses, account code A1410.4.

Seconded by Mr. Dumian.

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

PROPOSED LOCAL LAW/REDUCE SPEED LIMIT ON CONKLIN ROAD NEAR
INTERSECTION WITH CORPORATE DRIVE

Ms. Sacco asked the Board if it wants her to proceed with the proposed local law which would request a reduction in the speed limit on Conklin Road (Route 7) near the intersection with Corporate Drive. Mr. Bullock stated that a reduction in the speed limit would impact everyone's travel time, adding that he didn't think it should be changed because "one or two people complain." Ms. Sacco stated that people could sign a petition requesting the change, if they felt strongly in favor of it.

TIME WARNER CABLE

Mr. Bullock asked about fees for the Town from Time Warner Cable and Mr. Finch stated that the Town is still awaiting the new franchise agreement.

COMMUNITY CENTER & PARK PAVILION RENTAL RATES

Mr. Bullock stated that he had researched the drop in the number of rentals of the Community Center and of park pavilions since the rates were increased, effective January 1, 2015. He stated that the rates are "possibly too high," noting that lower-income residents may be shut out of the ability to rent the facilities because of the rates. It was suggested that law enforcement be called if a problem arises with a renter. Mr. Dumian suggested lowering the rate. It was noted that rental could be refused if there had been a prior problem with a renter. Mr. Boyle asked if the ability to use credit cards for payment would make it easier and Lisa Houston, Secretary to the Supervisor, stated that there are federal regulations and insurance issues with the use of credit cards. Mr. Finch suggested charging \$400, instead of \$500, for the rental of the Community Center, with a refund of \$100 if it is cleaned up satisfactorily.

RESO 2016-27: PROCEED WITH PROPOSED LOCAL LAW REQUESTING
REDUCTION OF SPEED LIMIT ON CONKLIN ROAD NEAR INTERSECTION WITH
CORPORATE DRIVE

Mr. Boyle moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin agrees to proceed with the proposed local law requesting a reduction of the speed limit on Conklin Road (Route 7) near the intersection with Corporate Drive.

REGULAR TOWN BOARD MEETING
FEBRUARY 9, 2016

Seconded by Mr. Finch.

VOTE: Bullock – No, Boyle – Yes, Dumian – Abstain, Francisco – No, Finch – Yes. Motion failed: 2 – Yes, 2 – No, 1 – Abstain.

Mr. Bullock stated that law enforcement should enforce the existing speed limit, adding that “the public does not want the speed limit lowered.” Mr. Francisco added that there is “adequate sight distance.”

BOARD ROOM SOUND SYSTEM

It was suggested that the Town contact its IT (Information Technology) company, BlueStorm Technologies, regarding problems with the sound system in the Board Room. It was also suggested that the Town contact the Town of Windsor to find out which sound system they use, because those who have attended meetings in the Town of Windsor Town Hall have reported that their sound system can be heard well.

EMPLOYEE POLICY MANUAL/BENEFITS

Mr. Dumian stated that regarding changes that have been made or might be made to the Employee Policy Manual and employee benefits, the Town Board should hold to moral and ethical values. He stated, “We need to make good decisions.”

ZBA CANDIDATES

Mr. Francisco stated that two people have been selected for the two empty positions on the Zoning Board of Appeals, pending feedback from Chairperson Bill Northwood.

STIPEND(BONUS)/TOWN EMPLOYEES

Mr. Finch stated that he would like to utilize money refunded from FEMA (Federal Emergency Management Agency) to award a one-time stipend or bonus to all Town employees for the extra work done during the flood and recovery. Mr. Dumian asked what amount Mr. Finch was considering, and he replied “about \$1 per hour,” or approximately \$2,080, with a smaller amount for the School Crossing Guards. He stated that the Town received \$160,000 back from FEMA. Mr. Finch stated that Board members would each receive \$1,000. Ms. Houston stated that there is no problem with FEMA with this plan, noting that the FEMA audit has been completed. Ms. Sacco stated that there are projects in the Castle that this money could be used to complete, adding that she would like to see approval “in writing” from FEMA that it has no issue with this plan. Ms. Houston will contact the FEMA representative. Discussion will be held over until the February 23 meeting.

PUBLIC COMMENT:

None.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 7:45 P.M.

Respectfully submitted,

Sherrie L. Jacobs, Town Clerk

