

## WORK SESSION

APRIL 26, 2016

The Town Board of the Town of Conklin held a Work Session at 5:30 P.M. on April 26, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Brian Coddington
	Assistant to Supervisor	Lisa Houston
	Code Officer	Ron Lake
	Public Works Superintendent	Tom DeLamarter
	Zoning Board of Appeals	Tom Kelly
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
		Laurie Francisco
		John Colley
		Dan Fitzsimmons

## SOLAR FARMS/DISCUSSION

Daniel Fitzsimmons of the Landowners' Coalition spoke about issues with solar power and the need to protect landowners. Mr. Fitzsimmons opened by stating that he had "expressed concerns months ago," adding "I had hoped you would move quickly to protect the Town." He stated that the Town should charge the solar companies taxes. Mr. Fitzsimmons stated that Cypress Creek has leased over 4,000 acres, adding that landowners are required to sign a confidentiality agreement. He stated that the company wants to lease 190,000 acres. Mr. Fitzsimmons stated that property values on land near solar installations decrease rather than increase. He stated that the Town should make sure solar installers "do it right."

Mr. Fitzsimmons stated that residential solar users must also pay taxes. He asked about zoning for solar installations and solar farms. He also asked about wind energy and Town Attorney Cheryl Sacco stated that the Town already has a stand-alone wind law. Mr. Fitzsimmons stated that geo-thermal power providers are not required to cement or seal pipe joints, adding that "gas migration could affect wells." He stated that the question of setback requirements should be addressed, suggesting a minimum of 75 feet buffer around solar panels on solar farms. Mr. Fitzsimmons stated that there are also problems with glare and obstruction of view with the installation of solar panels. He told the Board to "look at the white paper" which he had distributed. Mr. Fitzsimmons stated that solar farm operators "want to spray Round-Up twice a year," stating that this would "put poison into water downstream" and contaminate wells. He stated, "The Town needs to get on this. I call for an immediate moratorium." Ms. Sacco asked, "Have you talked to Ron (Code Officer Ron Lake) about the Town of Conklin zoning?" Mr. Lake stated, "Current zoning probably doesn't allow this." Ms. Sacco stated that the Town Board "must find out (about zoning) before they talk about a moratorium."

Ms. Sacco stated that the Town may look at a PILOT (Payment In Lieu Of Taxes) agreement rather than assessing property taxes. Mr. Fitzsimmons stated, "None of them will do removal bonds. It will be someone else's responsibility to clean up." He added that the units become dysfunctional after 15 to 20 years. Mr. Fitzsimmons stated that solar companies "don't believe in snow removal." He stated that it takes 20 to 25 years before home owners see a payback in electrical costs. He stated that reviews of solar companies are available.

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Ms. Sacco stated that the first step is to ask the Code Officer about zoning restrictions, which she stated is an interpretation of Chapter 140 of the Town Code. She stated that this is “just another land use,” adding that the Town must decide if a site plan is required and/or a removal bond. She stated that the Board should also address whether or not it will stop allowing residential mounting of solar panels. Ms. Sacco stated that the newly formed subcommittee will discuss these issues. She added that the Town currently allows solar panels to be mounted on a residential facility as an accessory use. Mr. Finch asked about removal bonds and Ms. Sacco replied that a local law would be needed to make that a requirement. Mr. Fitzsimmons stated that “solar farms should be required to obtain removal bonds.”

Mr. Lake stated that he will have an interpretation for the next Town Board meeting. Mr. Fitzsimmons stated that the Town should require a permit for residential installation of solar panels and Mr. Lake stated, “We already do,” adding that his office notifies both the Town Assessor and the Conklin Fire Department. Ms. Sacco pointed out that with the opt-out exemption, even home-mounted solar panels are taxable. She stated that a PILOT agreement is a contract, which must be negotiated by the Board. Mr. Lake asked about disposal of solar panels after their usefulness is finished and Mr. Fitzsimmons stated that it is hazardous material which must be disposed of in a hazardous material dump. Ms. Sacco stated that no landfill in New York State is currently accepting used solar panel debris.

Mr. Fitzsimmons stated that the Upstate Association of Towns will hold an informational meeting for municipalities on June 9. Ms. Sacco suggested that the Board talk to the Town Assessor about the PILOT vs. opt-out issue. It was stated that existing solar panels are “grandfathered in.” Ms. Sacco stated that there are multiple concerns to be addressed, including noise, glare, and fire suppression. The question was raised regarding how many rooftop panels are currently in place in Conklin.

As the time had arrived for the Regular Town Board Meeting to begin, Mr. Finch closed the Work Session and called the Regular Town Board Meeting to order at 6:00 P.M.

**REGULAR TOWN BOARD MEETING**

**APRIL 26, 2016**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:00 P.M. on April 26, 2016, at the Conklin Town Hall. Mr. Finch, Supervisor, presided.

<b>PRESENT:</b>	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Brian Coddington
	Assistant to Supervisor	Lisa Houston
	Code Officer	Ron Lake
	Public Works Superintendent	Tom DeLamarter
	Zoning Board of Appeals	Tom Kelly
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Conklin Kiwanis	Bill Krasowsky
		Laurie Francisco
		John Colley

**MINUTES: APRIL 12, 2016 REGULAR TOWN BOARD MEETING**

Mr. Bullock moved to approve the April 12, 2016 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

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

**CORRESPONDENCE:**

Mr. Finch acknowledged receipt of correspondence from Julie Lewis.

**PUBLIC COMMENTS:**

**THANK YOU/HIGHWAY DEPARTMENT**

John Colley of the Conklin Beautification Corps thanked Highway Superintendent Brian Coddington and his department for removing the tree stump near the Castle.

**FIRST TO SAY THANK YOU**

Bill Krasowsky of the Conklin Kiwanis Club stated that Kiwanis will sponsor the First to Say Thank You program on May 24, 2016, at 7:00 P.M. at Susquehanna Valley High School. Mr. Krasowsky stated that this year 80 young men and women high school graduates who are entering the military service will be honored at this event, including three or four from Susquehanna Valley. He stated that honorees represent 21 different schools. Since that night is also the date for a scheduled Town Board Work Session and Regular Meeting, Mr. Krasowsky asked that the Board postpone or change the date of the meeting so that Board members and others can attend the ceremony.

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**RESO 2016-67: CANCEL WORK SESSION/MOVE REGULAR TOWN BOARD**  
**MEETING TO 5:30 P.M./MAY 24, 2016**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin cancels the Work Session scheduled for May 24, 2016, and moves the start time of the Regular Town Board Meeting on that date from 6:00 P.M. until 5:30 P.M.

Seconded by Mr. Francisco.

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

**REPORTS:**

None.

**OLD BUSINESS:**

**UPDATE/UPSTATE TOWERS**

Mr. Finch stated that cell tower companies must appear before the Town Board to request approval for placement of their towers. Ms. Sacco stated that she will have an update for the May 10 Town Board meeting. Mr. Dumian asked if there are four or five possible sites for cell towers and Mr. Finch stated that there are five: the former Slater property on Conklin road; the old well house at Schnurbusch Park; the Town Landfill; the old Post Office on Route 29; and one more location.

Mr. Bullock asked if the 120 foot height meets Code requirements and Mr. Lake stated that the towers have a break point. Mr. Dumian asked if towers can be located anywhere within the Town and Ms. Sacco replied that they cannot be located in all areas of the Town because of zoning restrictions. Mr. Bullock asked if a Public Hearing is required, adding that it should be. Mr. Dumian agreed. Ms. Sacco explained that the approval would be by permissive referendum, adding that the public could petition to force the issue to be put on the ballot for the General Election. Ms. Sacco stated that the Town could provide notice for an informational session regarding the proposed cell tower installations. Mr. Lake stated that the cell tower companies have a presumptive right to install the towers even if the Town refuses. Ms. Sacco stated that this is because the federal government has ruled that municipalities cannot zone out necessary uses. Mr. Bullock asked if there is a limit on the number of cell towers allowed in one municipality. Ms. Sacco stated that the company must show a need for a tower, such as a gap in service, and must prove that it cannot share a tower with another company.

**UPDATE/SUBCOMMITTEE/MANUFACTURED HOMES & SOLAR PANELS**

Mr. Lake stated that the subcommittee formed to discuss manufactured homes and energy issues in the Town had a meeting and received feedback, adding that the committee will have a recommendation to the Board at either the May 10 or the May 24 Town Board meeting.

Both Mr. Bullock and Mr. Dumian expressed concern regarding Broome County's proposed solar farm to be located in the Broome Corporate Park, including noise concerns. Mr. Finch stated that Broome County will be responsible for safety and for eventual removal of the

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equipment. Ms. Sacco stated that Broome County was required to do a SEQRA (State Environmental Quality Review Act) assessment, adding that if there are concerns regarding the County's site plan for the proposed solar farm, perhaps representatives from Broome County could be invited to a Town Board meeting to answer questions. Mr. Dumian asked if Public Notices are provided for the County's site plan review and Ms. Sacco stated that the Broome County Legislature must approve the SEQRA review and notice is provided for their meetings. Ms. Sacco stated that it is "a question of degrees," since "all renewable energy has issues." Mr. Francisco stated that residential use of solar power includes DC voltage being sent to an inverter and converted to AC voltage, adding that fire suppression issues are also a concern.

**LIGHTS AT VETERANS MEMORIAL**

Mr. Finch reported that the lighting is completed at the Conklin Veterans Memorial and added that it looks great.

**NEW BUSINESS:**

**LITTLE LEAGUE BASEBALL**

Mr. Dumian stated that Opening Day for Little League Baseball and Softball will be April 30, 2016, at 10 A.M. Games will probably be completed by 1:00 or 1:30 P.M., with Kiwanis-sponsored Pitch, Hit, and Run competition beginning at 2:00 P.M. Hot dogs, hamburgers, and bottle water will be served. Mr. Dumian stated that this "sets a precedent for expectations," adding "we must keep building on what we have" to enhance the program.

**RESO 2016-68: RATIFY PAYMENTS/GRIFFITHS ENGINEERING**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of the following checks to Griffiths Engineering, LLC, for engineering services for the Stillwater Road Stormwater Improvement project, paid by the Rising Community Grant Project, account code HS8597-2:

Check #103 – Invoice #13073 (12/31/15)	\$10,022.50
Check #104 – Invoice #13108 (01/31/16)	\$ 3,165.00
Check #105 – Invoice #13150 (02/29/16)	\$ 5,802.50

Seconded by Mr. Francisco.

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

**RESO 2016-69: RATIFY PAYMENT/BILL BRODERICK/COST & DELIVERY/TWO  
LOCKING FIRE-PROOF FILING CABINETS**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #10730, account code A7150-4, in the amount of \$400.00 to Bill Broderick for cost and delivery of two locking fire-proof filing cabinets.

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Seconded by Mr. Dumian.

VOTE: Bullock – Abstain, Boyle – Yes, Dumian – Yes, Francisco – Yes, Finch – Yes. Motion carried: 4 – Yes, 1 – Abstain.

**RESO 2016-70: AUTHORIZE PAYMENT/BILL LIST/\$42,225.39**

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 in the total amount of \$42,225.39:

General	\$16,542.80
Highway	3,073.80
Light Districts	1,838.44
Sewer District #1	9,925.78
Water District	4,773.07
Non-Budget	<u>6,071.50</u>
<b>Total</b>	<b>\$42,225.39</b>

Seconded by Mr. Bullock.

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

**CORRESPONDENCE/D. RITTER/CONKLIN ROAD PROPERTY**

Mr. Finch stated that he received correspondence from Douglas Ritter regarding Mr. Ritter's property located at 1539 Conklin Road and various Code complaints made regarding that property, which Mr. Ritter is disputing.

**PUBLIC COMMENTS:**

None.

**TIME WARNER CABLE AGREEMENT**

Ms. Sacco stated that the Time Warner Cable merger was approved and will be Time Warner Charter. She stated that she still has not received any word regarding the agreement with the Town of Conklin.

**CASTLE AND GROUNDS**

Mr. Bullock asked if the Town Clerk's sign, which is damaged and needs repair or replacement, could be sent to the original installer, Matzo Signs, to see if the interior could be repaired. Robbins Signs is preparing an estimate on replacing the sign.

Mr. Bullock suggested that the Town hire a professional to spray the lawn at the Town Hall for weeds and to fertilize the grass.

Mr. Bullock suggested that the storage closet formerly used by the Conklin Seniors be used to house the Historical Society's file cabinets. Mr. Francisco stated that he will check with the Seniors club to make sure they aren't still using it.

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**SOLAR ENERGY**

Mr. Boyle stated that Sun Edison filed for bankruptcy on April 23, 2016, adding that the portion of BP that is partnered with Solar City also filed for bankruptcy, thus citing instability in solar providers. Mr. Francisco commented that there is a “lot of re-organization” taking place.

Mr. Dumian stated that the Board should have a consultant come to discuss solar energy with the Town Board and explain the benefits and concerns. Ms. Sacco stated that NY-sun.gov will provide webinars through NYSERDA (New York State Energy Research and Development Agency) and will provide training free of charge. Mr. Bullock asked if the solar companies receive feedback from NYSEG (New York State Electric and Gas Corporation) when they propose installations of solar panels. Mr. Francisco stated that NYSEG performs an analysis of each proposal, checking the capacity of the grid to handle the electricity manufactured by the solar panels.

**OPENING DAY**

Mr. Dumian stated that he hoped to see everyone at Schnurbusch Park for Opening Day ceremonies on Saturday for Baseball and Softball.

**THANK YOU/G. BULLOCK/PAINTING HISTORIAN’S OFFICE**

Mr. Francisco thanked Mr. Bullock for doing a “great job” painting the former Historian’s Office.

**TOWN CLERK’S SIGNBOARD**

Town Clerk Sherrie Jacobs asked if the plan is to send the Town Clerk’s signboard to Matzo Signs for repair and Mr. Finch stated that he would call Matzo Signs the next morning.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Dumian. The meeting adjourned at 6:45 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk