

TOWN OF BINGHAMTON
TOWN BOARD
August 18, 2020

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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, AUGUST 18, 2020, 7:00 P.M., TOWN OF BINGHAMTON, TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

The meeting was called to order at 7:00 p.m. by Supervisor Rounds.

ROLL CALL:

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| E. Rounds, Supervisor | Present | M. Leighton, Councilperson | Present |
| M. Bensley, Councilperson | Present | D. Nye, Councilperson | Present |
| V. Xlander, Deputy Supervisor | Present | | |

OTHERS PRESENT:

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| V. Conklin, Town Clerk | N. Pappas, Code Enforcement/Buildings & Grounds |
| R. Pope, Deputy Town Attorney | P. Wagner, Deputy Highway Superintendent |
| R. Rolston, Highway Superintendent | E. Einstein, The Country Courier |
| J. Emmons, Chief, TOB Volunteer Fire Co. | 5 Guests |
| W. Polhamus, TOB Volunteer Fire Co. | |

PUBLIC HEARING – 7:01 p.m. – Six (6) Month Moratorium – Solar Energy

Town Clerk Conklin confirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to consider instituting a six (6) month moratorium to suspend, curtail and/or stop the processing of applications for, and the issuance of permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar farms or solar communities, to allow the Town Board sufficient time for review, study, analysis and, if necessary, determine appropriate revisions and amendments to its Local Land Use Laws concerning such use. Supervisor Rounds explained that the Town Board is in the final stages of completing the Town's solar energy proposed local law. The Town Board wanted to give themselves enough time to review what the Energy Committee has been working on for a year and a half, which they will be discussing today. Then the proposed Local Law has to be submitted to Broome County for a 239 Review, which usually takes approximately 30 days. Once the 239 Review is completed by Broome County, it will be returned to the Town Board. A public hearing will be set this evening to adopt the Local Law. The Town Board is giving themselves a window of opportunity to make sure they have everything in order. The Town Board chose a six-month moratorium just to err on the side of caution, but hope to possibly have the moratorium lifted by November, after everything is in place. Once the Local Law is adopted, the moratorium will be lifted.

Supervisor Rounds opened the floor at 7:03 p.m.

Ariel Burt – Ms. Burt stated the following: We build solar power plants all over the U.S., especially in New York State, and build energy plants globally. We are excited that we are able to engage communities here in Upstate New York. We are hiring in all sectors; hiring people that have lost their jobs due to COVID. We are also bringing down the energy crisis of the community by building community solar energy plants to make America green; that a

moratorium in place is a barrier for us. Supervisor Rounds explained that the Town Board is also wanting to encourage solar development in the Town of Binghamton, both by homeowners and the possibility of commercial. She further explained that the moratorium is strictly something that the Town Board needed to put in place to give the Town Board the time to complete the Local Law process. The Town Board is not trying to stifle solar development in the Town of Binghamton. She has received a number of phone calls, and that the word moratorium has a connotation of a negative, but this was just the way for the Town Board to have the opportunity to complete our Local Law process.

Robert Haskell – Mr. Haskell has a property at 64 Powers Road in the Town of Binghamton. Mr. Haskell proposed a six-week moratorium instead of a six-month moratorium. Supervisor Rounds explained that the Board has to submit the Local Law to Broome County for a 239 Review. The Town Board does not know what Broome County's comments will be after the 239 Review. She does know that Broome County has 30 days to respond. Broome County may require changes, etc. At that point, the Town Board will have to make those clarifications and/or changes. She further explained that six months is probably more than is needed, but it definitely gives the Town Board the opportunity to make sure they are taking everything under consideration, and not coming back here six weeks from now and setting another moratorium for another six weeks or three months or six months. Supervisor Rounds again explained what a 239 Review is: The Town gives the County the proposed Local Law, they have 30 days to review, and get back to the Town. Councilperson Leighton stated that the County may recommend changes, but the Town is not required to change anything. Deputy Town Attorney Pope stated that it depends on what the County recommends; that if the County has changes, they will look at it and see that the Town takes the recommendations into consideration. At that point, the Energy Committee will meet again and review the proposed Local Law. Councilperson Nye stated that the Town Board already has a proposed Local Law from the Energy Committee, and that document is ready to be submitted to Broome County for a 239 Review after being reviewed tonight by the Town Board. Councilperson Bensley stated that the Energy Committee's proposed Local Law is based on other current Local Laws in the Towns within Broome County; the County should not see anything unusual or out of line; there is nothing radical. Councilperson Xlander stated that the important thing to emphasize for Mr. Haskell is that as soon as the Town Board gets the information back from the County, as long as there are no drastic re-writes, the moratorium will be ended promptly because there will be no reason to continue it because the Town Board no longer has to wait to implement the Local Law. Mr. Haskell asked if the Town Board was planning on passing the Local Law tonight. Supervisor Rounds explained that the Town Board members had the proposed Local Law for two-and-a-half weeks, and they have reviewed it; tonight the Town Board is bringing any questions that they have to the team that was on the Energy Committee; they are going to review the Local Law, and that after the review, they may make some minor changes, then in a short period of time it will be submitted to the County for a 239 Review; then it comes back to the Town Board. She further stated that tonight the Town Board would like to set the public hearing to adopt this Local Law, more than 30 days out from now because they have to give the County their 30 days. Then if they pass the Local Law at that public hearing, the Local Law gets recorded with the State, and we're good to go. Councilperson Leighton asked Ms. Burt and Mr. Haskell if either of them has any interest in developing solar farms within the Town. Mr. Haskell responded that he is thinking about it. Councilperson Leighton asked, for personal use? Mr. Haskell responded that

he does not know, he has not even gotten that far; maybe a farm or an agricultural net metering situation.

Ariel Burt – Ms. Burt stated: We do have interest in building community solar plants in the neighborhood of Binghamton South, and that is specifically for bringing the community power, a community energy price that gets lower through producing more energy, meaning that there is a metered rate system by New York State and we are developing under that program. We are very particular which sites we pick as far as our company, Atlas Solar Renewables and Caero. We do not crowd out agriculture. We do not put our farms in just any place. We select properties that are vacant lands, that are vacant commercial lands that are foreclosed properties, properties that are not in use. We take much care when we select those areas, and make sure that these parts are hidden in a belt of greenery.

John Watson – Mr. Watson stated: I own a solar farm; I have been working with Ariel for many years. I am trying to help achieve our renewable energy goals, which is 70% renewable by 2030. We are hoping to work with Towns like the Town of Binghamton, and other Towns nearby to achieve this goal. There will be commercial solar energy plants. It would be selling directly to NYSEG, but then go into the community at a lower cost. We are really excited about hiring local. We are interviewing a couple of local people a week, but are hiring three people per month right now. As we get more projects, we will be able to hire a lot more people. Right now, we have 12 in New York State that are in various stages of permitting, and our goal is 50 plus projects in New York State, which would mean hundreds of jobs. We are not funded by New York State, we are privately funded all from our success in the past.

Ariel Burt – Ms. Burt stated: We started developing solar plants internationally. It was very important for me to bring the know-how that we have internationally to the U.S. I actually want to make America a green country, and I think it is an opportunity we should not lose, and that's why I am here today. That's why it is so important to me that we do not create too many hurdles, and we try to make these moratoriums as short as possible. If you need time to reflect on it, I understand. But let's try to make it efficient because we're here, we're funded, and if we have to go through too many hoops, it is very difficult for us.

The floor was declared closed at 7:20 p.m. A motion was made by Councilperson Bensley to adopt a Resolution to approve a six (6) month moratorium on solar energy in the Town of Binghamton as of August 18, 2020, and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Nye, Leighton, Xlander Absent: None

Nays: None

Declared adopted.

(Resolution Appended)
(Notice of Public Hearing Appended)

A motion may be made to go into an executive session to discuss a legal matter and/or a personnel matter regarding a particular employee after the meeting is convened.

APPROVAL OF AUDITED CLAIMS:

Councilperson Leighton made a motion to adopt a Resolution to approve the following claims as audited:

2020

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|---------|-------------------|--------------|
| Sewer | Claim No. 611-616 | \$ 5,105.57 |
| Water | Claim No. 616-618 | \$ 994.46 |
| Highway | Claim No. 619-635 | \$ 88,885.50 |
| General | Claim No. 636-658 | \$ 16,449.65 |

The motion was duly seconded by Councilperson Bensley. There was some discussion. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Nye, Leighton, Xlander Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no corrections made to the August 4, 2020 Work Session minutes or the August 7, 2020 Special Meeting minutes .

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor at 7:23 p.m.

John Watson – Mr. Watson asked for a point of contact to communicate with from the Town. Supervisor Rounds will be the point of contact. Mr. Watson wanted to know when the Town would be submitting the 239 Review to Broome County. Deputy Town Attorney Pope explained that the Town has to prepare an application to submit the 239 Review, which the Town will get into the County as soon as possible because the Town wants to set the public hearing. Councilperson Bensley stated that there seems to be a certain amount of urgency, and asked Mr. Watson if he had something specific in mind. Mr. Watson responded that there is no urgency; they are working in a lot of different towns and it is the function of their project manager to have a timeline for their charts. Councilperson Bensley asked Mr. Watson where their closest current project is. Mr. Watson responded, Afton.

Michael Donahue – Mr. Donahue asked about the question regarding his medical bill. Supervisor Rounds explained that she had a question for Bookkeeper Reifler and wanted to go over the bill, but Bookkeeper Reifler had left for the afternoon.

Ariel Burt – Ms. Burt asked if there is any part of the proposed Local Law that might endanger their business model. Supervisor Rounds responded: The Town does not know what their business model is. Ms. Burt responded, community solar meter, five megawatt, 18 projects. We have 25 acres in various states, well selected areas that are not endangering any other use of land, so it's solar farming. Councilperson Bensley stated that five megawatts is a large-scale solar plant; do you currently have a location in mind? Ms. Burt responded that they have done a lot of research about different towns, and are just making sure that we're not closing on properties, and planning properties if we know there is a moratorium. We don't have anything right now, right here. Supervisor Rounds explained that when the public hearing notice gets published, then they would be able to have access to the Town's proposed Solar Energy Local Law.

Robert Haskell – Mr. Haskell asked if the proposed Solar Energy Local Law would be available after review by the County. Supervisor Rounds responded, sometime in October, and that the proposed Solar Energy Local Law will be posted on the website sometime in October.

Ariel Burt – Ms. Burt asked if the Town had any concerns in light of their business, project size; anything in the legislation the Town is thinking about. Supervisor Rounds responded, the Energy Committee consisted of Town Board members, County Engineers, people who work for NYSEG, a nice arrangement of different people, and they also had templates from other communities who had passed their Local Law. She feels that the Town's Local Law will be fair; will it be fair to them, she does not know, but believes that the Local Law will be fair and well-rounded for what our communities in this area have. Ms. Burt asked, so yes to community solar or no community solar commercially? Supervisor Rounds responded, we have commercial, but is it community commercial? Councilperson Xlander responded: We don't use that phrase in our Local Law. The way we have broken it down is small-scale commercial, and large-scale commercial. We do not use the terms residential, commercial, we use large and small scale. She believes it would be pure speculation on everybody's part to be able to answer any specific questions about their business vis-a-vis our Local Law.

Robert Haskell – Mr. Haskell asked if the Town Board could leak the cut off for large scale versus residential. Councilperson Xlander responded: No. Mr. Haskell asked how many megawatts constitutes a commercial installation. Supervisor Rounds replied: How about if we wait until it is public. The Town does not want to commit in the event something changes due to what the County's review is. Mr. Haskell asked: Hypothetically, if someone is interested in this, what local Town would most likely be similar to the Town's Local Law. Councilperson Bensley responded: The Energy Committee looked at six or eight different Towns. Councilperson Xlander responded: The Energy Committee looked at over a dozen, and focused on a couple of primary Towns. They did the Town of Chenango; liked parts of theirs, they picked and chose parts of Local Laws, some that were Downstate. They did not take much from Downstate because a lot of that did not seem relevant to them. They crafted the proposed Local Law so that it reflected what they thought was appropriate for the Town of Binghamton. Mr. Haskell stated: He is glad she mentioned that because there is a fairly large solar array in the Town of Chenango. Councilperson Bensley replied: That is why we chose it. Mr. Haskell asked if that

installation would be able to be built in this Town. Councilperson Bensley responded: We cannot possibly answer that, and speculation is pointless at this point. Watch for FAA regulations because they are universal. Every Town is subject to FAA regulations, so if you know you are in a FAA regulated flight path, then it is not going to go anywhere, regardless of what Town you are in. So, things like that that are ubiquitous among Town Law, you can look at that, but as far as specifics, we probably should not go into that. Mr. Haskell asked if anyone has ever considered changing the name of the Town to differentiate the Town from the City? Supervisor Rounds responded: No. First of all, the Town of Binghamton is a home for a lot of people and they like it just the way it is. They like the name. Councilperson Bensley: They like the name and they like the nature of the Town.

The floor was declared closed at 7:34 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS:

Labor Day – TOB Municipal Buildings Closed – Monday, September 7, 2020 in Observance of Labor Day

OFFICIALS AND COMMITTEE REPORTS:

Planning Board –A joint quarterly meeting with the ZBA will be held on October 19, 2020 at 6:30 p.m. at the TOB Town Hall, which will include a legal corner.

Zoning Board of Appeals – A joint quarterly meeting with the Planning Board will be held on October 19, 2020 at 6:30 p.m. at the TOB Town Hall, which will include a legal corner.

Youth Commission – The 18U team has begun practicing, but not through the Town of Binghamton as there has been no registration or signed waivers. There is a meeting on Thursday, August 20, 2020. There will be a three-week extension of the Little League season. There is a parent waiver that is being created by the Town Attorney, which is the same waiver that the 18U will use.

Code Enforcement/Buildings and Grounds – Mr. Pappas received a telephone call from Verizon advising that they would like to put six panels on the Broome County Emergency Tower. The County has approved it, but Verizon still has to go through the Town's permit process. Mr. Pappas spoke with Mike Decker from Broome County Real Property regarding foreclosure properties. The County has approximately 200 foreclosure properties set for hearings in August with maybe four a week being resolved. There are five or six foreclosure properties in the Town which the County will have hearings on. The Blakeslee property is on the list. The Judge will hear the cases, and if the Judge allows the owners to pay the back taxes, the owners will take back their properties. 3394 Hance Road has been purchased. The new owner will be tearing down the property. There will be a ZBA case on Brady Hill Road for a pole barn. The paperwork has been submitted, and forwarded to the ZBA Chair. This will include a 239 Review by the County. The case may be heard at the October 19th ZBA meeting. The boilers are almost done.

Highway Department – The emergency part of the relining project contract is scheduled for cleaning of the pipes and preparation for the lining. Both relining projects have not yet begun, but have been inspected and prepared. Cutting back brush has begun. They have been installing pipes for residents. Highway Superintendent Rolston provided a quote from Burr Truck & Trailer Sales, Inc. for a 2021 Volvo VHD42F300 Heavy Spec Single Axle Dump Truck with Equipment in the amount of \$200,124.00 to replace a 2005 Volvo Dump Truck. The expenditure will come out of the Highway Fund balance. A motion was made by Councilperson Nye to adopt a Resolution to authorize the purchase of a 2021 Volvo VHD42F300 Heavy Spec Single Axle Dump Truck in the amount of \$114,083.00 to include equipment in the amount of \$86,041.00 for a total not to exceed \$200,124.00, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Nye, Leighton, Xlander Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

Receipt of Reports – The Town Board is in receipt of the following reports:

Town Clerk's Monthly Report for July 2020
Code Enforcement Month Report for July 2020
DCO's Monthly Report for July 2020

Seizure Fee for Unlicensed Dogs – The Town Code allows the Town to charge a seizure fee for unlicensed dogs taken to the Humane Society by the DCO. When an unlicensed dog is picked up and taken to the Humane Society, and the owner tries to retrieve the dog from the Humane Society, they must first come to the Town Clerk's Office to license the dog before the owner can take possession of the dog. The Humane Society charges the owner \$50.00 and the Town pays a fee of \$255 to \$275 (dependent on how dangerous the dog is deemed), for the sheltering of the dog. The Town would like to recoup some of the fee. A motion was made by Councilperson Bensley to adopt a Resolution to impose a \$50.00 penalty for an unlicensed dog that has been seized and taken to the Broome County Humane Society, payable when licensing the dog, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Nye, Leighton, Xlander Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

TOB Volunteer Fire Co. – Chief Emmons gave the following update: Yesterday, the TOB Volunteer Fire Company was awarded a DEC grant, a matching grant, which means they have to spend \$1,500 to receive \$1,500. The two AFG grants are still ongoing. They are working on a dry hydrant installation on Morgan Road near Roberts Road. The annual Chicken BBQ went very well.

SUPERVISOR'S REPORT:

There was no update.

UNFINISHED BUSINESS:

Highway Department – Robert Rolston – Accumulated Sick Time – Bob Rolston will be receiving a check for his unused vacation that was accrued before he was appointed Highway Superintendent. A motion was made by Councilperson Bensley to adopt a Resolution to freeze Robert Rolston's 915.79 hours of accrued sick time while he was employed as an employee, at a rate of \$28.05 per hour to be redeemed upon retirement, or paid to his estate upon his death, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Nye, Leighton, Xlander Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

Solar Energy Policy Review – The Town Board reviewed, and made changes to the proposed Solar Energy Systems Local Law. Deputy Town Attorney Pope will make the changes, and send the proposed Solar Energy Systems Local Law to Broome County for a 239 review. A motion was made by Councilperson Bensley to adopt a Resolution approving the submittal of the Town of Binghamton Solar Energy Systems Local Law, as revised, to Broome County for a 239 Review, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Nye, Leighton, Xlander Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

A motion was made by Councilperson Bensley to adopt a Resolution to set a public hearing for October 20, 2020 at 7:01 p.m. to review and adopt the Town of Binghamton Solar Energy

Systems Local Law, and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Nye, Leighton, Xlander

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

2020 Annual Sexual Harassment Training – The 2020 Annual Sexual Harassment Training will be provided by NYMIR via their website. An e-mail with training information will be sent to all employees, officials, etc. Upon completion, employees, officials, etc., will need to provide Bookkeeper Reifler with a certificate of completion.

There was no further unfinished business.

NEW BUSINESS:

Water Meters – Local Law – The proposed 2021 Joint Sewage Treatment Plant's quarterly rate is \$110,000. The Town has a shortfall of \$50,000 for sewer. The current sewer rate is \$8.63 per unit (1,000 gallons). The proposed new rate of \$12.00 x 10,000 units equals \$120,000. This increase will cover the Town's projected cost increase, and will also cover the shortfall of \$50,000. The City of Binghamton bills the Town three times a year for water usage. The City of Binghamton billed the Town in January, April and August of this year for a total of \$237,458. The Town has a shortfall of \$34,526.35 for water. The current water rate is \$5.82 per unit (1,000 gallons). The proposed new rate of \$7.30 x \$34,869.72 equals \$254,584.96, which will help cover the shortfall of \$34,526.35. The Town's water rates have not been increased proportionately over the last few years to keep up with the increase in water rates charged by the City. Some Parkwood Subdivision residents have signed up for a meter so that they are charged by actual usage instead of a flat rate. There was lengthy discussion. A copy of the Proposed Water/Sewer Rates sheet is appended hereto.

(Proposed Water/Sewer Rates Sheet Appended)

Highway Department – Authorization to Purchase New Dump Truck – This subject was covered under Officials and Committee Reports.

There was no further new business.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public at 9:15 p.m.

Robert Haskell – Mr. Haskell asked if there is another sewage treatment plant in the area the Town could use. Supervisor Rounds responded: No, and it would be too costly to drill our own wells to supply water to residents like the Town of Conklin does.

Michael Donahue – Mr. Donahue stated: In the Employee Handbook under the Health Section for Retirees, the Board is supposed to make a Resolution for an amount the retirees receive on straight retirement. Supervisor Rounds will check on this. He further stated that he is not violating any HIPAA laws when he turns in a medical bill. Supervisor Rounds explained that there is not a question about his medical bill; she is questioning the fact that he is now on COBRA and his HSA money. Mr. Donahue interjected that he does not have any HSA money, it is his own personal account. Supervisor Rounds explained that she needs to find out from Bookkeeper Reifler, not about any bills he submitted, but how it works now with him being on COBRA. That is what she is questioning. He stated: It is in the handbook. Supervisor Rounds replied: She understands that. She will ask Bookkeeper Reifler about this tomorrow. There were no questions about his bill; she would never ask a question about anything he submitted through HIPAA. Mr. Donahue stated: Anything he submits will not be in violation of a HIPAA law. Supervisor Rounds stated: Anything he submitted is nobody's business either, and that is not what this conversation was about. The conversation was about him moving to COBRA; that's all the conversation was about. Mr. Donahue stated: Second thing, sometimes you throw good money after bad; Parkwood, we have a lot of money in that; it is not inclusive to the Joint Sewage Treatment Plant; that sewage never goes to the Joint Sewage Treatment Plant. In 2007/2008 there was \$130,000 in Parkwood out of operation and maintenance for the replacement of a sand filter. If you take that number, 10 people, at \$130,000, we spent \$13,000 per 10 people because it is in the Consolidated Sewer District. He further stated: The Consolidated Sewer District is the operation and maintenance of the system, whether it be South Mountain, Park Terrace, etc. He stated: The simple fact is Parkwood is a losing battle. The simple fact is you have another system, field number 1, that can fail tomorrow, and the cost would probably be \$140,000 to \$150,000. That's what a Consolidated District is, not by the rates. The rates just pay the rents. Councilperson Bensley asked what Mr. Donahue proposes. Mr. Donahue: Just do a flat rate of \$200 for Parkwood. The meters are not free. They are \$430 apiece, roughly. Supervisor Rounds: We understand that. Mr. Donahue: They are not free. They are charged to the Consolidated Sewer District. So, if you put twenty meters in at \$430 apiece, it will be \$16,000. Supervisor Rounds: We know that. We didn't say they were free to the Town; they are free to the residents. Mr. Donahue: Yes, to the residents. Kirkwood's Board is taking a look at their meters because they are charging all of the residents for their meters. Our policy is to charge the resident if a meter freezes, or something like that. There is a \$450 charge. Also, you want to take a look at your sewer code to make sure that Parkwood is included in it, because I do not know if they did a separate section on that originally when it was set up in the code. Councilperson Bensley: You mean for the Consolidated District? Mr. Donahue: The code itself, Mike. Supervisor Rounds: We will take a look into that. Mr. Donahue: Because I did not know how it was set up in the code for metered people and flat rate people...broken down into two separate parts? Supervisor Rounds: Bob can take a look at that. *We can see what the code states about flat rates, but Parkwood is flat rate now.* Mr. Donahue: Parkwood has always been a flat rate. That's just for rents, you have to understand, it's just for rents. Operation and maintenance are out of taxes. Supervisor Rounds: So, why is Parkwood any different? Why shouldn't it just be metered? Any outside user can be metered. Mr. Donahue: All of a sudden you have \$3,300, you lost money again. Supervisor Rounds: *Maybe this is a discussion*

we should have outside of....Mr. Donahue: This is the voice of the public. Supervisor Rounds: You can question what we are saying, but...Mr. Donahue: Right. I was just questioning whether to say it because you have \$3,300, set the rate and go with it. If Mark up there says, yes, we...are you following this discussion? Supervisor Rounds: Yes. Mike, this is a discussion...if you want to sit down...we have talked about this. You and I and Mike Bensley sat down and talked about this. Mr. Donahue: You came up with a lot of different ideas. Supervisor Rounds: The different ideas, we talked about these, about raising the rates and adding a debt service. So, there is nothing else that is different except now instead of having a debt service, we are just raising the rates. I am not sure where this conversation is going. Mr. Donahue: You just said what I said; you've got bad money and you've got good money. There's no sense in throwing good money after bad. Parkwood itself is a separate entity. Supervisor Rounds: Right. So, if we have to repair something in Parkwood, it is going to cost the Consolidated Water District. So, I believe, Bob and Pat believe, right, that Parkwood should be treated just like anyone else that is in a Consolidated Water District. If you are in a Consolidated Water District, why should you be treated differently? Mr. Donahue: You are talking about two different things. You are talking about operation and maintenance, and you are talking about rents. Supervisor Rounds: But operation and maintenance are what you said is covered in your taxes. Mr. Donahue: Correct. Supervisor Rounds: So, we are now talking about rents. They are part of a Consolidated Water District, and have been. Mr. Donahue: Yes. Supervisor Rounds: So, they should be treated like anybody else that is in a Consolidated Water District. Mr. Donahue: That is what I am saying, you figure their rate now, and what we talked about earlier, their rates would be a lot less than what the rates are. Councilperson Xlander asked if we can end this discussion. Supervisor Rounds: He is a voice of the public. Councilperson Xlander: I do not know if it is getting us anywhere to have this discussion this way because we are going around in circles. Supervisor Rounds: I am just not understanding. Are you understanding what he is trying to say? Councilperson Bensley: From what I get, Mike's concern, which is somewhat valid, is if the Parkwood system breaks, if it needs to be replaced, there is really no money available for it. Your position is that since we are part of the Consolidated Sewer District, the money will come out of that District to cover that repair. Is that right, Mike? Supervisor Rounds: You do not have your own separate money, right? So, you are paying \$200 a quarter (rounded up for easy math), \$800. What Mike is saying is, that covers the maintenance of that, but that is what your taxes do. The \$200 that you pay....Highway Superintendent Rolston: That's in a shortfall too, because with what Mike had drawn up before with operation and maintenance, with engineering fees, and DEC fees, and the Town mowing...Supervisor Rounds: Do you charge Park Terrace to mow? I know you have to mow over the septic system up there. We have talked about this. We talked about Parkwood before we made this presentation; that we are just going to include Parkwood into the whole....Highway Superintendent Rolston: We were already into it with the meters. Supervisor Rounds: We are not stuck to anything. We can always redo whatever. We had talked about the fact that why was Parkwood ever broken out as it was. Highway Superintendent Rolston: I don't know. What would that cost us over the course of a year? Field one is a concern that the DEC could come at any time and say, hey, you have got to set up a plan. Supervisor Rounds: Right, but what we charge Parkwood is never going to pay for that. If we have to replace that system, everyone in the Consolidated Water District is going to have to...Highway Superintendent Rolston: I understand that. Even to just cover the maintenance and monitoring right now at \$195, there is a shortfall there. If we do meter it, we will be into more of a shortfall, just for the maintenance of it, is what I believe he is trying to say. Supervisor Rounds: But we talked about that. We talked about that today.

The floor was declared closed at 9:28 p.m.

EXECUTIVE SESSION:

A motion was made by Councilperson Leighton to go into Executive Session at 9:29 p.m. to discuss a code matter, and the motion was duly seconded by Councilperson Bensley. All those present voted in favor of the motion. Motion carried.

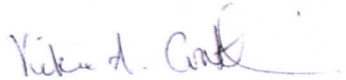
A motion was made by Councilperson Bensley to reconvene at 9:40 p.m., and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried.

ADJOURNMENT:

A motion was made by Councilperson Nye to adjourn the meeting at 9:41 p.m., and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

The next meeting of the Town of Binghamton Town Board will be a Work Session to be held on Tuesday, September 1, 2020, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,



Vickie A. Conklin
Town Clerk

NOTICE OF PUBLIC HEARING TOWN OF BINGHAMTON

PLEASE TAKE NOTICE that the Town Board of the Town of Binghamton, Broome County, New York has approved a resolution calling for a public hearing to consider instituting a six (6) month moratorium to suspend, curtail and/or stop the processing of applications for, and the issuance of permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar farms or solar communities, to allow the Town Board sufficient time for review, study, analysis and, if necessary, determine appropriate revisions and amendments to its Local Land Use Laws concerning such use. The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, August 18, 2020 at 7:01 P.M., at which time all persons interested in the subject matter thereof will be heard. The purpose of the public hearing shall be to receive public input on this issue and to evaluate and consider adoption of the foregoing.

Please take further notice that further details and information concerning the solar moratorium which is the subject matter of the public hearing are available for inspection at the Town Hall in the Town Clerk's office Monday through Friday 9:00 A.M. through 4:00 P.M.

Dated: August 7, 2020

Vickie Conklin, Town Clerk

RESOLUTION

At a regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Hall, 279 Park Avenue, Binghamton, New York, on the 18th day of August, 2020 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth Rounds
Councilperson Dean Nye
Councilperson Michael Bensley
Councilperson Victoria L. Xlander
Councilperson Mark Leighton

ABSENT: None

The Resolution set forth below was duly offered by Councilperson Leighton, who moved its adoption, and was seconded by Councilperson Bensley.

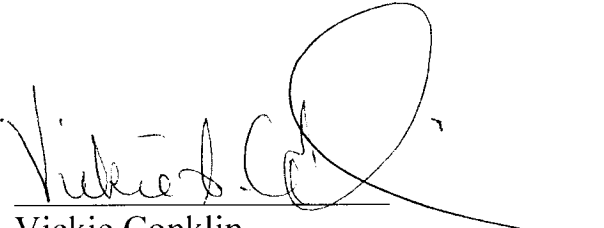
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth Rounds
Councilperson Michael Bensley
Councilperson Dean Nye
Councilperson Victoria L. Xlander
Councilperson Mark Leighton

NAYS: None

ABSENT: None

The Resolution was then declared adopted.


Vickie Conklin,
Town Clerk

RESOLUTION:

WHEREAS, by motion Councilperson Leighton has recommended that the Town Board approve claim numbers 611-616; 616-618; 619-635, and 636-658 as audited, and

WHEREAS, the specific audited claims are as set forth in the attachment.

NOW, THEREFORE, be it

RESOLVED, that claim numbers 611-616; 616-618; 619-635, and 636-658 as audited are hereby adopted and approved; and be it further

RESOLVED, that the Town Supervisor and such other Town officials are authorized to take such additional and further action as is necessary to implement this Resolution.

Date _____

PROPOSED WATER/SEWER RATES – 8/18/2020

SEWER

Joint Sewage Board charges \$101,676 four times a year = \$406,704.00

The Town bills residents four times per year:

| | |
|-----------|------------------|
| Nov. 2019 | 90,557.00 |
| Feb. 2020 | 86,659.26 |
| May 2020 | 84,536.96 |
| Aug. 2020 | <u>94,930.84</u> |

Total billed to residents: \$356,684.06

Shortfall of: \$50,019.94

Current sewer rate is \$8.63 per unit (1,000 gallons)

Proposed 2021 bill from Joint Sewage Board: \$110,000.00

Using a new rate of \$12.00 x 10,000 units = \$120,000.00. This increase will cover our projected cost increase it will also cover the shortfall listed above.

WATER

City of Binghamton bills us three times a year = \$237,458.*

* 1/2020 - \$71,163; 4/2020 - \$68,820; 8/2020; \$97,494.80

The Town bills residents four times a year:

| | |
|-----------|------------------|
| Nov. 2019 | 51,494.28 |
| Feb. 2020 | 48,701.23 |
| May 2020 | 47,454.53 |
| Aug. 2020 | <u>55,281.61</u> |

Total billed to residents: \$202,931.65

Shortfall of: \$ 34,526.35

Current water rate is \$5.82 per unit (1,000 gallons)

Proposed new water rate would be \$7.30 per unit (1,000 gallons).

Using the new proposed rate of \$7.30 per unit (1,000 gallons):

$34,869.72 \times \$7.30 = \$254,548.96$