

TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
August 4, 2020

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MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, AUGUST 4, 2020, 5:30 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

The meeting was called to order by Supervisor Rounds at 5:32 p.m.

ROLL CALL:

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

OTHERS PRESENT:

V. Conklin, Town Clerk	P. Wagner, Deputy Highway Superintendent
R. Pope, Deputy Town Attorney	R. Mastin, Planning Board Member
R. Rolston, Highway Superintendent	3 Guests
N. Pappas, Code Enforcement Officer/Buildings & Grounds	

PUBLIC HEARING – 5:32 p.m. – Twelve (12) Month Moratorium – Wind 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 up to a twelve (12) 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 wind energy, including but not limited to wind energy farms, 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 opened the Public Hearing to the public for comments at 5:32 p.m. As there were no comments, the floor was declared closed at 5:33 p.m.

Councilperson Nye stated that he is supporting the twelve (12) month moratorium on wind energy because the Town Code needs to be fine-tuned in relationship to the large, commercial wind projects. A motion was made by Councilperson Nye to adopt a Resolution to adopt a local law to put into place a twelve (12) month wind moratorium, and the motion was duly seconded by Councilperson Xlander. 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, Xlander, Nye, Leighton Absent: Bensley

Nays: None

Declared adopted.

(Resolution Appended)
(Public Hearing Notice Appended)

Supervisor Rounds made the following statement: 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 Nye made the motion to adopt a Resolution to approve the following claims as audited:

<u>2020</u>			
Lighting	Claim No. 578	\$	578.36
Sewer	Claim No. 579-580	\$	453.56
Water	Claim No. 581-585	\$	98,609.85
Highway	Claim No. 586-593	\$	3,597.63
General	Claim No. 594-610	\$	11,292.10

The motion was duly seconded by Councilperson Leighton. 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, Xlander, Nye, Leighton Absent: Bensley

Nays: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no changes/corrections made to the July 21, 2020 regular Town Board meeting minutes or the July 30, 2020 Informational Meeting minutes.

There was discussion regarding the July 30, 2020 Informational Meeting.

COMMUNICATIONS AND ANNOUNCEMENTS:

TOB Volunteer Fire Co. – Annual Chicken BBQ – Saturday, August 15, 2020 – 12:00 p.m. Until Gone

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – The next regularly scheduled meeting will be a joint meeting with the ZBA to be held on Monday, October 19, 2020 at 6:30 p.m. at the TOB Town Hall. Town Attorney Pope will be making a presentation.

Zoning Board of Appeals – The next regularly scheduled meeting will be a joint meeting with the Planning Board to be held on Monday, October 19, 2020 at 6:30 p.m. at the TOB Town Hall. Town Attorney Pope will be making a presentation. Darla Klinko, ZBA Processor/Secretary, has resigned effective August 31, 2020. There was discussion regarding having one secretary for the Planning Board, and ZBA as they have joint meetings. Supervisor Rounds will reach out to Chairpersons Streno and Tagliaferri regarding the ZBA Processor/Secretary position.

Youth Commission – There may be a three-week modified Fall season for the Youth League.

Code Enforcement/Buildings & Grounds – Code violation letters will be sent out. The basement is ready for the new boilers. Baseball is finished for the season.

Highway Department – Maintenance work is being done on some of the pump stations. Stones are being swept up on the roadways. Oiling and stoning are finished. Quite a few pipes have been installed. There was a water main leak on Hawthorne Road today. The sides of the roads have been mowed twice. Twelve water meters have been ordered. One water meter needs to be replaced. There was discussion about mechanical water meters being replaced with sonic water meters.

TOB Volunteer Fire Co. – Ray Mastin gave the following update on the Annual Chicken BBQ: Pick up will be at the Hawleyton United Methodist Church. Stations #1 and #2, and the TOB Community Center will be used to prepare the meals.

SUPERVISOR’S REPORT:

There was no report.

UNFINISHED BUSINESS:

Water/Sewer – Informational Meeting – Update – Information such as rates from the Joint Sewage Treatment Plant are being gathered, and will be reviewed in the next few weeks. A public hearing needs to be held changing the rates before October 23, 2020, as that is the next water meter reading. That way, when the new cycle comes, all of the usage will be under the new rates. A motion was made by Councilperson Xlander to adopt a Resolution to set a public hearing for September 15, 2020 at 7:01 p.m. to discuss the water and sewer rate changes, 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, Xlander, Nye, Leighton

Absent: Bensley

Nays: None

Declared adopted.

(Resolution Appended)

Court Clerk – Intermunicipal Agreement w/Town of Conklin – The Town is awaiting receipt of the Intermunicipal Agreement. Court Clerk Daniele Vick will be working at the TOB Court approximately eight hours per week.

Mill Road – Resolution to Move Mill Road from Tax Map System to Highway System – Ray Mastin gave the following update: The Town Board was approached by Mr. Starke from the Racquet and Riding Club requesting that the Town take over the Binghamton Tennis Center Roadway so that he would no longer be responsible for the maintenance of the road. In 2006, the Town Board held a public hearing, and adopted a Resolution approving the acceptance and dedication of the Binghamton Tennis Center Roadway, and executed an Indemnification Agreement. At that time, the Binghamton Tennis Center Roadway was renamed the Mill Road Extension, and given a tax map number. Mr. Mastin is requesting that the Mill Road Extension be taken out of the tax map system, and put into the highway system. To do so, the Town Board needs to adopt a Resolution stating that the Town will take the Mill Road Extension out of the tax map system and put it into the highway system. A motion was made by Councilperson Xlander to adopt a Resolution moving the Mill Road Extension from the tax map system to the highway system, 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, Xlander, Nye, Leighton Absent: Bensley

Nays: None

Declared adopted.

(Resolution Appended)

Solar Energy Committee - Update – The proposed Solar Energy Local Law will be e-mailed to Town Board members to review. Once the proposed Solar Energy Local Law is reviewed by Town Board members, and discussed at the next Town Board meeting, there will be a 239 Review, which will take 30 days. A public hearing will be set to take place after the 30-day period to adopt the proposed Solar Energy Local Law. Once the public hearing takes place, then the Solar Energy Local Law can be moved forward if it is approved. Councilperson Xlander stated that the Solar Energy Committee worked on updating the Local Law for a year and a half. The Committee consisted of seven members, two community members, two Town Board members, two Planning Board members, and Deputy Town Attorney Pope. The Committee met almost every month, and the members were quite committed, and took it seriously.

There was no further unfinished business.

NEW BUSINESS:

2020 Sexual Harassment Training – The 2020 Sexual Harassment Training will be completed via NYMIR’s website. Certificates of completion will be required to be given to Bookkeeper Reifler to be put in personnel files.

Town Clerk – Retention and Disposition Schedule for NY Local Government Records (LGS-1) – Adoption - Resolution – The New York Archives has updated the Retention and Disposition Schedule, which needs to be approved by the Town Board before the Town Clerk can utilize the schedule. A motion was made by Councilperson Leighton to adopt a Resolution approving the use of the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records for use by all officers in legally disposing of valueless records listed therein, 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, Xlander, Nye, Leighton

Absent: Bensley

Nays: None

Declared adopted.

(Resolution Appended)

Highway Superintendent Rolston – Resolution Freezing Highway Superintendent Rolston’s Accumulated Sick Time and Allowing Him to Use the Sick Time When Retiring From the TOB – A motion was made by Councilperson Nye adopting a Resolution to freeze Robert Rolston’s accumulated sick time, and allowing him to use the sick time towards his retirement upon retiring from the Town of Binghamton, and the motion was duly seconded by Councilperson Leighton. There was some discussion, and the matter was held over for the August 18, 2020 regular Town Board meeting.

Multi-Town Baseball Team – Supervisor Rounds received a telephone call from John Stilloe concerning putting together a baseball team with participants from the Towns of Binghamton, Conklin, and Kirkwood for a Fall season. There are five other communities that have put together the same type of teams. This will be offered to the Varsity and Junior Varsity players who cannot play now under Susquehanna Valley School, as the School District cannot organize or have practices. This would be a new 18 teener team. The participants will have to go through the registration process, and pay \$40. This team will be under the umbrella of the TOB Youth Commission. CDC guidelines will also be followed. Waivers will need to be signed concerning the liability of contracting COVID. This team will be coached by a local resident. The Town Board agreed that this would be a great thing for the kids to be able to do.

There was no further new business.

EXECUTIVE SESSION:

A motion was made by Councilperson Leighton to go into Executive Session at 6:23 p.m. to discuss a personnel matter, and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. Motion carried.

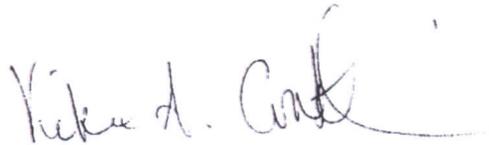
A motion was made by Councilperson Xlander to reconvene at 7:05 p.m., and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried.

ADJOURNMENT:

A motion was made by Councilperson Nye to adjourn the meeting at 7:06 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 regular Town Board Meeting at 7:00 p.m. on August 18, 2020, at the Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,



Vickie A. Conklin
Town Clerk

RESOLUTION

At a regularly scheduled Work Session 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 4th day of August, 2020 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

The Resolution set forth below was duly offered by Councilperson Nye who moved its adoption and was seconded by Councilperson Xlander.

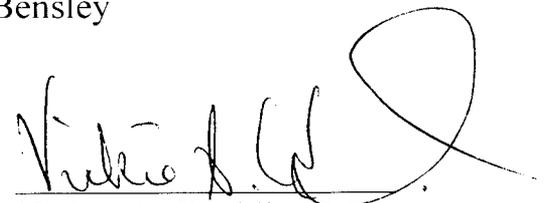
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: Councilperson Michael Bensley

The Resolution was then declared adopted.



Vickie A. Conklin,
Town Clerk

RESOLUTION

WHEREAS, the Town Board has before it a proposal to adopt a wind energy moratorium for a period of twelve (12) months 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 wind energy, including but not limited to wind energy farms, 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.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts a wind energy moratorium for a period of twelve (12) months 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 wind energy, including but not limited to wind energy farms, 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; and

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

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 up to a twelve (12) 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 wind energy, including but not limited to wind energy farms, 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 4, 2020 at 5:31 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 wind energy 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: July 7, 2020

Vickie A. Conklin, Town Clerk

RESOLUTION

At a regularly scheduled Work Session 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 4th day of August, 2020 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

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

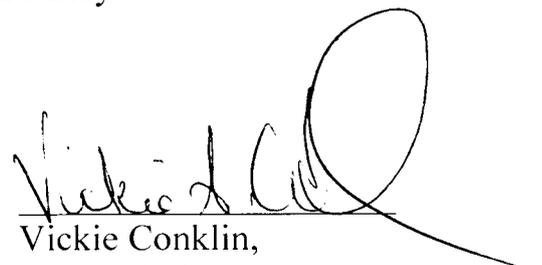
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: Councilperson Michael Bensley

The Resolution was then declared adopted.


Vickie Conklin,
Town Clerk

RESOLUTION:

WHEREAS, by motion Councilperson Nye has recommended that the Town Board approve claim numbers 578; 579-580; 581-585; 586-593, and 594-610; as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 578; 579-580; 581-585; 586-593, and 594-610 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.

RESOLUTION

At a regularly scheduled Work Session 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 4th day of August, 2020 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

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

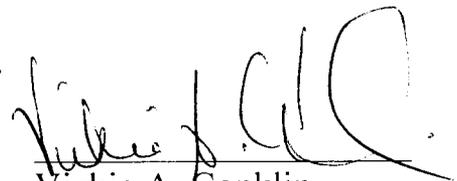
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: Councilperson Michael Bensley

The Resolution was then declared adopted.


Vickie A. Conklin,
Town Clerk

RESOLUTION

WHEREAS, the Town Board has before it a proposal to change the water/sewer rates prior to the next scheduled water meter reading on October 23, 2020; and

WHEREAS, the Town Board must first conduct a public hearing to receive public input on this issue.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby calls for a public hearing to receive public input on this issue on September 15, 2020, 2020 at 7:01 pm; and

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

RESOLUTION

At a regularly scheduled Work Session 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 4th day of August, 2020 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

The Resolution set forth below was duly offered by Councilperson Xlander who moved its adoption and was seconded by Councilperson Nye.

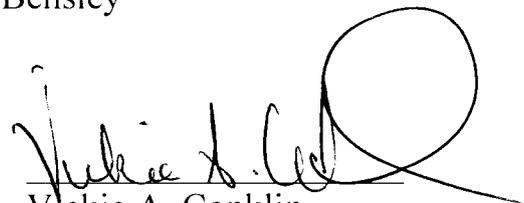
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: Councilperson Michael Bensley

The Resolution was then declared adopted.


Vickie A. Conklin,
Town Clerk

RESOLUTION

WHEREAS, the Town Board has before it a proposal to move the Mill Street Road Extension from the tax map system to the highway system.

NOW, THEREFORE, be it

RESOLVED, that the Town Board approves moving the Mill Street Road Extension from the tax map system to the highway system; and

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

RESOLUTION

At a regularly scheduled Work Session 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 4th day of August, 2020 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

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

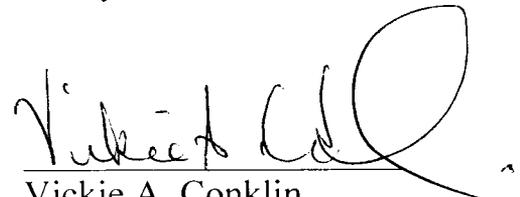
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: Councilperson Michael Bensley

The Resolution was then declared adopted.



Vickie A. Conklin,
Town Clerk

RESOLUTION

WHEREAS, the Town Board has before it a proposal to adopt a resolution approving the use of the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records for use by all officers in legally disposing of valueless records listed therein.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts a resolution approving the use of the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records for use by all officers in legally disposing of valueless records listed therein; and

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