

**TOWN OF BINGHAMTON**  
**TOWN BOARD**  
**September 15, 2020**

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**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, SEPTEMBER 15, 2020, 7:00 P.M., TOWN OF BINGHAMTON, TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.**

The meeting was called to order at 7:04 p.m. by Supervisor Rounds.

**ROLL CALL:**

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

**OTHERS PRESENT:**

V. Conklin, Town Clerk	N. Pappas, Code Enforcement/Buildings & Grounds
A. Pope, Town Attorney	P. Wagner, Deputy Highway Superintendent
R. Rolston, Highway Superintendent	5 Guests
E. Einstein, The Country Courier	

**PUBLIC HEARING – 7:05 p.m. – Change Water/Sewer Rates Prior to October 23, 2020  
Meter Reading**

Town Clerk Conklin confirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to change the water/sewer rates prior to the October 23, 2020 meter readings. Supervisor Rounds stated that the Town Board is proposing to pass an increase in the Town's sewer rates, water rates, and flat rate users' rates. Supervisor Rounds explained that currently the Town's sewer rates are \$8.63 per unit (a unit is 1,000 gallons). The Town needs to increase the sewer rates to \$11.80 per unit. During the 2020 year, the Joint Sewage Treatment Plant has billed the Town \$101,676 four times a year for a total of \$406,704. At the current rate of \$8.63, the Town residents have been billed four times a year for a total of \$356,684.06. There is a shortfall of \$50,019.94. The Town has not received definite rates yet for 2021 from the Joint Sewage Treatment Plant, but has been advised that the Joint Sewage Treatment Plant is proposing a flat increase for 2021, but needs their Board's approval. Every quarter the Town is billed for approximately 10,000 units. With the new rate of \$11.80, the Town will collect approximately \$118,000, which should be able to cover the shortfall that the Town incurred this year, and a small increase in the sewer rates that will happen in 2021. Currently the Town's water rate is \$5.82 per unit (a unit is 1,000 gallons). The Town needs to increase the water rates to \$7.30 per unit. The City bills the Town three times a year, but the Town bills the residents four times a year. During the 2020 year, the City has billed the Town \$237,458, and over the Town's four billings, the residents have been billed \$202,931.65. There is a shortfall of \$34,526.35. With the new rate of \$7.30, the Town will collect approximately \$252,042.36, which should be able to cover the shortfall that the Town incurred this year. The City is proposing a rate increase of 2.3%. Supervisor Rounds further explained that the Town's 2021 rates for the Joint Sewage Treatment Plant are based on what the Town's usage was in 2020, and that is what the Town will be billed for 2021. Residents that have sewer available to them, but have not had their well metered, are considered flat rate users. The Joint Sewage

Treatment Plant sets those rates based on how many bedrooms and how many gallons per bedroom they charge. Sewer only flat rates will be billed as follows:

- 1 bedroom (based on 150 gallons per day) will increase from \$118.06 to \$161.50
- 2 bedrooms (based on 300 gallons per day) will increase from \$236.11 to \$323.02
- 3 bedrooms (based on 400 gallons per day) will increase from \$314.81 to \$430.70
- 4 bedrooms (based on 475 gallons per day) will increase from \$373.84 to \$511.45
- 5 bedrooms (based on 550 gallons per day) will increase from \$432.87 to \$592.21

The flat rate user rates are set by the Joint Sewage Treatment Plant, and not the Town. Currently, there are 25 outside users. There were 27 outside users who were invited to an Informational Meeting, letters were mailed to them, and they were called because the Town was offering a free meter to those 27 outside users so that they could take advantage of having their well water metered to give an accurate use of their sewer usage. Two residents took the Town up on their offer of a free meter. As of January 1, 2021, the free meters will no longer be available. As of January 1, 2021, the residents will have to pay for the meter and the installation of the meter. There has been an increase in the Town's sewage billing from the Joint Sewage Treatment Plant due to a large increase in debt services. The \$101,676 quarterly billing received from the Joint Sewage Treatment Plant reflects \$52,000 as debt services. The September 2019 Joint Sewage Treatment Plant billing for debt services was \$37,000; the June 30, 2020 billing for debt services was \$52,000. The total bill for September 2019 was \$83,971, and in June of 2020, it was \$101,676. A copy of the Proposed Water/Sewer Rates sheet is appended hereto.

Supervisor Rounds opened the floor at 7:13 p.m.

James Cadden – Mr. Cadden asked how much per unit the Town is charged by the Joint Sewage Treatment Plant for water and/or sewer. Supervisor Rounds explained that the Joint Sewage Treatment Plant's billing does not reflect how much per unit they charge the Town. The billing does reflect that there are 13,303 units. Councilperson Leighton stated that using the figures on the Proposed Water/Sewer Rates sheet, which are accurate numbers, it appears, by his calculations, this prior year the Town was billed \$9.84 per unit for sewer. The Town was only charging residents \$8.63 per unit. For the water, it appears, by his calculations, that the City is charging the Town \$6.97 per unit, and the Town was only charging residents \$5.82 per unit. That is where the shortfalls are. Councilperson Leighton further stated that he had the same question that cannot be answered by the Proposed Water/Sewer Rates sheet, so he tried to figure out what the Town is being charged per unit to make sure that the increase is going to cover the bills as they currently are, plus whatever percentage increase the Town will be charged. Supervisor Rounds explained that these figures are all rents; operating costs come out of taxes; this money does not serve as operating expenses. The Town is not trying to make money, this is revenue to pay the bills. Mr. Cadden asked if the residents are billed a flat rate for the budget or is that a higher rate in order to cover...(cross-talk). Supervisor Rounds explained that residents in a water and/or sewer district have, on their taxes, an amount of money and that is what the Town uses for the maintenance of the Consolidated Water District and/or Consolidated Sewer District. Mr. Cadden asked if each one is billed the same. Supervisor Rounds replied that it is all based on the unit of the residents' property; not units that you use or anything like that. Mr. Cadden replied, frontage. Supervisor Rounds replied, correct. Mr. Cadden stated, but not correctly on the frontage; there has always been some bad mistakes there. Supervisor Rounds



replied, that is something we would have to talk to Broome County about, and that the Town does not have to use this money to maintain the Consolidated District. Mr. Cadden stated that he thought the Town would have to know whether they are charging a rate more than the Town is getting charged. Supervisor Rounds replied that the Town has to pay themselves back the \$50,000. So, for 2021, the Town may get billed less than what the Town is collecting, but the Town is already in the hole, between water and sewer, \$84,000. Mr. Cadden stated, because somebody was not watching that the Town is charging less than it is being billed. Supervisor Rounds replied, correct. We are now correcting the situation. She has called for two months asking what the new rates will be for 2021, and still has not received that information. The Town will not know what it will be billed until the Town receives their first bill. Mr. Cadden stated that the bill will have the total amount, just divide it out. Supervisor Rounds replied that the Town does not know that for 2021 yet; this is all an estimate. We are doing our best educated guess at trying to make up the \$84,000 shortfall, and making sure that the Town Board is not back here in February asking for another rate increase, but the Town will not know that until they receive the first bill from the Joint Sewage Treatment Plant; after numerous phone calls, no one can tell the Town what our bill will be.

There being no further presentations, the floor was declared closed at 7:22 p.m. Councilperson Nye stated, with the rate increase, the Town is almost, if not more, than covering our past deficit. Supervisor Rounds replied, correct. He further stated, so, next year, he is trusting that the Board will review this on an annual basis. Supervisor Rounds replied, correct. Councilperson Nye stated, we may be able to, if we are fortunate, reduce that rate. Supervisor Rounds replied, if we can, yes. It will be looked at quarterly. The Town does not want to be in this position again. If the Town has to make a 15% percent increase, they would rather do that than the \$2.15 increase. The Board does believe that this should be enough. If the bill stays at about \$103,000 per quarter, which is a little bit more, with no increase, then the Town should be able to pay ourselves back, and pay the bills. Councilperson Leighton asked, what fund does the deficit come out of. Supervisor Rounds replied, the water and sewer. The sewer deficit comes out of the sewer, the water deficit comes out of the water. Councilperson Leighton stated, the fund balance. Supervisor Rounds replied, not the fund balance. You get your rents, and then you get the maintenance money from the taxes. That goes into one big pool, but we know how much of it is rent, and we know how much is maintenance, so it comes out of that pool of money.

A motion was made by Councilperson Xlander to adopt a Resolution approving the Proposed Water/Sewer Rates to be billed as of February 2021; the sewer rate will be \$11.80 per unit; the water rate will be \$7.30 per unit, and the sewer flat rate will be: one bedroom \$161.50; two bedrooms \$323.02; three bedrooms \$430.70; four bedrooms \$511.45; five bedrooms \$592.21, 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)

(Proposed Water/Sewer Rates Sheet 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 Bensley made a motion to adopt a Resolution to approve the following claims as audited:

2020

Lighting	Claim No. 702	\$ 24.04
Sewer	Claim No. 703	\$ 936.42
Water	Claim No. 703-705	\$ 1,187.58
Highway	Claim No. 706-718	\$ 6,499.58
General	Claim No. 719-740	\$ 9,845.04

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, Bensley, Nye, Leighton, Xlander                      Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

**RECOGNITION OF MINUTES:**

There were no corrections made to the September 1, 2020 Work Session minutes.

**VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor at 7:27 p.m. There being no presentations, the floor was declared closed at 7:27 p.m.

**COMMUNICATIONS AND ANNOUNCEMENTS:**

Highway Department – Tree Branch and Brush Pick Up – September 8 thru September 30, 2020

Binghamton Township Historical Society – Remembering When Annual Luncheon – Saturday, September 19, 2020 – Cancelled

Columbus Day – TOB Municipal Buildings Closed – Monday, October 12, 2020 in Observance of Columbus 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. There will be a case heard at the October 19, 2020 meeting.

Youth Commission – There are a lot of changes going on with school sports. There may be a varsity level youth soccer team created through the Town of Conklin. The extended baseball season is finished. The School District will not be able to offer the gymnasium for basketball. Consequently, there will not be a youth basketball season this year, even if it is sponsored through the Town. There will not be a youth football season.

Code Enforcement/Buildings and Grounds – Jackson Road was placarded, and a do not occupy letter was mailed to the owner. Mr. Pappas has not heard back from the resident. 14 Holmes Place was placarded, and provided a do not occupy. David Woodworth is the owner of 14 Holmes Place and is present tonight to present his plans for 14 Holmes Place to the Board. Mr. Woodworth advised the Board that he is the owner of 14 Holmes Place. There were tenants in the home that made the home unsanitary and in need of repairs. He has cleaned up the garbage on the ground, intends to replace the roof, and tear down and replace the garage. Mr. Pappas and Mr. Woodworth will meet at the property to assess what needs to be done. A plan will be made for what needs to be done to clean up and repair the property, which plan will be brought back to the Board. The Board will then approve or reject the plan. If the plan is approved, Mr. Woodworth will need to apply for a building permit, and go forward with the plan. The plan will require a reasonable amount of time for repairs.

## **NEW BUSINESS:**

Rescheduling of October 6, 2020 Work Session – A motion was made by Councilperson Nye to adopt a Resolution to approve the rescheduling of the Tuesday, October 6, 2020 Work Session at 5:30 p.m. to Monday, October 5, 2020 at 5:30 p.m. in order for Town Clerk Conklin to be able to present the 2021 Tentative Budget to the Town Board by October 5, 2020, 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)



Highway Department – The W. Hamton Road sewer part of the relining project is complete. The storm drain is scheduled for repair next week. The Highway Department has been doing routine maintenance, brush pick up, and cutting back some of the roadside in the shaded areas.

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

Town Clerk's Monthly Report for August 2020  
Code Enforcement Monthly Report for August 2020  
DCO's Monthly Report for August 2020

TOB Volunteer Fire Co. – There was no report.

Supervisor – Supervisor Rounds listened to a Zoom call from Broome County Executive Garnar addressing their budget for their fiscal year. She gave the following update: When BC Executive Garnar took office, the Broome County fund balance was \$250,000. They have been able to accomplish increasing the fund balance to \$15,000,000, and able to keep their A+ bond rating. Sales tax, DMV, and casino revenues are down considerably. The Broome County offices still have 200 positions that are open at County level, and those positions at this point, will not be filled. He has requested that all departments have a 10% to 15% reduction in their expenses. BC Executive Garnar will be moving forward with having a tax cut in Broome County for 2021, but by being able to do that, they will be increasing a short debt capacity. The Community Center project in Conklin will be moving forward, and the Veterans Center in the TOB will be completed in 2021. The new radio communications will be on-line next Spring. BC Executive Garnar was very complimentary about Broome County's workforce as far as handling the Corona virus. At one point, the Health Department had two tracers, and now they have 50 tracers. People have been willing to step up and do jobs that they have never done before.

#### **UNFINISHED BUSINESS:**

CDBG - Contract – Supervisor Rounds has signed the application for another CDBG grant. The application process does not have a start date. The application process may not be until 2021.

There was no further unfinished business.

#### **NEW BUSINESS (Continued):**

Water/Sewer – Proposed Code Amendment for Meter Installation and Billing – Supervisor Rounds asked the Board to review a handout provided by Town Attorney Pope amending TOB Code Section 231. There was some discussion. A motion was made by Councilperson Leighton to adopt a Resolution to set a Public Hearing for October 20, 2020 at 7:02 p.m. to adopt the proposed Local Law Amendment to Chapter 231 of the Town of Binghamton Code, 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)

Broadband Webinar – There was discussion regarding a webinar that some of the Board members attended regarding a group representing the 27<sup>th</sup> Congressional District that is gathering information on areas that are underserved by broadband.

There was no further new business.

**VOICE OF THE PUBLIC:**

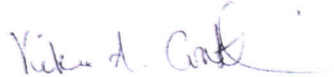
Supervisor Rounds opened the floor to the public at 8:02 p.m. There being no presentations, the floor was declared closed at 8:02 p.m.

**ADJOURNMENT:**

A motion was made by Councilperson Bensley to adjourn the meeting at 8:02 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 Monday, October 5, 2020, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.*

Respectfully submitted,



Vickie A. 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 15th day of September, 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 Bensley, who moved its adoption, and was seconded by Councilperson Xlander.

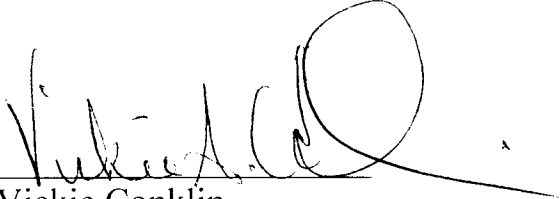
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth 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 Xlander has recommended that the Town Board approve claim numbers 702; 703; 703-705; 706-718, and 719-740 as audited, and

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

**NOW, THEREFORE**, be it

**RESOLVED**, that claim numbers 702; 703; 703-705; 706-718, and 719-740 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.

## **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 change the water/sewer rates prior to the next scheduled water meter reading on October 23, 2020. The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, September 15, 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 water/sewer rate change, 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 10, 2020**

**Vickie A. Conklin, Town Clerk**



## PROPOSED WATER/SEWER RATES TO BECOME EFFECTIVE FEBRUARY 2021 BILLING

### **SEWER - \$8.63 per unit will increase to \$11.80 per unit**

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: \$103,000.00

Using a new proposed sewer rate of \$11.80 per unit x 10,000 units = \$118,000.00.

This increase will cover our projected cost increase, and it will also cover the shortfall listed above.

### **WATER - \$5.82 per unit will increase to \$7.30 per unit**

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 water rate of \$7.30 per unit (1,000 gallons):

$$34,526.35 \times \$7.30 = \$252,042.36$$

### **PARKWOOD SUBDIVISION: Rates remain the same - \$195 flat rate**

#### **SEWER ONLY FLAT RATES (based on number of bedrooms):**

- 1 bedroom** (based on 150 gallons per day) **will increase from \$118.06 to \$161.50**
- 2 bedrooms** (based on 300 gallons per day) **will increase from \$236.11 to \$323.02**
- 3 bedrooms** (based on 400 gallons per day) **will increase from \$314.81 to \$430.70**
- 4 bedrooms** (based on 475 gallons per day) **will increase from \$373.84 to \$511.45**
- 5 bedrooms** (based on 550 gallons per day) **will increase from \$432.87 to \$592.21**