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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, OCTOBER 20, 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:

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

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 | Sandra Reifler, Bookkeeper |
| E. Einstein, The Country Courier | 4 Guests |

PUBLIC HEARING – 7:01 p.m. – Chapter 420 Article IX. Special Uses, Section 240.57.2 Solar Energy Systems Local Law

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 input on the changes of the draft of Chapter 420 Article IX. Special Uses, Section 240.57.2 Solar Energy Systems Local Law. The Solar Energy Systems Local Law will be presented for approval at the November 17, 2020 regular Town Board meeting as the Town Board is awaiting the Planning Board's review and recommendations to the Town Board.

Supervisor Rounds opened the floor at 7:01 p.m. There being no comments, the floor was declared closed at 7:01 p.m.

(Notice of Public Hearing Appended)

PUBLIC HEARING - 7:02 p.m. – Adoption of Amendment to Chapter 231 Water Meter Local Law

Town Clerk Conklin confirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to adopt an Amendment to Chapter 231 Water Meter Local Law. The Amendment clarifies the policy for implementing meters including: Application for service; service connections, and meters.

Supervisor Rounds opened the floor at 7:03 p.m. There being no comments, the floor was declared closed at 7:03 p.m.

A motion was made by Councilperson Nye to adopt a Resolution approving the Local Law Amendment to Chapter 231 of the Town of Binghamton Code, and the motion was duly

seconded by Councilperson Bensley. 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)

PUBLIC HEARING - 7:06 p.m. – CDBG – Program Progress Update

Town Clerk Conklin confirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to provide details with respect to the program and program progress, solicit comments with respect to funded activities and program administration, and answer questions with respect to the CDBG Program or grant activities. Supervisor Rounds stated the following: This is the second of two public hearings as required under the Community Development Block Grant Program to be held during the administrative phase of CDBG grants. The purpose of the second hearing is to be held during the administrative phase: To solicit public's comments on the effectiveness of the administration of the CDBG program; to provide information on the activities and progress toward goals and objectives; to obtain citizens' views on the CDBG program, and to respond to the public's proposals, if any, and answer questions. A handout was available to attendees. The Town received \$500,000; the administration fees are \$90,000, leaving \$410,000 for rehabilitation. With the \$410,000, the Town was able to provide rehabilitation for 16 or 17 homes. There are three houses left; two have bids, which will be started soon, and there is one more waiting for bids.

Supervisor Rounds opened the floor at 7:07 p.m.

Jim Cadden – Mr. Cadden inquired about the Town spending funds on the application of the CDBG grant, but not spending funds on a tax collector position as it is an inconvenience for taxpayers not being able to pay their tax bills at the Town Hall. Mr. Cadden was informed that the Town spent \$6,500 for the application of the CDBG grant from Town funds, \$90,000 in administration fees, which was paid out of the \$500,000 CDBG grant funds, leaving \$410,000 in funds for CDBG grant recipients. It was explained that the qualifications to be a part of this program was a low income, necessity need of improvements for a roof or a bathroom or insulation, etc., and that the improvements on the residents' homes has dramatically changed their lives as their homes were substandard and now, they are standard, and in some cases, more energy efficient. It was further explained to Mr. Cadden that Broome County offered to collect the Town's tax payments for free versus the Town spending \$20,000 per year on a tax collector position.

There being no further comments, the floor was declared closed at 7:14 p.m.

(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 Bensley made a motion to adopt a Resolution to approve the following claims as audited:

2020

| | | |
|----------|------------------------|---------------|
| Lighting | Claim No. 801 | \$ 26.74 |
| Sewer | Claim No. 802-805 | \$ 193,204.29 |
| Water | Claim No. 805-808 | \$ 1,235.09 |
| Highway | Claim No. 803, 809-822 | \$ 96,374.73 |
| General | Claim No. 823-849 | \$ 55,578.77 |

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, Bensley, Nye, Leighton, Xlander Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no corrections made to the October 5, 2020 Work Session minutes.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor at 7:15 p.m.

Mike Donahue – Mr. Donahue inquired about certain line items in the Preliminary Budget: 2.5% raises for clerical personnel? It was explained that the raises are based on merit, and merit can be measured in a variety of ways. There are a lot of employees who are working outside of their scope of duties, picking up additional duties, and they need to be recognized. The increase of \$500 for Budget Officers? It was explained that Bookkeeper Reifler and Supervisor Rounds are the Budget Officers, so there was an increase in that line item for them. Building Inspector? There are two salaries listed? It was explained that the Town has an Intermunicipal Agreement with the Town of Conklin for shared service for the Code Enforcement Officer. On the revenue side, the Town of Conklin's share that they are paying has increased, and the \$26,444 does

include a portion of benefits such as health insurance and retirement, but was not covering all of the benefits. So, the Town of Conklin is now paying over \$30,000. An employee was taken out of the Highway Fund and put in the General Fund? It was explained that that had been recommended for years by the Town's auditor. \$27,000 was taken out of snow removal in the General Fund from the Highway Department to cover that? The Town transferred the funds into the General Fund. The Town took \$50,000 out of sales tax revenue to cover this? The Town is paying the salary of the Highway Administrator, so, when the Town took that money out of the Highway Fund, the Town also took the revenue out of the Highway Fund. It's a discretion, though, how the Town split the sales tax between the Highway and the General Fund. Mr. Donahue disagrees with defunding the Highway to the point where the Town took \$97,000 away from the Highway. It was explained that the Town decreased the Town's sales tax for both the General Fund and the Highway Fund because of COVID, and the Town's anticipation of reduced sales tax from the County. Mr. Donahue stated that the Town is taking \$50,000 from the Highway Fund to cover Nadine out of the sales tax revenue. Bookkeeper Reifler explained that the Town reduced the taxes for the Highway, and that the Town didn't take it from sales tax. It was a 50/50 split for General and Highway for sales tax. The Town decided to lower the taxes on the Highway portion and increase the taxes on the General side. There are no funds for Seniors, and the Town wants to use the Community Center more, but there is no senior program? It was explained that the Town does not have a Community Center program right now. The Town will put that money back into the fund when the Town finds out how they are going to handle the Community Center. There is no sense in keeping money in a fund when the Town has no intentions of hiring anybody to handle the Community Center. If the Community Center opens next year, funds can be taken out of the contingency, and not the line item itself.

Joe Angelino – Mr. Angelino introduced himself and stated that he is running for the NYS Assembly. He has been going to Town meetings from Lisle to Hancock, and New Berlin down to Whitney Point. Mr. Angelino finds it very interesting to hear all of the comments because it is the local issues that eventually go up to Albany, and he is hoping to go to Albany and represent this area. There was brief discussion about internet and wireless phone service in the Town.

Munza Raheel – Ms. Raheel represents Atlas Renewables, a solar energy company, and thanked the Board for creating a Solar Energy Systems Local Law as Atlas Renewables looks forward to working with the Town to establish solar planning.

Jim Cadden – Mr. Cadden asked for clarification regarding moratoriums in the TOB Comprehensive Plan on the solar energy rules and regulations, gas drilling and air (wind), and if there is a change in the Comprehensive Plan. It was explained that solar had a moratorium placed on it a month ago, and that there is not a moratorium on solar energy in the Comprehensive Plan. The reason for the solar moratorium is so that the Board could complete the Town's Solar Energy Systems Local Law. The solar moratorium will come off once the Town has acceptance of the plan. That should happen sometime at the November Board meeting. There was a moratorium for drilling. There is a moratorium on wind. The Town has started working on updating the Town's wind local law, and are establishing local laws that are up-to-date, and will meet the community's needs as well as companies who want to come in.

There being no further presentations, the floor was declared closed at 7:34 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS:

Highway Department – Fall Leaf Pick Up – October 15 thru November 25, 2020

Veterans Day – TOB Municipal Buildings Closed – Wednesday, November 11, 2020 in Observance of Veterans Day

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – A meeting was held on October 19, 2020 at 6:30 p.m. at the TOB Town Hall. Topics of the meeting included the proposed Solar Energy Systems Local Law and Scientel Solutions, who wants to establish two antennas in the Town. The Scientel Solutions should be finished up along with the solar law review at the next meeting to be held on November 9, 2020 at 6:30 p.m. at the TOB Town Hall. There was discussion regarding the Planning Board Secretary vacancy.

Zoning Board of Appeals – A meeting was held on October 19, 2020 at 7:00 p.m. at the TOB Town Hall. One case was heard for a variance of not having the structure behind the home, which was approved, along with the setback from the right-of-way. Chelsea Mozley attended the meeting to observe as she has interest in becoming the ZBA Processor/Secretary.

Youth Commission – A meeting was held Thursday, October 15, 2020. Inventory of equipment was done in anticipation of replacing some of the equipment.

Code Enforcement/Buildings and Grounds – Mr. Pappas is awaiting a return phone call from the owners of the house fire on Park Avenue.

Highway Department – Highway Superintendent Rolston reported that the Highway Department has been working on routine maintenance, cutting back trees from the roads, picking up leaves, and getting ready for winter.

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

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

TOB Volunteer Fire Co. – There was no report.

Supervisor – Supervisor Rounds read a thank you card from the SusqueNango Kennel Club for use of the ballpark field at 471 Park Avenue. The budget process is being finished up. The County is providing the Town with the CDC guidelines for Halloween. There are still ways people can have Halloween. The recommended guidelines will be posted on the TOB website. The County does have an increase in COVID cases, hospitalizations, and deaths. Part of the City of Binghamton, Johnson City, Endicott, and Endwell are under the yellow zone. The numbers have stabilized, and are decreasing a little bit. The rapid test mobile unit is still active. The

County is projecting a 4% decrease in sales tax revenues for 2021, but kept it flat in their proposed budget. The Town may see a decrease of approximately \$40,000 in sales tax revenue in 2021. Election process information has been posted on the TOB website.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

TOB Volunteer Fire Co. – 2021 Contract – Set Public Hearing – The Town is awaiting receipt of the TOB Volunteer Fire Company's proposed 2021 budget. A motion was made by Councilperson Leighton to adopt a Resolution to set a Public Hearing for Tuesday, November 17, 2020 at 7:01 p.m. to accept the proposed Town of Binghamton Volunteer Fire Company 2021 contract, and the motion was duly seconded by Councilperson Nye. 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)

Emergency Plan Power Point Presentation – Councilperson Nye reported that he attended a Power Point presentation on October 17, 2020 regarding an emergency plan for the Town of Binghamton and its employees under something like the current COVID pandemic. Supervisor Rounds stated that the Town's emergency plan was dictated by the State of New York, requiring the Town to follow Governor Cuomo's Executive Orders. Councilperson Nye further stated it is his understanding that the Governor signed into law the requirement that municipalities develop a mandatory emergency plan, and present the draft plan to any and all bargaining units for their comments, no later than February 4, 2021, with the final plan to follow in April 2021. Councilperson Bensley inquired as to what type of penalties will be imposed if the Town does not meet the submittal deadline. Councilperson Nye does not know what the penalties would be. There was discussion about a template being available for use in creating the plan. Town Attorney Pope advised that a new NYS law requires public employers, including school districts, to plan for disaster emergencies. Governor Cuomo signed legislation requiring all public employers to create plans to adequately protect workers in the event of another State disaster emergency involving a communicable disease. The plan should also include who is deemed an essential worker, who you can call back as essential, and under what circumstances you can have them work in an essential role. The Town does have somewhat of a plan in place, which has worked very well. There was further discussion.

There was no further new business.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public at 7:52 p.m.

Jim Cadden – Mr. Cadden asked about the number of rising COVID cases in the Town, inquiring if there is a particular area in the Town or is it all over the Town. Supervisor Rounds explained that there are currently eight people in the Town that have COVID, and that the 39 cases are the total number of COVID cases to date since March 15th. The COVID cases in the Town are scattered around the Town. No employees or officers of the Town have COVID.

There being no further presentations, the floor was declared closed at 7:54 p.m.

EXECUTIVE SESSION:

A motion was made by Councilperson Nye to go into Executive Session at 7:54 p.m. to discuss a legal and/or personnel matter, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried.

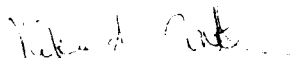
A motion was made by Councilperson Bensley to reconvene at 8:35 p.m., and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

ADJOURNMENT:

A motion was made by Councilperson Bensley to adjourn the meeting at 8:35 p.m., and the motion was duly seconded by Councilperson Leighton. 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 Thursday, November 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

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 adopt Chapter 240 Article IX. Special Uses, Section 240.57.2 Solar Energy Systems Local Law. The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, October 20, 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 local law and to evaluate and consider adoption of the foregoing.

Please take further notice that a copy of the Chapter 240 Article IX. Special Uses, Section 240.57.2 Solar Energy Systems Local Law 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: September 24, 2020

Vickie 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 adopt an Amendment to Chapter 231 Water Meter Local Law. The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, October 20, 2020 at 7:02 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 local law and to evaluate and consider adoption of the foregoing.

Please take further notice that a copy of the Chapter 231 Water Meter Local Law 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: September 24, 2020

Vickie Conklin, Town Clerk

RESOLUTION

At a regularly scheduled Board 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 20th day of October, 2020 at 7:00 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

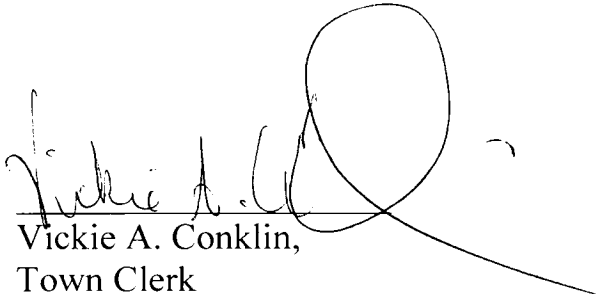
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, the Town Board conducted a Public Hearing on October 20, 2020 at 7:02 p.m. for consideration of the proposed Local Law Amendment to Chapter 231 of the Town of Binghamton Code; and

WHEREAS, the Town Board has before it for its consideration the proposed Local Law Amendment to Chapter 231 of the Town of Binghamton Code.

NOW THEREFORE, IT IS

RESOLVED, that the Town Board hereby approves the Local Law Amendment to Chapter 231 of the Town of Binghamton Code; and it is further

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

LEGAL NOTICE - NOTICE OF PUBLIC HEARING

The Town of Binghamton was awarded fiscal year 2018 funds under the Small Cities Community Development Block Grant (CDBG) Program. CDBG funds in the amount of \$500,000 were awarded to the Town to provide a Town-Wide Owner-Occupied Housing Rehabilitation Program.

Pursuant to 24 CFR 570.486, the Town of Binghamton is required to hold a public hearing during the grant implementation period to provide details with respect to the program and program progress, solicit comments with respect to funded activities and program administration, and answer questions with respect to the CDBG Program or grant activities. Comments may also be submitted in writing to the Town of Binghamton, c/o Elizabeth Rounds, Supervisor & Section 3 Coordinator, Town of Binghamton, 279 Park Avenue, Binghamton, NY 13903.

This hearing, scheduled for Tuesday, October 20, 2020 at 7:03 p.m., will be held at the Town Hall, 279 Park Avenue, Binghamton NY, 13903. The venue is handicapped accessible. For those needing such assistance please contact Vickie Conklin, Town Clerk at (607)772-0357. Any other persons or groups needing special accommodations should contact the Town at least one week prior to the meeting at (607)772-0357. Please remember to wear a face mask and practice social distancing for everyone's health and safety. Thoma Development Consultants was retained by the Town to administer the grant pursuant to a request for proposal (RFP) process. They can be reached at 607-753-1433.

The CDBG program is funded under Title I of the Housing and Community Act of 1974, as amended. The federal government, pursuant to Title I, provided fiscal year 2018 funds to New York State for award and administration.

Signed: Elizabeth Rounds, Supervisor and Section 3 Coordinator

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 20th day of October, 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 Leighton.

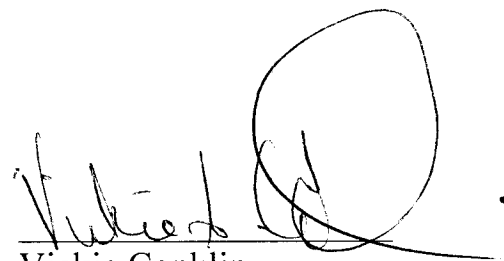
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth Rounds
Councilperson 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 Bensley has recommended that the Town Board approve claim numbers 801; 802-805; 805-808; 803, 809-822, and 823-849 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 801; 802-805; 805-808; 803, 809-822, and 823-849 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 Board 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 20th day of October, 2020 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth Rounds
Councilperson Michael Bensley
Councilperson Dean Nye
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 Nye.

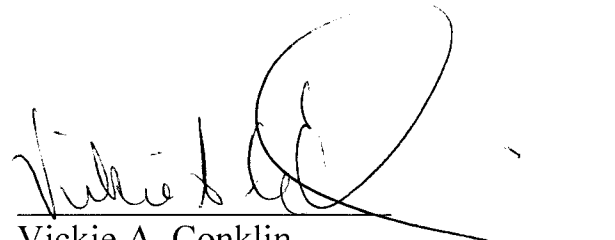
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, it was recommended that the Town Board call for a Public Hearing for November 17, 2020 at 7:01 p.m. for consideration of the proposed Town of Binghamton Fire Company 2021 Contract.

NOW THEREFORE, IT IS

RESOLVED, that the Town Board hereby approves a Public Hearing for November 17, 2020 at 7:01 p.m. for consideration of the proposed Town of Binghamton Fire Company 2021 Contract; and it is further

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