

**TOWN OF BINGHAMTON**  
**TOWN BOARD**  
**January 19, 2021**

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**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, JANUARY 19, 2021, 7:00 P.M., TOWN OF BINGHAMTON, TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.**

The meeting was called to order at 7:02 p.m. by Supervisor Rounds.

**ROLL CALL:**

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

**OTHERS PRESENT:**

V. Conklin, Town Clerk	R. Rolston, Highway Superintendent
A. Pope, Town Attorney via Zoom	1 Guest
N. Pappas, Code Enforcement Officer/Building & Grounds	

**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 a motion to adopt a Resolution to approve the following claims as audited:

2020

Water	Claim No. 1079-1080, 1097	\$ 1,751.92
General	Claim No. 1081-1089, 1098	\$ 9,487.30
Highway	Claim No. 1090-1096	\$ 1,873.53

2021

Highway	Claim No. 14-21, 39	\$ 12,085.66
Sewer	Claim No. 22-23	\$ 103,442.30
Water	Claim No. 23	\$ 971.31
General	Claim No. 24-38	\$ 57,721.49

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, Donahue      Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

### **RECOGNITION OF MINUTES:**

There were no corrections made to the January 5, 2021 Work Session minutes.

### **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor at 7:04 p.m.

Jim Cadden – Mr. Cadden suggested moving the TV (for Zooming) to an area where everyone in the room can see it from any seat.

There being no further presentations, the floor was declared closed at 7:05 p.m.

### **COMMUNICATIONS AND ANNOUNCEMENTS:**

Presidents' Day – TOB Municipal Buildings Closed – Monday, February 15, 2021 in Observance of Presidents' Day

Highway Department – Christmas Tree Pick Up – Thru January 22, 2021

### **OFFICIALS AND COMMITTEE REPORTS:**

Planning Board – The Planning Board had a regularly scheduled quarterly joint meeting with the ZBA on January 11, 2021. Town Attorney Pope held a legal corner. The solar updates were discussed.

Zoning Board of Appeals – The ZBA had a regularly scheduled quarterly joint meeting with the Planning Board on January 11, 2021. Town Attorney Pope held a legal corner.

Youth Commission – A meeting will be held Thursday, January 21, 2021 at 6:00 p.m. at the Town Hall. Basketball has been postponed until next year. Equipment purchases were made in 2020 such as football storage equipment, tackling training aids, baseballs and softballs. There is hope that there will be some semblance of a normal baseball and softball season, but has yet to be determined. Meetings will be held the third Thursday of the month at 6:00 p.m. at the Town Hall.

Code Enforcement/Buildings and Grounds – There was nothing new to report.

Highway Department – Highway Superintendent Rolston thanked Councilperson Donahue for helping out at the Highway Department during the snowstorm, and Covid-19 outbreak. The Highway Department has been sanding roads, guardrail repair, picking up trees, and general maintenance on equipment and trucks.

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

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Town Clerk's Monthly Report for December 2020 & Town Clerk's Final Report for 2020  
DCO Monthly Report for December 2020  
Code Enforcement Officer's Monthly Report for November 2020 and December 2020

TOB Volunteer Fire Co. – There was no report.

Supervisor – The Town received an Invitation To Comment as a Consulting Party on a Proposed Colocation/Tower Extension from Verizon Wireless as Verizon Wireless would like to add an extension to one of the County's towers on Ingraham Hill Road. Town Attorney Pope explained that the Invitation is one of the steps that Verizon Wireless is required to take in this process, and that the Town can respond or just treat the Invitation as information. Supervisor Rounds had contacted Mike Ponticello, Director of Broome County Emergency Services, prior to receiving the Invitation, and explained that the Town would like to go forward with the extension with the hope of boosting cell service coverage in the Town. There was some discussion. Supervisor Rounds will contact Mr. Ponticello for further discussion of this matter.

#### **UNFINISHED BUSINESS:**

TOB Covid Exposure Policy - Update – A motion was made by Councilperson Donahue to adopt the changes to the TOB Covid Exposure Policy with the addition to paragraph A of the following: "e. Management reserves the right to implement the protocol for Essential Personnel to Return to Work following a Covid 19 Exposure or Infection outlined by the New York State's Department of Health guidelines. The guidelines are attached.", and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. Motion carried.

NYS Association of Towns & Villages – 2021 Virtual Conference – No one will be attending the virtual conference.

330 Park Ave. – Reschedule Public Hearing – The public hearing for this evening was cancelled due to incorrect addresses for notification of the public hearing to the owners of 330 Park Avenue. The Town now has a correct address for the owners. A motion was made by Councilperson Nye to adopt a Resolution to set a public hearing for February 16, 2021 at 7:01 p.m. for the dangerous and unsafe building at 330 Park Avenue, Binghamton, New York, to request that the owners be present at the public hearing to discuss the future of the property, and the motion was duly seconded by Councilperson Donahue. 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, Donahue

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)



There was no further unfinished business.

### **NEW BUSINESS:**

Highway Department – Agreement to Spend Highway Funds - Approval – Highway Superintendent Rolston provided the Board with an Agreement for approval of expenditures from Mr. Rolston's budget for repairs that he would like to do in the Town in the current fiscal year. A motion was made by Councilperson Donahue to adopt a Resolution to approve the Agreement to Spend Highway Funds pursuant to provisions of Section 284 of the Highway Law for the following: General Repairs upon 49.74 miles of Town roads in the amount of \$235,000 to include Moore Ave. (Town line), and leading from East Hamton Rd. to West Hamton Rd. Intersection; Dogwood Drive from Partridge Lane to East Hamton Rd.; Morgan Rd. (City line) and leading to Carman Rd., and commencing all other roads in the Town of Binghamton, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. There was some discussion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Declared adopted.

(Resolution Appended)

Justice Court Audit - Resolution – A motion was made by Councilperson Donahue to adopt a Resolution to approve the Justice Court Audit Report for the period of January 1, 2019 thru December 31, 2019, and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. There was some discussion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Declared adopted.

(Resolution Appended)

There was no further new business.

### **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public at 7:41 p.m.

Jim Cadden – Mr. Cadden suggested the Town provide information in Town Talk to Town residents about the Town's Zooming system so that the residents can stay at home and watch the meeting live. Supervisor Rounds informed Mr. Cadden that the residents know, but does not

know if the residents are aware of the TV. The residents have to have Zoom to see the TV. The Zoom invite information is on the TOB website in Public Hearing notices, but going forward the Town Supervisor will provide Zoom invitations for every meeting via the Town website.

There being no further presentations, the floor was declared closed at 7:42 p.m.

**ADJOURNMENT:**

A motion was made by Councilperson Leighton to adjourn the meeting at 7:42 p.m., and the motion was duly seconded by Councilperson Bensley. 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, February 2, 2021, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.*

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Vickie A. Conklin", is written over a horizontal line.

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 19th day of January, 2021 at 7:00 o'clock P.M. of said day, the following were:

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

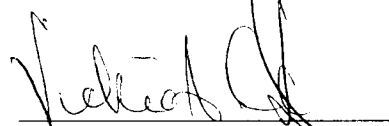
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth Rounds  
Councilperson Michael Bensley  
Councilperson Dean Nye  
Councilperson Michael Donahue  
Councilperson Mark Leighton

NAYS: None

ABSENT: None

The Resolution was then declared adopted.

  
Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, by motion Councilperson Nye has recommended that the Town Board approve claim numbers 1079-1080, 1097; 1081-1089, 1098; 1090-1096; 14-21, 39; 22-23; 23, and 24-38 as audited, and

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

**NOW, THEREFORE**, be it

**RESOLVED**, that claim numbers 1079-1080, 1097; 1081-1089, 1098; 1090-1096; 14-21, 39; 22-23; 23, and 24-38 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 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 19th day of January, 2021 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth A. Rounds  
Councilperson Michael Donahue  
Councilperson Michael Bensley  
Councilperson Mark Leighton  
Councilperson Dean Nye

ABSENT: None

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

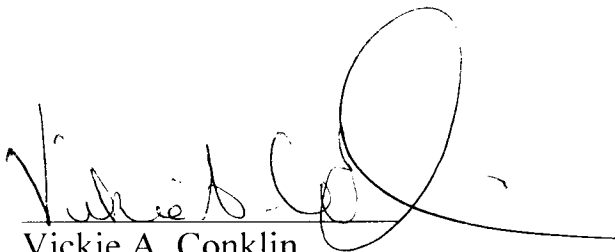
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth A. Rounds  
Councilperson Michael Donahue  
Councilperson Michael Bensley  
Councilperson Mark Leighton  
Councilperson Dean Nye

NAYS: None

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,  
Town Clerk

## **RESOLUTION**

**WHEREAS**, the Town Board has before it a proposal set a public hearing for February 16, 2021 at 7:01 p.m. to hear public comments on the Town of Binghamton proposed declaration that the building at 330 Park Avenue, Binghamton, New York 13903 (176.19-1-8) is unsafe and dangerous.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby approves setting a public hearing for February 16, 2021 at 7:01 p.m. to hear public comments on the Town of Binghamton proposed declaration that the building at 330 Park Avenue, Binghamton, New York 13903 (176.19-1-8) is unsafe and dangerous; 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 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 19th day of January, 2021 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth Rounds  
Councilperson Michael Donahue  
Councilperson Dean Nye  
Councilperson Mark Leighton  
Councilperson Michael Bensley

ABSENT: None

The Resolution set forth below was duly offered by Councilperson Donahue, 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: Rounds, Donahue, Nye, Leighton, Bensley

NAYS: None

ABSENT: None

The Resolution was then declared adopted.

  
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Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, the Town Board has before it for consideration a request to approve and execute an Agreement to Spend Highway Funds.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town of Binghamton approve and execute an Agreement to Spend Highway Funds, and be it further

**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 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 19th day of January, 2021 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth Rounds  
Councilperson Michael Bensley  
Councilperson Mark Leighton  
Councilperson Dean Nye  
Councilperson Michael Donahue

ABSENT: None

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

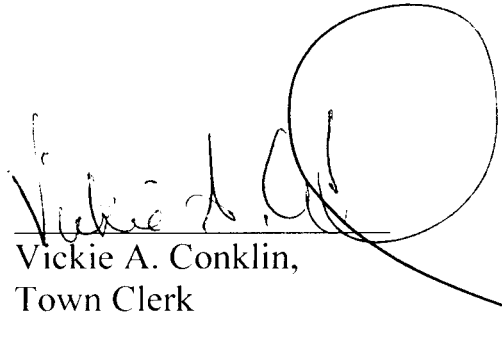
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Rounds, Bensley, Nye, Leighton, Donahue

NAYS: None

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, the Town Board was requested to approve and accept the Justice Audit Report for the period of January 1, 2019 through December 31, 2019.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board approves and accepts the Justice Audit Report for the period of January 1, 2019 through December 31, 2019; and it is

**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.