

**TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
February 2, 2021**

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MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, FEBRUARY 2, 2021, 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 5:30 p.m.

MOMENT OF SILENCE – Al VanLuvancee

ROLL CALL:

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

OTHERS PRESENT:

V. Conklin, Town Clerk	R. Rolston, Highway Superintendent
R. Pope, Deputy Town Attorney via Zoom	0 Guests
N. Pappas, Code Enforcement Officer/Buildings & Grounds	

PUBLIC HEARING – 5:31 p.m. - Adopt Chapter 240 Article IX. Special Uses Section 240.57.3 Opting Out of Real Property Tax Law Section 487 Tax Exemption 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 public comments on the Adoption of Chapter 240, Article IX. Special Uses Section 240.57.3 Opting Out of Real Property Tax Law Section 487 Tax Exemption Local Law.

Supervisor Rounds opened the floor to the public for comments at 5:31 p.m. There being no presentations to be brought before the Board, the floor was declared closed at 5:31 p.m.

Supervisor Rounds informed the Board members that she spoke with Assessor Cook who said to take into consider that this is a proposal that has not taken effect yet. A lot of it is based on the State receiving \$6.6 Billion from the Federal Government. An article in the Association of Towns' newsletter stated that Towns that provide tax exemption must use the standardized exemption value set forth in the law, and Assessors in Towns that opt out of the exemption must assess property in accordance with valuation methods set forth in the law. In their conversation, Assessor Cook informed Supervisor Rounds that that statement is restating the law at this point, and that nothing has changed. There are no additions or changes that he is aware of for Towns that opt out of the exemption. There are two ways of valuing a property, either by the cost or the income. Assessor Cook will base it on the cost of developing the solar farm. There is no valuation change for small scale solar, which are homeowners. Councilperson Leighton stated that he has a cynical view of opting in and opting out of not just this, but other matters, too. The way that it reads to him is that it just does not matter. Somebody will give the people what they need to develop the property regardless of whether or not the Town is part of it. There was some

discussion. A motion was made by Councilperson Bensley to adopt a Resolution to adopt Chapter 240 Article IX. Special Uses Section 240.57.3 Opting Out of Real Property Tax Law Section 487 Tax Exemption Local Law, 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, Donahue, Bensley, Leighton, Nye Absent: None

Nays: None

Declared adopted.

(Resolution Appended)
(Notice of Public Hearing 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>			
Water	Claim No. 1099-1102	\$	102,318.29
Lighting	Claim No. 1103-1104	\$	645.80
General	Claim No. 1105-1111	\$	10,553.08
<u>2021</u>			
Special Districts	Claim No. 40-41	\$	204,677.78
Sewer	Claim No. 42-43	\$	5,116.73
Water	Claim No. 43-48	\$	3,298.87
Highway	Claim No. 49-66	\$	20,930.16
General	Claim No. 67-89	\$	8,478.81

The motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion, except Councilperson Leighton, who abstained as he did not review the audited claims. Motion carried. A roll call vote resulted in the following:

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

Abstained: Leighton Nays: None

Declared adopted.
(Resolution Appended)

RECOGNITION OF MINUTES:

There were no changes/corrections made to the January 19, 2021 regular Town Board meeting minutes.

COMMUNICATIONS AND ANNOUNCEMENTS:

Free Fishing Day – Saturday, February 13 & Sunday, February 14, 2021

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

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – The regularly scheduled joint meeting of the Planning Board and ZBA was held on Monday, January 18, 2021 at 6:30 p.m. at the TOB Town Hall. The sexual harassment training request was sent out to members of the Planning Board for 2021.

Zoning Board of Appeals – The regularly scheduled joint meeting of the ZBA and Planning Board was held on Monday, January 18, 2021 at 6:30 p.m. at the TOB Town Hall.

Youth Commission – A meeting was held on January 21, 2021. The Youth Commission is working on creating a new signup form. They are hoping for a full baseball/softball season. There will not be a basketball season as there are no gyms available. They are going through the payment records as there are still some people that paid for the season last spring, and there was no season. The next meeting will be held on February 18, 2021 at 6:00 p.m. at the TOB Town Hall.

Code Enforcement/Buildings & Grounds – Quite a few parking tickets have been issued. Mr. Pappas submitted to the State the Uniform Code Administration and Enforcement Report for 2020, and the Report of Building or Zoning Permits Issued for New Privately-Owned Housing Units was submitted to the U.S. Department of Commerce – U.S. Census Bureau. The Blakeslee property will be going up for auction through Broome County, most likely in April. Mr. Pappas will send a letter to Broome County requesting that the buildings be torn down within 30 days of purchase.

Highway Department – The Highway Department has been busy plowing, sanding and salting roads, and fixing equipment. Windshields were replaced on two vehicles.

TOB Volunteer Fire Co. – There was no report. There was discussion amongst Board members regarding the TOB Volunteer Fire Company's records being audited on a regular basis, and having internal and State oversight.

Supervisor – There was no report.

UNFINISHED BUSINESS:

Wind Energy Systems Law – Update – The Energy Committee worked through design considerations at last week’s meeting, including putting in the restrictions on how it is to be built, which will include maximum height. The next Energy Committee meeting will be held on February 22, 2021.

Verizon – Tower Extension – Supervisor Rounds received a telephone call from Mike Ponticello wherein she asked him what benefits the extension will provide for the Town, and requested that a representative from Verizon attend a Town Board meeting in person or via Zoom, to discuss the benefits for the Town, and answer questions.

Hawleyton Road Speed Reduction – The Town is in receipt of a letter from the NYS Department of Transportation advising that the Traffic Safety and Mobility Office will perform a review of the area to assess the current situation and outline opportunities for improvement. They will notify the Town of the results of the review. Supervisor Rounds will contact Ms. Gendron and inquire about the Hance Road speed reduction request.

There was no further unfinished business.

NEW BUSINESS:

TOB Procurement Policy - Review – Supervisor Rounds reported that Auditor Wolyniak suggested that changes be made in the Procurement Policy. A motion was made by Councilperson Bensley to adopt a Resolution to amend the TOB Procurement Policy with the following amendments: Under Procedures for Determining Whether Procurements are Subject to Bidding amend Procedure to read: “The Department Head and the Fiscal Officer will review all purchases over the amount of \$20,000 to determine if the item being purchased is subject to competitive bidding”; “With certain exceptions, General Municipal Law, Section 103 requires competitive bidding procedures for purchase contracts in excess of \$20,000 and for public work contracts in excess of \$35,000”; Under Method of Competition to be used for Non-Bid Procurements amend the last bullet point item to read: “Items \$5,001.00 - \$20,000 – Subject to Purchase order, three written or fax quotes, approved by the Supervisor prior to purchase, final approval by Town Board during voucher approval at the next Town Board meeting prior to purchase”; Under Items Excepted From Policies and Procedures by Board add “Federal and Nationwide Contracts” to the listed types of procurements,” 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, Donahue, Bensley, Leighton, Nye Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

Broome Volunteer Emergency Squad – Supervisor Rounds reported that Auditor Wolyniak questioned not having a contract with the Broome Volunteer Emergency Squad, but rather having a Resolution in place. For years the TOB had a contract with them, but Steve Brown, Director of Operations of the BVES, indicated that the Town's contract with them does not include money. The Town does not collect money and then pay them. In 2016, it was determined that the Town would cancel the contract and adopt a Resolution that stated the following: "That the current contract in place between the Town and BVES is voluntarily terminated by the parties thereto, and that the Town Supervisor is authorized to execute any documentation reasonably required by the Town Attorney to effectuate such termination; and further be it resolved this resolution will take effect immediately and shall continue in effect until rescinded by subsequent resolution of the Town Board." This means that the Town does not need the contract anymore; just the resolution. Auditor Wolyniak questioned not having this renewed every year. Supervisor Rounds had conferred with Deputy Town Attorney Pope, who confirmed that the Town does not need to have the resolution renewed because the Town will rescind the resolution if they decide not to use the services of the BVES.

There was no further new business.

ADJOURNMENT:

A motion was made by Councilperson Bensley to adjourn the meeting at 6:18 p.m., and the motion was duly seconded by Councilperson Donahue. 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 February 16, 2021, 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 and via ZOOM video conference on the 2nd day of February, 2021 at 5:30 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 Bensley who moved its adoption and was seconded by Councilperson Leighton.

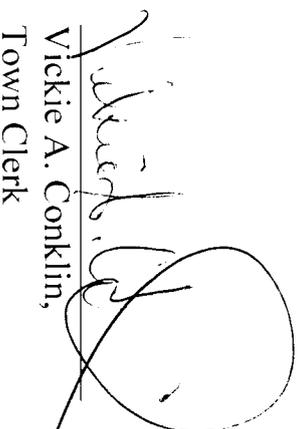
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth 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 to opt out of the alternative energy tax exemption by adopting Chapter 240 Article IX. Special Uses, Section 240.57.3 Opting Out of Real Property Tax Law Section 487 Tax Exemption Local Law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board adopts Chapter 240 Article IX. Special Uses, Section 240.57.3 Opting Out of Real Property Tax Law Section 487 Tax Exemption Local Law; 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.

**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 240.57.3 Opting Out of Real Property Tax Law Section 487 Tax Exemption Local Law. The Public Hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, February 2, 2021 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 local law and to evaluate and consider adoption of the foregoing.

PLEASE TAKE FURTHER NOTICE that in accordance with an Emergency Order of the Governor of the State of New York, notice is hereby given that a Public Hearing is scheduled for Tuesday, February 2, 2021 at 5:31 o'clock or thereafter in the evening. In person attendance shall NOT exceed 50% capacity of the Town Hall Board Room, less Town Board Members and Town Employees. It is anticipated that the maximum number of the public who can be in attendance at Town Hall for this Public Hearing will be 16 persons. All persons in attendance MUST wear a face mask covering to include their mouth and nose region, they MUST hand sanitize upon entry of the meeting at the hand sanitize stations provided by the Town, they MUST adhere to social distancing guidelines and remain six (6) feet apart at all times. Alternatively, or in the event that in person public attendance has met the maximum capacity, the Public Hearing will be accessible to the public via Zoom virtual meeting software. Any members of the public wishing to observe the meeting remotely are advised to access the meeting via Zoom Video Conference:

Meeting Link:

<https://us02web.zoom.us/j/86274145821?pwd=enNnOW00b0RlVUlnLTxBVRRlSl5QWlEYkdz09>

Meeting ID: 862 7414 5821

Passcode: 330559

Dial by your location: +1 646 558 8656

PLEASE TAKE FURTHER NOTICE that the information which is the subject matter of the Public Hearing is 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., or upon request can be provided electronically. Persons wishing to participate in the hearing may do so via Zoom or telephone, or communications in writing regarding said application may be filed with the Town Clerk's office prior to said hearing. Individuals with special needs requiring accommodations may contact the Town Clerk's Office at 607-772-0357 at least 24 hours prior to the scheduled public hearing. In the event that the Town Hall is fully open and able to accommodate all members of the public as of February 2, 2021, the Town reserves the right to discontinue the use of Zoom for said hearing. The Public is hereby advised to check the Town of Binghamton website for updates regarding this change prior to any scheduled hearing.

Dated: January 5, 2020

Vickie 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 2nd day of February, 2021 at 5:30 o'clock P.M. of said day, the following were:

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

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

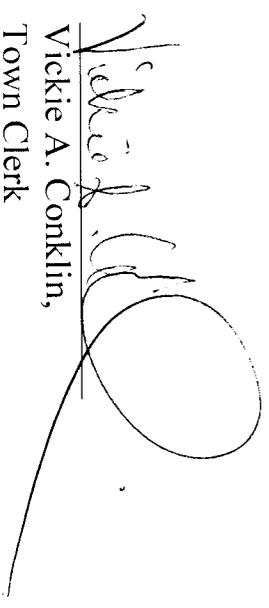
AYES: Rounds, Donahue, Bensley, Nye

NAYS: None

ABSTAINED: Leighton

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 1099-1102; 1103-1104; 1105-1111; 40-41; 42-43; 43-48; 49-66, and 67-89 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 1099-1102; 1103-1104; 1105-1111; 40-41; 42-43; 43-48; 49-66, and 67-89 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 and via ZOOM video conference on the 2nd day of February, 2021 at 5:30 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 Bensley who moved its adoption and was seconded by Councilperson Nye.

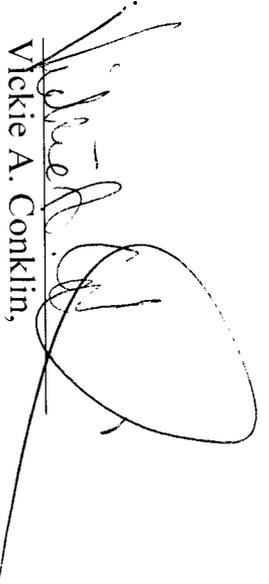
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth A. Rounds
Councilperson 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 to amend the Town's current procurement policy as follows:

Under Procedures for Determining Whether Procurements are Subject to Bidding amend Procedure to read: "The Department Head and the Fiscal officer will review all purchases over the amount of \$20,000 to determine if the item being purchased is subject to competitive bidding."

"With certain exceptions, General Municipal Law, Section 103 requires competitive bidding procedures for purchase contracts in excess of \$20,000 and for public work contracts in excess of \$35,000."

Under Method of Competition to be used for Non-Bid Procurements amend the last bullet point item to read: "Items \$5,001.00 - \$20,000 – Subject to Purchase order, three written or fax quotes, approved by the Supervisor prior to purchase, final approval by Town Board during voucher approval at the next Town Board meeting prior to purchase."

Under Items Excluded From Policies and Procedures by Board add "Federal and Nationwide Contracts" to the listed types of procurements."

NOW, THEREFORE, be it

RESOLVED, that the Town Board amends the Town's current procurement policy as follows:

Under Procedures for Determining Whether Procurements are Subject to Bidding amend Procedure to read: "The Department Head and the Fiscal officer will review all purchases over the amount of \$20,000 to determine if the item being purchased is subject to competitive bidding."

"With certain exceptions, General Municipal Law, Section 103 requires competitive bidding procedures for purchase contracts in excess of \$20,000 and for public work contracts in excess of \$35,000."

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Subject to Purchase order, three written or fax quotes, approved by the Supervisor prior to purchase, final approval by Town Board during voucher approval at the next Town Board meeting prior to purchase.”

Under Items Excepted From Policies and Procedures by Board add “Federal and Nationwide Contracts” to the listed types of procurements.” ; 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.