

**TOWN OF BINGHAMTON**  
**TOWN BOARD**  
**April 20, 2021**

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**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, APRIL 20, 2021, 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
M. Donahue, Deputy Supervisor	Present		

**OTHERS PRESENT:**

V. Conklin, Town Clerk	J. Emmons, Chief, TOB Volunteer Fire Co.
A. Pope, Town Attorney	J. Garnar, Broome County Executive via Zoom
R. Pope, Deputy Town Attorney via Zoom	E. Einstein, The Country Courier via Zoom
R. Rolston, Highway Superintendent	7 Guests
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:

2021

Lighting	Claim No. 286-287	\$ 56.68
Sewer	Claim No. 288-290	\$ 104,042.30
Water	Claim No. 290-292	\$ 1,171.63
General	Claim No. 293-316, 326	\$ 16,928.90
Highway	Claim No. 317-325	\$ 5,628.73

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, Donahue, Leighton, Nye      Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

## **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor at 7:02 p.m.

Broome County Executive Jason Garnar – Update – Broome County Executive Garnar gave his State of the County update, which included the following topics: Recognition of County Government's Role in Responding to the COVID-19 Pandemic (PPE, contact tracing, mobile testing site, vaccinations), and Local Economy Back on the Rise & Looking to the Future (VA Resource Center, sales tax, NYS funding, grants, Broadband study, housing market). Questions were asked and answered.

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

## **RECOGNITION OF MINUTES:**

There were no corrections made to the April 6, 2021 Work Session minutes.

## **COMMUNICATIONS AND ANNOUNCEMENTS:**

Highway Department – Tree Branch & Brush Pick Up – April 1 thru May 14, 2021

Clean Up Days – May 20 & May 21, 2021

## **OFFICIALS AND COMMITTEE REPORTS:**

Planning Board – The Planning Board met on April 19, 2021. It was a brief meeting. The next regularly scheduled quarterly joint meeting with the ZBA will be held on July 12, 2021 at 6:30 p.m. at the TOB Town Hall.

Zoning Board of Appeals – The ZBA met on April 12, 2021. There was one case that was heard. The next regularly scheduled quarterly joint meeting with the Planning Board will be held on July 12, 2021 at 6:30 p.m. at the TOB Town Hall.

Youth Commission – The 2021 baseball/softball programs are underway. There are over 130 kids registered and ready to begin play. Some of the majors have begun. There are varying ages from 4 to 13 playing at four different skills and age levels, tee ball through little league. With the exception of tee ball, there is a tri-town league (Towns of Conklin, Kirkwood, and TOB). The majority of the games will be played at Jackson Park. Extra steps will be taken to make sure everyone follows the Covid guidelines. Individual teams will be responsible for maintaining the contact lists. The coaches will be going through the premade rosters, which will keep track of who is there for each child, making sure everyone is accounted for. The program is relying heavily on volunteers. There is always a need for volunteers for the youth programs and the Booster Club. Concession protocols are being worked on. Anyone interested in volunteering, please contact Director of Youth Activities Christopher Streno at [tobyouthsports@gmail.com](mailto:tobyouthsports@gmail.com). There was discussion at the Youth Commission meeting regarding an estimate for new lighting for the fields at Jackson Park. There was discussion among the Board regarding new lighting.



Code Enforcement/Buildings and Grounds – Mr. Pappas has spent a lot of time going over the Clean Up Days. Approximately 40 letters have been sent to repeat offenders for code violations. The fields are ready at Jackson Park. Hydroseeding will be done at the end of the month at Jackson Park. Jackson Park will be fixed up when the trees are cut down, and the stumps pulled out. The Blakeslee property will be auctioned off at the end of April (City auction versus County auction). Mr. Pappas put up a sign informing anyone that intends to bid on the property to contact the TOB Code Enforcement Office. The building(s) will have to be demolished as the property has been deemed unsafe by the Town.

Highway Department – Ditches have been cleaned out. Everything is marked out on Hance Road for the new speed limit signs. Material for those signs is trying to be purchased.  
Hance Road Speed Reduction Request – Update – The reduction was approved by New York State. The speed limit will be reduced to 40 mph. The Town is responsible for installing new signs.  
Maxian Road – Speed Limit - Supervisor Rounds received a phone call from a resident regarding the speed limit on Maxian Road. Currently, the speed limit on Maxian Road is 30 mph on each side of the bridge, but not the whole length of the road. There was discussion. Supervisor Rounds, Councilperson Donahue and Highway Superintendent Rolston will meet to discuss speed limit reductions on some of the Town roads so that a blanket speed reduction request can be made rather than request the speed reductions by piecemeal.

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

Town Clerk's Monthly Report for March 2021  
DCO Monthly Report for March 2021  
Code Enforcement Officer's Monthly Report for March 2021

TOB Volunteer Fire Co. – The Memorial Day Parade will be held at 10:00 a.m. on May 31, 2021 from Station #1 (Hawleyton) to the Hawleyton Cemetery. Pastor Piatt will be the guest speaker. There have been 47 calls to date. The new SCBAs (Self-Contained Breathing Apparatus), will be put into service on April 27, 2021 as one more training needs to take place. Five people have joined the TOB Volunteer Fire Co. within the last month. There is a need for new gear for the new volunteers. Four sets of new gear were ordered in October, but probably will not be delivered until October of this year.

Supervisor – The NYS Association of Towns & Villages held a virtual luncheon, which Supervisor Rounds and Councilperson Nye attended. The virtual luncheon had an overview on certain NYS budget items, which included AIM funding, CHIPS funding, Cannabis, and Renewable Energy Tax Assessment. There was discussion.

## **UNFINISHED BUSINESS:**

Highway Department – Felters Road (Orchard Park) – Water Tank Replacement - Update – Supervisor Rounds, Councilperson Donahue and Highway Superintendent Rolston met with Engineers from Clark Patterson to discuss this matter. Clark Patterson will be working up the specs for the project. They are going to look into relining the tank so that there is a comparison to replacing the tank. Clark Patterson will get back to the Town. There was discussion.

Highway Department – Roof Replacement – Update – Clark Patterson will be working up the specs once the Town has an asbestos test done on the roof. Clark Patterson will get back to the Town.

Highway Department – E. Hamton Rd. – Sanitary Pipe Lining Bids – Authorization – A motion was made by Councilperson Bensley to adopt a Resolution to authorize Clark Patterson to put together bid specifications for the sanitary pipe lining of E. Hamton Road and Partridge Lane in the Town of Binghamton, with the bid specifications going out on May 3, 2021, bids accepted up to and opened on May 17, 2021 at 12:00 p.m., and the awarding of the bid at the Town Board meeting on May 18, 2021, and the motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Declared adopted.

(Resolution Appended)

Hance Road Speed Reduction Request – Update – This subject was covered under Officials and Committee Reports.

Code Enforcement – Parking Tickets – Fines – Resolution – A motion was made by Councilperson Nye to adopt a Resolution to amend Local Law Chapter 220 Vehicle and Traffic Section 220-5 Penalties for Offenses as follows: To allow 30 days to pay the parking fine before issue of a court summons and set new fines and late fees for parking violations: Failure by the operator of a motor vehicle to obey any of the signs erected pursuant to the provisions of this chapter shall be construed as a violation of the pertinent provisions of the Vehicle and Traffic Law of the State of New York and shall be punishable as provided therein; except that any person violating any of the provisions of this chapter which relate to parking shall be punished upon conviction by a fine of \$40 for the first offense payable within 30 days. After 30 days there will be a \$10 late fee assessed and a court summons may be issued by the Town of Binghamton Court. There will be a fine of \$75 for any second and subsequent offenses that shall be payable within 30 days upon conviction. After 30 days there will be a \$20 late fee assessed and a court summons may be issued by the Town of Binghamton Court, and the motion was duly seconded by Councilperson Bensley. 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, Donahue, Leighton, Nye                      Absent: None

Nays: None

Declared adopted.

(Resolution Appended)



There was no further unfinished business.

## **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor at 8:13 p.m.

Diana Rasmussen – Ms. Rasmussen stated that an e-mail was sent out to Mr. Pappas today concerning lots on Cynthia Drive that have been divided off that are owned by the Kaufmanns (R&B LLC). Ten years ago, the Kaufmanns attempted to gain approval for a subdivision that failed over a two-year process before the TOB Planning Board. The SWPPP (Stormwater Pollution Prevention Plan) received a positive declaration; the project had not achieved an approved plan for water or sewer. This land is now being subdivided by R&B LLC without an approved plan. To date, two lots, approximately seven acres each, have been divided off, sold, and are now being developed without permits or an approved plan. A few acres of one lot have been stripped of trees and vegetation. It is likely the amount of tree removal and grubbing exceed regulations for an MS4 area. Grading and tree removal have begun on the second lot. Both lots have very little frontage on Cynthia Drive, potentially in violation of zoning requirements. R&B LLC still holds over approximately 700 feet of frontage on Cynthia Drive that should not be further subdivided without Town of Binghamton Planning Board approval. They are aware of plans for a very large, industrial shed for equipment that is going to be constructed on one of the lots. They understand the structure plans to be built prior to the primary structure. Equipment is potentially being stored on one of the properties and used for other projects off of Cynthia Drive. They ask that the Town not grant any variances for these properties. Some people on Cynthia Drive are opposed to the variances, and they respectfully request three things from the Town of Binghamton: Investigate the division of these properties and development on these properties for noncompliance to code, standards and regulations; if violations are identified, stop the development until the necessary approvals and permits are granted; determine if the Town of Binghamton Planning Board should be involved in these subdivisions of properties. Ms. Rasmussen provided the Board with a copy of her comments.

Rita Ernstrom – Ms. Ernstrom stated that they appreciated the Planning Board having them attend their Planning Board meeting last evening as it was very helpful to have some clarifications made. They now have a little better understanding of what they were asking and what was going on. Specifically, the two lots that have been divided up, she feels it needs to be reinforced that they do fall under the specifications that are already in the system set forth by the MS4 areas and existing Town codes. The one lot in question, there is a concern of the placement of the survey pins as they were informed at last evening's meeting that there has to be a minimum of 50 feet of frontage in order to have a piece of property designated to be sold as a residential lot. They did go back out early this morning and measured. By the pins that are set for that lot, it is only 33 feet. We know that it is already in the Town Code. The question they wanted to raise is: Who is going to go forth and let the property owner know that this does not meet what is already in code for a residential lot, and also since there has already been some tree clearance and clearing on the entranceways to that lot, who is going to come forth and say, we need to stop this for a minute until it is figured out? In addition, the owner said the intent is to put the shed roadside to store construction equipment in the interim since they will not be building a house up above it for two years. They do not want to have to go back and forth with equipment, so they can use the equipment stored in the structure roadside. We know that you

have to have a primary structure before you put up a secondary, so that really needs to be addressed. Supervisor Rounds: I think that has already been addressed with the resident. Ms. Ernstrom: As of last night, nobody knew that. That is why we are bringing that up tonight. Supervisor Rounds: We understand. That was brought to Nick's attention today. He has already spoken to the gentleman. Ms. Ernstrom: What did he say? Mr. Pappas: They are not going to put it up. He knows he cannot put it up. Ms. Ernstrom: Okay. Anything (inaudible) at this point in time. Mr. Pappas: First of all, it is not a subdivision. People can sell land whenever they want. Until they come to me to build a house, that is when I will determine the frontage, the acreage, and the setbacks. There are no plans of any house on either lot yet. If somebody wants to clear land, as long as it is not over an acre, they can do that. I cannot tell them they cannot put a driveway in and go up into their own property. Ms. Ernstrom: This property where the shed is, that is a different one at this point. The property is sold for a residential build, but it does not have the frontage on Cynthia Drive that would be designated according to Town Code. Supervisor Rounds: So, those people did not do their homework, if that's what you're saying. If what you are saying is true, they will find that out when they come to get a building permit. Ms. Ernstrom: Last night at the Planning Board meeting, the question was asked afterwards by a gentleman: Where is their attorney in all of this? I said, I do not know. We are thinking of it in terms of... Supervisor Rounds: I'm sorry, I don't mean to interrupt you, but are we knowing for sure that the pins that you are measuring are the pins that they bought the lot with? I would assume, and we all know what assumptions mean, but we would assume that if somebody invested the money to buy seven acres intending at some point to build a home there, that they would know that they would have the road frontage to build a house. Ms. Ernstrom: I understand. I think what we are saying, in all good faith, it is not at this point, with the information we have seen and measured out, working. Cannot the Town investigate what those pins are? Town Attorney Pope: No. No, we cannot. We are the Government. We cannot just go and make inquiries or do investigations of private citizens. Anymore than we could come over to your house and say, we would like to search, and investigate what you might have in your house. We are the Government. We cannot do that. It is just like Nick said, they bought it. Those pins may be accurate the way you measured it, or they may not. But let us say it is accurate. It is only 33 feet. They still have the right to bring a building permit application to Nick. Nick will say, you cannot do it without a variance, right? So, they would come to the Zoning Board of Appeals and say, I bought this seven acres, six acres, I have only got 33 feet of frontage. I know I need 50, but it is not going to have any impact., and there are the four or five factors and they might be able to prove the four or five factors to the ZBA, get approval for just 33 feet, and build their big house up in back. The Government does not investigate what an owner has now, or what they are thinking. Just like Nick said, we have got to wait and see. If it is only 33, they have still got an avenue of rights. The public has a right to come in and oppose them, and the Zoning Board of Appeals will make a decision. Ms. Ernstrom: At this point in time, have they been asked, are you aware, and is there something we can do about this? Town Attorney Pope: We will have to wait to see what the property owner is going to do. Councilperson Bensley: Everything else seems to be speculation. Ms. Ernstrom: Right. Supervisor Rounds: We really don't know, Rita, what he is planning on doing until he comes and applies for a permit. That is why we have a permit process and Zoning Board. This man, obviously, had a lawyer. He bought the property. It is not for us to go in and say. It is not for us to do that. Ms. Ernstrom: Okay. But at this point, there are no permits to do anything for the build of either a primary or a secondary? Supervisor Rounds: Correct. Mr. Pappas: No permits at all. Supervisor Rounds: The one gentleman has been told he cannot put up a shed, because



you cannot put up a secondary structure without the primary structure. Ms. Ernstrom: Okay. Supervisor Rounds: Right now, I guess you are kind of putting the horse before the cart because there is no permit. Basically, if a permit came to Nick, or the person came to Nick, and Nick denied the permit and said, this is your avenue, then your voice goes to the Zoning Board and says, here we are, neighbors, we live within 500 feet and this property only has 33 feet and they are asking for a variance for 12 feet to build a big house maybe five acres off of the road front. Your voice, at that point, is what would be heard at the Zoning Board. That is where you would need to express your concerns, is at the Zoning Board. Ms. Ernstrom: I do not think we have the concern over the footage per se. I am not even sure what the word is. We know the history of the properties, and that somebody would sell a property they did not have in existence and not ask, what is needed by code as a building lot? We are quite taken aback by that, but we understand the origin of it. Thank you for the clarifications, and we, as neighbors, try to do the right thing and just go to the property owner and tell him that it is not correct, you might want to check your footage. There are another 11 neighbors in the neighborhood who are strongly watching this and opposed to any secondary structure that, down the road, would be proposed to being built roadside. It would be out of character to the neighborhood, as well as not allowed by what we are understanding from last night's interactions with the Planning Board, the residential code that is already set for where sheds or garages should be. Supervisor Rounds: Right. We have already addressed that. Nick has already talked to that man. Ms. Ernstrom: No, Elizabeth, I am just talking about going on record for when the primary goes up, where within the code a secondary building would be appropriate to go. Town Attorney Pope: It is right in the code. If you go to our code, there is a schedule in Section 240, and it tells you what the setbacks are and what can be... Ms. Ernstrom: Exactly. A variance would be needed, per se for a construction shed to be built roadside. Town Attorney Pope: Correct. Ms. Ernstrom: I just want it to be on record, that comment. Then the other lot, as was indicated in a Diana's comments, has been stripped of vegetation and... that's a seven-acre lot to begin with. Since the end of September, it has been ongoing of removing trees, first just cutting, and then the grading. I think it is quite obvious right now that the trenching and the grubbing that has been done, not necessarily the whole of the seven acres (inaudible), what should be done in an MS4 area. What's happened is, over the last these last nine months, the discharge into the creek, the creek is now running brown. The mud and water across the road into the side trenches of the road; there has been mud, trees and rocks landing in the road. One day working out of my office from home, I did watch (inaudible) of the mess in front of what is the runoff because this property is not, at this point, being attended to as an MS4 property should be, as far as water runoff. This past winter there was an ice slick from the runoff, and one of our residents fell and broke her hip. It is difficult for residents to go neighbor to neighbor and try to keep tabs and try to say things, and with new people in the neighborhood trying to do these projects. It is uncomfortable to try to have to inform them. It is not neighbor against neighbor, and it is not neighbors against the Town because it is already set. There is an order for when an MS4 (inaudible), and what the permits have to be, that the DEC becomes the intermediary in this, per se, and to move this forward. Thank you for your time. Councilperson Leighton: I see the two lots. One is by the Fishers, and one is owned by a Stanton. Which of the two lots is the one being cleared? Ms. Ernstrom: The Stanton's seven-acre lot is the more majorly cleared. The Fisher lot has had the clearing, cutting of the trees in the clearing, to what appears to be where you would put a slab. Councilperson Leighton: Do you know if they are being worked on by the same company? Ms. Ernstrom: Actually, they are doing a lot of the work themselves. I don't know who else Luke has had come to do some of the removal of the logs, but a lot of the tree cutting and the equipment that's been



brought up, has been rented and brought in. Councilperson Leighton: From my past experience, before I was on the Board, I understood that things happen within the Town that the Town does not know about. All I would ask is that as things happen, I would make sure that you let Nick know. Ms. Ernstrom: Yes. Mr. Pappas: They do. Councilperson Leighton: Okay. Ms. Ernstrom: I think what happened too, to be fair, that the second portion on the Fisher property happened just within the last two or two-and-a-half weeks. So, when the calls were in, Nick was away, but we did have communication with Zack. It was suggested come to the Planning Board, and then it was suggested to come here. I wanted to be respectful, Nick. You have been aware. Nick and I have had conversations since last September. I do think, in particular with what has happened on the Stanton property over even the last month, has been more that has...just the aftermath of it, what is coming down the roads, and the trench on the side of the property. I don't know what it is. Councilperson Bensley: What is the fundamental issue? Is it the mess on the road? That you do not want them to build, that you do not want a shed? What is it that you really dislike about what is going on? Ms. Ernstrom: The fundamental issue is that we are very, very environmentally aware and conscious, and we do believe that the project should be done right for an MS4, and for all of the things that are already set within the Town Code; that they are met. Those are the main things. We are not against development. It is just that it has to be done right. We truly believe if you do not, as active citizens of the Town, work for the things we work hard to put in place for the very best reasons for the Town, then protocols are set where down the road it is going to create more difficulties, become more expensive and (inaudible). Councilperson Bensley: I understand. Supervisor Rounds: Thanks, Rita. Thank you, Diana. Is there anyone on Zoom who wanted to make a statement?

Matt Beylo – Thank you for the opportunity to speak. A few weeks ago, I sent an e-mail to Elizabeth regarding a safety concern that we have up here in Orchard Park. The subject matter is basically we have a speed issue. The area is a 30-mph residential speed limit. I wish I can say folks are going only 35, which would be a blessing, or maybe 40 would be a blessing, but it is pretty obvious when people are going at a pretty good rate of speed, especially down a hill. We have service vehicles that come in our area, UPS, FedEx. Our neighborhood, we have a mixture of young kids, young families and older folks. I am not looking for a Board solution to this. I would really like to work collaboratively with the group to come up with some type of awareness strategy, which could include communicating with our development in different ways; through newsletters, signage. On our particular street, Theresa Boulevard, we have an individual who is blind who walks with his son every day up and down the street to go get him from a bus stop. We also have a special needs home on our street. The occupants who live there go out and walk on our streets. Again, it's evident that, for some reason, the respect of our fellow neighbors just is not there. I would love to sit down with anybody who has this type of issue, or has this issue come up before in other parts of the Town where we can work collaboratively to come up with a strategy. Supervisor Rounds: Matt, just so you know, I know that it is only a small part of this, but in our newsletter we did talk about a Town-wide, be cautious, people are out walking, walking their dogs. We did try to reinforce that in our Town Talk that will be going out May 1<sup>st</sup>. I am not sure how that process is, but have you ever looked into having one of those speed...Mr. Beylo: Yes, I have. I failed to mention that, but I have reached out to the Broome County Sheriff's Department. I developed a contact who is willing to come up and set up some type of strips in the road to document what kind of traffic we are getting, and possibly what kind of speeds we are getting. Again, I am talking about Theresa Boulevard, but you can go down any one of our streets such as Felters, it's a free for all. Supervisor Rounds: What did they say? Are



they going to put the strips? Mr. Beylo: I am currently working with the Sheriff's Department to try to develop that plan right now. Supervisor Rounds: Do you need us to make any phone calls to the Sheriff's Department? Mr. Beylo: No, I think they are on board. I made an official complaint. I have got a number of neighbors and they see the same things. If you do not stand up and speak and do what is right for the common good of everybody in the neighborhood...I do this for a living. I deal with people's safety every day. That is a responsibility that I kind of extend to my home life. Supervisor Rounds: Matt, if you need our help, we can even send out a separate e-mail, but if you need our help with getting the signs and the strips just to have a study done. I know people over on Hawleyton Road where they put one. I have talked to that woman, and even though she lives in the City of Binghamton, they are trying to get people coming out going north on Hawleyton Road to slow down coming out of a 45 into a 30. It is hard to slow down as quickly as we should coming out of a 45 into a 30, but I do think that people are aware when they see that, oh my goodness, I'm going 40 and I need to slow down to 30. Mr. Beylo: These are adults, and the kids are learning how to drive from their adult parents or grandparents. Volunteer fire folks know what kind of scenes they go to because people are doing certain things that they should not be doing. What do we have to do for signage? What do we have to do for a children at play? I go to Conklin and there are signs about a deaf person in a particular area. Councilperson Leighton: I have some friends that live in your neighborhood, actually on Theresa, and I know that the streets are hilly. What percentage of the cars and vehicles that you are talking about are commercial versus people that may live in, or visiting are the neighborhood? Mr. Beylo: It is residents who live on the street, and we have daily deliveries of FedEx. Councilperson Leighton: So, basically everyone is speeding? Mr. Beylo: Not everyone, but when a mailman tells you, we have a problem up here, that person is out every single day delivering mail. Councilperson Leighton: Have you ever tried to contact, at least for the commercial vehicles, any of the companies that are delivering in the area? Mr. Beylo: We have mentioned it to the drivers themselves. They are good for a week or two. They are big vehicles and it can take a little bit to stop. We have school buses. We do not have sidewalks. It is not Conklin Ave.; it is not Court Street. Supervisor Rounds: Bob, what would it take to get a deaf or blind or children at play? Do you know if there's a way to get those signs posted there? Highway Superintendent Rolston: It is posted as 30 mph for a subdivision. Supervisor Rounds: You see those kinds of signs. How do we go about possibly looking into...Highway Superintendent Rolston: It is posted when you come into Orchard Park on both ends. Councilperson Leighton: Is there any extra signage that we could add to a neighborhood like that, other than what is there? Extra signage? Detailed? Councilperson Donahue: A children at play sign is not a federally recognized sign. It does not matter to the Federal Government. Supervisor Rounds: Are you thinking that he is asking for something that would be legally binding if somebody got hit? Councilperson Donahue: It is legally binding to the Town because of what the regulations say. That is why they pulled children at play signs. Once we put that sign up, if a child got hit, we are legally bound because of that signage. Supervisor Rounds: Is that true, Alan? Town Attorney Pope: I would have to look into it. I do not think so. We only have to take reasonable steps. We are not guarantors. I would have to look into that. Councilperson Donahue: Governor Pataki signed on for the regulations by State Law back in the late 1990s when he was Governor, and that deaf child signs (inaudible); the big thing now is crosswalks. Everybody has crosswalks. But they cannot lower the speed limit any lower than 30 mph. unless you are in a park. One of my other suggestions is to contact the Commander of Troop C in Kirkwood, and also write a letter to Senator Akshar, and to Assemblyman Joe. Sometimes the Commanders will get a little extra patrol up there at certain times. Mr. Beylo:



That is being coordinated right now. We are getting some extra patrols set up here, along with some speed traps as an awareness thing. This is to heighten awareness. Supervisor Rounds: You, obviously, look like you have already taken quite a few steps, but what I would like to do is ask Alan if he could look into: If we did put up a child at play or whatever, if it is binding to us to be held responsible if someone got hurt. We are going to look into that for you. I will give you a call when we have an answer, and then we can go from there about the signage. Mr. Beylo: Okay. That's fair. Councilperson Leighton: Do you have a neighborhood kind of committee that you are working with? Mr. Beylo: No, we do not. That is a great idea, but, again, it's involvement. It was suggested that Mr. Beylo and his neighbors put up yard signs as part of an awareness campaign, and to contact the delivery companies instead of approaching the delivery drivers.

There was another resident who Zoomed for a Government class, but did not wish to speak.

### **NEW BUSINESS:**

Broome County Executive Jason Garnar - Update – This subject was covered under the first Voice of Public.

Standard Work Day and Reporting Resolution – Approval/Resolution – As required by the New York State Comptroller, a standard work day for certain Town employees needs to be set and approved by the Town Board. A motion was made by Councilperson Donahue to adopt a Resolution approving and setting the standard work day for the Highway Superintendent, 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, Donahue, Leighton, Nye                      Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

Maxian Road – Speed Limit – This subject was covered under Officials and Committee Reports.

Highway Department – Approval to Purchase New Chipper – 3 Bids - Highway Superintendent Rolston provided the following three quotes to Board members for the purchase of a new 12" brush chipper: Vermeer in the amount of \$39,338.00; Morbark in the amount of \$47,653.01, and Kleis in the amount of \$46,085.20. All three bids were on Sourcwell. There was discussion. A motion was made by Councilperson Donahue to adopt a Resolution to authorize the purchase of a new 12" brush chipper from Vermeer in the amount of \$39,338.00, and the motion was duly seconded by Councilperson Bensley. All those presented voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Donahue, Leighton, Nye                      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 8:58 p.m.

Rita Ernstrom – Ms. Ernstrom stated that there is an expanded infiltration of the Hemlock Woolly Adelgid on sections 1, 2 and 3 of the Hawthorne Heights development. The infiltration will destroy the tree, with the needles dropping within the first six months, and the trees will be dead within the next year to three years. It is important because the Hemlock stands are the one of the many sources existing in holding against erosion. She requested that the information be put in the next newsletter. Supervisor Rounds: She will ask Becky, but knows that the newsletter is full. It was suggested that the information be put on the TOB website.

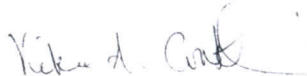
There being no further presentations, the floor was declared closed at 9:01 p.m.

**ADJOURNMENT:**

A motion was made by Councilperson Bensley to adjourn the meeting at 9:01 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 Tuesday, May 4, 2021, 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 20th day of April, 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.

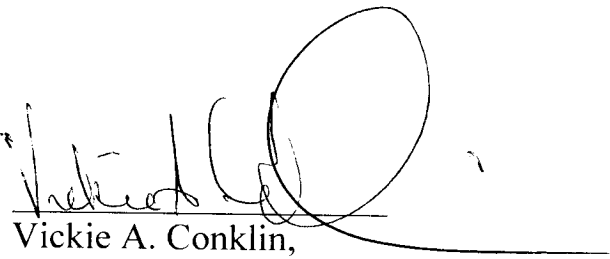
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

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 286-287; 288-290; 290-292; 293-316, 326, and 317-325 as audited, and

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

**NOW, THEREFORE**, be it

**RESOLVED**, that claim numbers 286-287; 288-290; 290-292; 293-316, 326, and 317-325 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.