

**TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
April 6, 2021**

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MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, APRIL 6, 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 5:32 p.m.

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	E. Einstein, The Country Courier via Zoom
A. Pope, Town Attorney via Zoom	1 Guest
R. Rolston, Highway Superintendent	
N. Pappas, Code Enforcement Officer/Buildings & Grounds	

PUBLIC HEARING – 5:32 p.m. – Amendment of Local Law Section 220-5 – Parking Tickets – Increase in Fines

Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to consider public comments and consideration of adoption of an amended proposed Local Law Section 220-5 to increase the fine for a parking ticket to Forty Dollars (\$40.00) for the first offense payable within Thirty (30) days; and if not paid within Thirty (30) days there will be a Ten Dollar (10.00) late fee and a bench warrant may be issued; Seventy-Five (\$75.00) for the second offense payable within Thirty (30) days; if not paid within Thirty (30) days a bench warrant may be issued. Supervisor Rounds read the proposed Amendment to Local Law Chapter 220 Vehicle and Traffic Section 220-5 Penalties for Offenses into the record, a copy of which is appended hereto.

Supervisor Rounds opened the floor to the public for comments at 5:33 p.m. There being no presentations, the floor was declared closed at 5:34 p.m.

There was discussion regarding the proposed language in the Amendment. This matter will be held over to the April 20, 2021 Board meeting.

(Notice of Public Hearing Appended)

PUBLIC HEARING - 5:48 p.m. – Amendment of Local Law Section 880 – Dog License Renewals – Late Fees

Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to consider public comments and consideration of adoption of an amended proposed Local Law Section 880 to set a Ten Dollar (\$10.00) late fee

if a dog license renewal is not paid within thirty (30) days after the initial due date; a Twenty Dollar (\$20.00) late fee if a dog license renewal is not paid within Sixty (60) days after the initial due date, and a Thirty (\$30.00) late fee if the dog license renewal is not paid within Ninety (90) days after the initial due date, and consider adoption of same. Supervisor Rounds read the proposed Amendment to Local Law Chapter 88 Section 88-4.1 Licensing of Dogs into the record, a copy of which is appended hereto.

Supervisor Rounds opened the floor to the public for comments at 5:48 p.m.

Jim Cadden – Mr. Cadden: Is this being handled the same way it was handled with the two previous Town Clerks? What is the cost of the dog license? How much goes to the State? Have you checked the Agriculture & Markets Law in regards to licensing dogs? According to the State Agriculture & Markets, they get part of the fee, and whatever else you collect is supposed to go towards dog control. It cannot be used for anything at whim. The State says that money, above and beyond what you send them for a license, goes to maintaining dog control. Supervisor Rounds: We are changing the Local Law now because our Dog Control Officer, who is very good, and very on top of things, is recognizing that notices are being sent out. The DCO is going back to people who have not renewed since 2012. Their dogs are still there, and they have not renewed. Again, the late fees are an incentive to try to get people to pay for their dog licensing because we need to keep track. It is a \$15 renewal fee annually, but there are quite a few people who do not pay. Town Clerk Conklin: I assume it is being handled the same way, and right now we do not issue any late fees. Fifteen dollars for spayed/neutered, \$25 for unspayed/unneutered. No money goes to the State, which the Town Board decided to do before I began as Town Clerk. Supervisor Rounds: The money stays with the Town, and has been staying with the Town for quite a while. The Town can use that money to provide services to the Town of Binghamton animals such as having a rabies clinic that the Town pays for. We have been trying to set up a rabies clinic so that we can offer our Town of Binghamton residents free rabies shots, and the Town will pay for them out of that money. Due to Covid, there were no rabies clinics last year. This year we have been in contact with the Health Department, and they are having a hard time finding a vet that will volunteer to give the rabies shots. We are trying to use that money to offer a free rabies shot to anybody in the Town of Binghamton that brings their dog in for a rabies shot. It was something that the Town has not paid to the State for a long time. Town Attorney Pope: The State decided to get out of dog licensing altogether, which put the onus of dog licensing to be completely on the municipalities. That is why five or six years ago, we and everybody else amended their Local Law dealing with licensing, and now we control everything, including the monies that come in stays with us. Jim is right. In the old days, we had to share a significant portion of that dog licensing fee with the State, but we do not any more. The State decided they were not going to be part of it any more. Supervisor Rounds then asked Mr. Cadden if he heard what Town Attorney Pope had stated. He replied, part of it. Supervisor Rounds: Town Attorney Pope explained that about five or six years ago, the State got out of the dog licensing business; they left it to the local municipalities, and the Town. Most of the small municipalities that do licensing of dogs, continue doing it. Mr. Cadden: Dr. (inaudible) of Ags and Markets in regards to dog control said that they get \$1 and \$5 sent to them, and whatever is the difference is supposed to be used for dog control. I can give you the Doctor's name. Supervisor Rounds: No, that is okay, because, obviously, Town Attorney Pope just explained to us why we do not have to do that anymore. Mr. Cadden: I will talk again to Dr. (inaudible) to

see whether he agrees it should not be paid any more. Supervisor Rounds: Okay, you can find that out from him, but that is what Town Attorney Pope just said. Mr. Cadden: Maybe you have a few years of payment to the State, too. Supervisor Rounds: Jim, we do not do anything that we are not supposed to do as far as payment to the State. We do have a Dog Control Officer. We do send out bills. This really is a topic not necessarily of what the payment is supposed to be to New York State, which we do not have to submit anymore, but it is really just trying to complete the process of getting people to pay their licensing fee. It makes life a lot easier when dogs are licensed when they are picked up or when they run away. We know where they belong. It is very difficult when you have dogs that you are taking and they are not licensed. It is safer for your community.

There being no further presentations, the floor was declared closed at 5:54 p.m.

A motion was made by Councilperson Nye to adopt a Resolution to adopt the Amendment to Local Law Chapter 88 Section 88-4.1 Licensing of Dogs as follows: If a dog license renewal is not paid within 30 days after the initial due date a late fee of \$10 will be assessed in addition to the license renewal fee; if a dog license renewal is not paid within 60 days after the initial due date a late fee of \$20 will be assessed in addition to the license renewal fee; if a dog license renewal is not paid within 90 days after the initial due date a late fee of \$30 will be assessed in addition to the dog license renewal fee, and any late fee(s) must be paid at the time of renewal or the renewal will not be issued, 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, Donahue, Nye, Bensley, Leighton Absent: None

Nays: None

Declared adopted.

(Notice of Public Hearing Appended)
(Resolution 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 Donahue made the motion to adopt a Resolution to approve the following claims as audited:

<u>2021</u>		
Lighting	Claim No. 226	\$ 604.89
Water	Claim No. 227-232	\$ 75,888.35

from Wayne Robinson regarding the proposal for carpet. There was discussion regarding the proposals. Mr. Pappas will follow up on the proposals. Regarding 330 Park Ave., Mr. Pappas stated that the second floor is supposed to be boarded up, and the property will be going up for auction. Mr. Pappas will put together a letter to the County stating that whoever buys 330 Park Ave. will have to tear down the property within 30 days of purchase as it has been deemed unsafe. He will also provide the County with a copy of the Resolution. If no one buys the property, the County will take it over, and hopefully the Land Bank will take it from there. The Blakeslee property is the same situation. The auction listings have not been posted yet on the County's website.

Highway Department – Most of the roads have been swept at least once, most of them twice. All of the plows and wings have been painted and put away; the sanders have been cleaned up and put away; started chip and brush; started cleaning some ditches, and put in some driveway pipes. Roof Replacement – Highway Superintendent Rolston provided the Board with a small, general, informational document regarding the replacement of the roof. When there was freezing rain after the heavy snow, there was water coming through everywhere. The pictures Highway Superintendent Rolston provided are very dark and hard to make out, but do show that on the newer addition (the back side), the rubber is all pulled away from the knee wall, and that is where it has been leaking. They did a couple of test spots on the other roof, and it is wet between the layers. There will have to be a total tear off down to the wood deck. There are two layers there now. The newer addition part of the roof has Styrofoam, so there is no R value at all. If there is asbestos in the older part, there will have to be an asbestos abatement. There was discussion. The roof replacement will go out to bid per Clark Patterson. Hamton Road Sewer Lining – They began to camera a section of E. Hamton Road today for the sewer lining. Highway Superintendent Rolston needs authorization to have Clark Patterson start writing up the bid specs for the sewer lining of E. Hamton Road. The section that was looked at today is quite a bit worse than he had imagined. There was a large influx of ground water coming in while they used the camera, and there are cracks. There are more bad spots than W. Hamton Road. A motion was made by Councilperson Bensley to authorize Clark Patterson to start gathering the spec information on E. Hamton Road for sewer lining, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried. Councilperson Bensley asked if the Town has a policy for highway use and road damage. Councilperson Donahue replied that the Town does have a Local Law. This falls under the Highway Preservation Act. The permits for this go through the Highway Department. A bond is required. The Town Board sets the amount of the bond. The bond for the permit can be up to \$1,000,000. The Highway Superintendent approves/disapproves the plan. Felters Road (Orchard Park) Water Tank Replacement – Supervisor Rounds, Councilperson Donahue and Highway Superintendent Rolston will be meeting tomorrow morning to discuss this matter. There was discussion.

TOB Volunteer Fire Co. – There was no report.

Supervisor – Spectrum will be installing internet at the Community Center. There is more interest this year in renting the Community Center, and there are already several reservations for use of the Community Center for this year. Hickory Common School District - Supervisor Rounds received a phone call regarding the use of the Town Hall for the Hickory Common

School District's annual meeting and voting. A motion was made by Councilperson Donahue approving the use of the Town Hall by the Hickory Common School District for a budget meeting on May 11, 2021 at 7:00 p.m., and for a voting meeting on May 18, 2021 at 7:00 p.m., and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. Motion carried. The Hawleyton Road speed reduction request was denied by the State. A copy of the correspondence from the State is appended. There was discussion. A resident contacted Supervisor Rounds regarding a speed reduction in Orchard Park. He may attend the April 20, 2021 Board meeting. There was further discussion.

UNFINISHED BUSINESS:

Code Enforcement – Junk Vehicles – Update – This subject was covered under Officials and Committee Reports.

Buildings & Grounds – Carpet – Proposals – This subject was covered under Officials and Committee Reports.

Highway Department – Felters Road (Orchard Park) – Water Tank Replacement – This subject was covered under Officials and Committee Reports.

Solar Law – Review – Supervisor Rounds, Councilperson Nye and Councilperson Bensley, along with most of the Planning Board and ZBA, attended a solar review that was sponsored by Broome County through Cornell Cooperative Extension. Supervisor Rounds spoke with Deputy Town Attorney Pope yesterday regarding the Host Community Contract, which allows municipalities the opportunity to set fees, and be able to control the circumstances almost better than the PILOT program. The Host Community Contract is just a few weeks old. Deputy Town Attorney Pope will look into this contract. The review also talked about farmland protection. The Town does have that in Part 2, Section B of the Town's Solar Law. Road use is also a consideration, which was discussed under Highway Department in the Officials and Committee Reports. The Town does have to post the Unified Solar Permit on the Town's website. The Town does need to set fees for small permits for small-sized households, and for large scale permits. The Town's definition of large scale is 25 kilowatts. Right now, there is somebody that is interested in possibly putting a five megawatt, which is 50 acres (10 acres per megawatt). That is considerably larger than the 25 kilowatts. Deputy Town Attorney Pope is looking into the Host Community Contract. When the Town put the Solar Local Law together, there was Article 10. Now, there is 94-C, which supersedes Article 10. Addendums to the policy will possibly be made. There was discussion.

There was no further unfinished business.

NEW BUSINESS:

Highway Department – Roof Replacement – This subject was covered under Officials and Committee Reports.

CDBG - Monitoring – There are 14 residents that benefited from the grant. The program is over. The Town is applying for another grant. The application should be going out this Friday. There is a five-year lien that is put on the recipients' properties. Every year the lien becomes that much less. The Town has to monitor to make sure that the recipients have not sold their houses. Town Clerk Conklin will send a letter to the recipients once a year for signature to ensure that the houses have not been sold. There was discussion regarding monitoring, obtaining feedback from the recipients, contractors used, auditing of the grant, and monies used for each recipient.

Highway Department – Hamton Rd. Sewer Lining - This subject was covered under Officials and Committee Reports.

Legalization of Marijuana – Councilperson Nye attended a NYS Association of Town's webinar dealing with marijuana, information from which he forwarded to Board members. There was discussion.

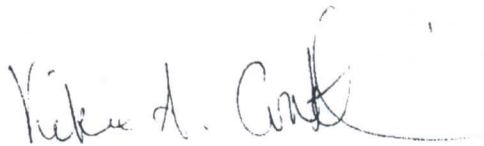
There was no further new business.

ADJOURNMENT:

A motion was made by Councilperson Bensley to adjourn the meeting at 7:23 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 regular Town Board meeting at 7:00 p.m. on April 20, 2021, at the Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Vickie A. Conklin", with a stylized flourish at the end.

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 consider public comments and consideration of adoption of an amended proposed Local Law Section 220-5 to increase the fine for a parking ticket to Forty Dollars (\$40.00) for the first offense payable within Thirty (30) days; and if not paid within Thirty (30) days there will be a Ten Dollar (\$10.00) late fee and a bench warrant may be issued; Seventy Five (\$75.00) for the second offense payable within Thirty (30) days; if not paid within Thirty (30) days a bench warrant may be issued. The Public Hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, April 6, 2021 at 5:31 P.M., at which time all persons interested in the subject matter thereof will be heard.

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, April 6, 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/87104847307?pwd=NlkrdlRvOUpnaXlTOFlhWWxTOXhTZz09>

Meeting ID: 871 0484 7307

Passcode: 930288

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 April 6, 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: March 11, 2021

Vickie Conklin, Town Clerk

AMENDMENT TO LOCAL LAW CHAPTER 220 VEHICLE AND TRAFFIC

SECTION 220-5 PENALTIES FOR OFFENSES

Local Law Chapter 220, Section 220-5, Vehicles and Traffic is amended as follows to allow 30 days to pay the parking fine before issue of a bench warrant 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 bench warrant 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 bench warrant may be issue by the Town of Binghamton Court.”

**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 consider public comments and consideration of adoption of an amended proposed Local Law Section 880 to set a Ten Dollar (\$10.00) late fee if a dog license renewal is not paid within Thirty (30) days after the initial due date; a Twenty Dollar (\$20.00) late fee if a dog license renewal is not paid within Sixty (60) days after the initial due date, and a Thirty Dollar (\$30.00) late fee if the dog license renewal is not paid within Ninety (90) days after the initial due date and consider adoption of same. The Public Hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, April 6, 2021 at 5:32 P.M., at which time all persons interested in the subject matter thereof will be heard.

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, April 6, 2021 at 5:32 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/87104847307?pwd=NlkrdlRvOUpnaXlTOFl1WWxTOXhTZz09>

Meeting ID: 871 0484 7307

Passcode: 930288

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 April 6, 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: March 11, 2021

Vickie Conklin, Town Clerk

RESOLUTION

At a 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 6th day of April, 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 Nye who moved its adoption and was seconded by Councilperson Bensley.

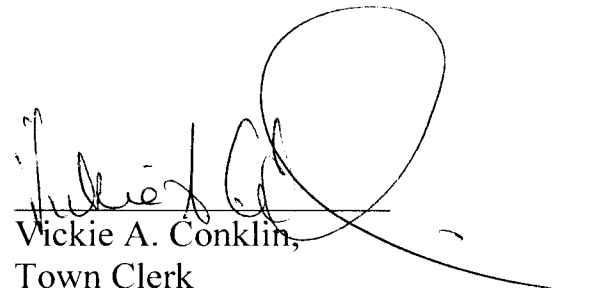
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth 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, a public hearing was duly posted, published and held on April 6, 2021 at 5:48 pm with respect to amendment of Local Law Chapter 88 Section 88-4.1 to establish a \$10 late fee if a dog license renewal is not paid within 30 days after the initial due date; a \$20 late fee if a dog license renewal is not paid within 60 days after the initial due date, and a \$30 late fee if the dog license renewal is not paid within 90 days after the initial due date in and for the Town of Binghamton.

NOW, THEREFORE, be it

RESOLVED, that the amendment to Local Law Chapter 88 Section 88-4.1 as noted above is hereby approved and adopted; and be it further

RESOLVED, that the Town Clerk, 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.

AMENDMENT TO LOCAL LAW CHAPTER 88

SECTION 88-4.1 LICENSING OF DOGS

Local Law Chapter 88, Section 88-4.1 Licensing of dogs is amended as follows to set late fees in the event dog licenses are not renewed by the license renewal date:

M. If a dog license renewal is not paid within 30 days after the initial due date a late fee of \$10 will be assessed in addition to the license renewal fee; if a dog license renewal is not paid within 60 days after the initial due date a late fee of \$20 will be assessed in addition to the license renewal fee; and if a dog license renewal is not paid within 90 days after the initial due date a late fee of \$30 will be assessed in addition to the dog license renewal fee. Any late fee(s) must be paid at the time of renewal or the renewal will not be issued.

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 6th day of April, 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 Donahue, 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:

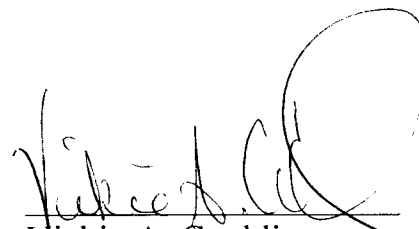
AYES: Rounds, Donahue, Bensley, Nye, Leighton

NAYS: None

ABSTAINED: Leighton

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, by motion Councilperson Donahue has recommended that the Town Board approve claim numbers 226; 227-232; 232-233; 234-250, and 251-285 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 226; 227-232; 232-233; 234-250, and 251-285 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.



Department of Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

BRIAN KELLY, P.E.
Acting Regional Director

RECEIVED

March 15, 2021

MAR 23 2021

TOWN OF BINGHAMTON
VICKIE A. CONKLIN
TOWN CLERK

Ms. Susan Brown
Broome County Highway
47 Thomas Street
Binghamton, NY 13901

Dear Ms. Brown:

**RE: REQUEST FOR A SPEED LIMIT REDUCTION
HAWLEYTON ROAD, CR 117
TOWN OF BINGHAMTON, BROOME COUNTY**

This is a follow up to our letter dated January 20, 2021 letter. The Region 9 Traffic Safety and Mobility Office (TSMO) has completed their review.

A radar study was performed at three locations on Hawleyton Road. This study determined the 85th percentile speed. This is the speed at which, or below, 85% of vehicles are travelling. This speed is the accepted standard for setting speed limits nationally. The 85th percentile speed on Hawleyton Road was found to be 53 in the 45MPH; and 59 in the 50 and 55 MPH. If the speed limit were lowered even 5 MPH, 97%, 97% and 60% of vehicles would be in violation, likewise. Furthermore, state directives recommend not placing more than 30 percent of drivers in violation of a posted speed limit. This recommendation is based on safety as well as the legal concept of imposing a speed trap which can be deemed by the judicial system as unreasonable and, therefore, unenforceable. Therefore, the speed limit cannot be lowered on Hawleyton Road. Broome County is encouraged to review the caution signs on Hawleyton Road to insure they meet current standards.

It is a common misconception that simply lowering a speed limit results in lower travel speeds on a roadway. Both research and experience have shown most drivers are influenced more by the appearance of the roadway and the prevailing traffic conditions than by the posted speed limit itself and, therefore, tend to drive at a speed at which they feel comfortable for the roadway. Uniform predictable speeds provide for better accuracy when judging gaps in traffic which is important for traffic entering from intersections and driveways and pedestrians crossing the roadway.

Also, performed a review of the most current available three years (3/1/2016 to 2/28/2019) of accident data for this section of the road. No portion of the study area has appeared on the Statewide High accident location listing. The accident rate was found within the State- wide average rate for similar roads.

If you have any questions, please feel free to contact me at (607) 721-8072.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Gendron', with a stylized, flowing script.

Pamela Gendron, P.E.
Regional Traffic Operations Engineer

PG:HB

c: Vicki Conklin, Town Clerk, Town of Binghamton