

**TOWN OF BINGHAMTON**  
**TOWN BOARD WORK SESSION**  
**May 4, 2021**

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**MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, MAY 4, 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 5:31 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	R. Rolston, Highway Superintendent
R. Pope, Deputy Town Attorney	1 Guest
N. Pappas, Code Enforcement Officer/Buildings & Grounds	

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

<u>2021</u>		
Lighting	Claim No. 327	\$ 605.49
Sewer	Claim No. 328-329	\$ 4,442.99
Water	Claim No. 329-333	\$ 5,007.79
Highway	Claim No. 334-351	\$ 8,847.50
General	Claim No. 351-389	\$ 14,471.97

The motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. There was discussion regarding #327 of the audited claims. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Declared adopted.

(Resolution Appended)

## **RECOGNITION OF MINUTES:**

There were no changes/corrections made to the April 20, 2021 regular Town Board meeting minutes.

## **COMMUNICATIONS AND ANNOUNCEMENTS:**

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

Rabies Clinic – May 5, 2021 – 6:00 p.m. to 7:30 p.m. at the TOB Highway Garage

TOB Clean Up Days – Thursday, May 20 & Friday, May 21, 2021 – 8:00 a.m. to 3:00 p.m.

Memorial Day Parade – Monday, May 31, 2021 – 10:00 a.m.

## **OFFICIALS AND COMMITTEE REPORTS:**

Planning Board – 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 next scheduled meeting of the ZBA will be held on Monday, May 17, 2021 at 6:30 p.m. at the TOB Town Hall. A case will be heard.

Youth Commission – Spring sports are in full swing. There was discussion regarding lighting, including the replacement of poles at Jackson Park.

Code Enforcement/Buildings & Grounds – Mowing has been taking place, along with readying the fields at the park. The Blakeslee property has been sold.

Highway Department – The water has been turned on at Jackson Park, and is all set to go. Hydroseeding has been done on the ditches that were cleaned. Ditching, chip and brush has been taking place. A section of curb was replaced on Moore Ave. to get ready for paving on that section of Moore Ave. and E. Hamton Road. A new trailer has been bought for water/sewer, and is being updated. The new truck should be coming any day.

TOB Volunteer Fire Co. – There was no report.

Supervisor – Supervisor Rounds is in receipt of an estimate from NYSEG for two new flood lights in the Town Hall's parking lot. The cost to replace the two flood lights is \$234. The Town will save \$432 annually. There are NYSEG commercial programs for replacing the lighting at the park.

## **UNFINISHED BUSINESS:**

Code Enforcement – Junk Vehicles – Update – Mr. Pappas and Deputy Town Attorney Pope will meet to discuss this matter.



Buildings & Grounds – Carpet – Proposals - Update – Mr. Pappas received a proposal today, but is waiting to receive one more proposal.

Highway Department – Roof Replacement – Update – Highway Superintendent Rolston is waiting for the asbestos report for the samples that were taken.

TOB Parkland Alienation to TOB Volunteer Fire Co. – Update – Deputy Town Attorney Pope gave the following update: In an effort to finally get this done, Senator Akshar's office has asked for a metes and bounds description of the piece that will be going to the Fire Department. The Deed will be provided to Senator Akshar's office so that they have the requested information, which will be put into the legislation. The second part is that whenever you do any kind of alienation like this, you either have to put in place new parkland, or make capital improvements on other recreational facilities or parks within the Town at the value of the land. Generally, that is an appraisal, but she does not think that is needed. She has asked Assessor Cook to go out and assess the land, and tell us what he thinks the fair market value is. The Town has to earmark funds for capital improvement to the Community Center, or another park in the amount of that value over a five-year period. That language has to be in the legislation. That is why she is getting the amount from Assessor Cook, just in case they ask us for something written as to what the value is. It may have to be done by Resolution. If so, we will get it to them, and get this bill on the floor. Assessor Cook will provide Deputy Town Attorney Pope with the information by the end of the week. The information will then be provided to Senator Akshar's office so that we can get this on the floor, get it approved by Senate legislature, and then have the Governor sign it. It is not complete until the Governor signs it. There was discussion.

Legalization of Cannabis – Moratorium – The Town has to have in place by the end of December what the Town is going to do about retail sales of marijuana in the Town. The Comprehensive Plan put into place in 2018 does not address the legalization of marijuana. Deputy Town Attorney Pope suggested to Supervisor Rounds that the Town put a moratorium on this now to give the Town Board some time to think about how they want to find out how the residents feel about it. A survey may be created for the Town's website e-mail subscribers to receive feedback, along with putting it on the Town's website. Deputy Town Attorney Pope explained that if the Town decides to opt out, a local law is subject to permissive referendum, meaning the Board would adopt a local law, then it would have to sit there for 45 days for someone to come in with a petition with a certain number of signatures on it to then make it part of the next general election, and Town residents would have to vote on it. If no one shows up with a petition or if the petition does not have enough signatures, then the permissive referendum fails, and the Board can go ahead and send the local law to the State. Supervisor Rounds explained that the Town has to have the language for the ballot to the BC Board of Elections by August 2, 2021 in order to get this on the ballot for the general election. There was discussion. A motion was made by Councilperson Donahue to adopt a Resolution setting a public hearing for Tuesday, May 18, 2021 at 7:01 p.m. to consider public input on putting a moratorium on marijuana retail sales and onsite consumption sites while the Town determines if it is in the best interest of the Town to adopt a local law opting out of allowing marijuana retail sales and onsite consumption sites in the Town, 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, Nye, Bensley, Leighton

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

There was no further unfinished business.

## **NEW BUSINESS:**

Wind Energy Conversion Law - Update – Councilperson Bensley gave the following update: The Energy Committee has gone through the law and the first pass is complete. The next steps include going through the updated version, provide thoughts on everything that is there, clean it up for the last time, and then it will go into the formal process. Councilperson Nye looked at facilities in the State of New York to find out what their maximum heights are for wind energy conversion towers. The heights vary from 390' to 700'. Obviously, the developer is interested in the largest surface that they can get, which is 700', and those turbines were actually designed for offshore. There seems to be more of a push to get the wind energy conversion towers offshore and out of the eyes of people. He suggested to the Committee that they use 390' (from the ground to the top) in the Town's local law. The State Office Building, he believes, is 230 some feet high; visualizing a 700' turbine is three times as high as the State Office Building. Considering the Comprehensive Plan, he does not believe that Town residents want that. Consequently, he feels comfortable suggesting that we use 390' in our local law. The New York State Siting Commission can say that is arbitrary and capricious. The Town can argue that there is precedence for that. There will be a public hearing for public input. There is a real threat of these wind energy conversion towers coming into the Town. Another issue on the very near horizon is battery storage. There is a battery storage facility going in on Robinson Hill Road. These are savers of electricity. The value in that is that it makes energy derived from solar and wind accessible when you need it. The danger involved is that if these facilities catch on fire, there is no way to put them out. The remedy is to literally let them burn themselves out. An issue that Town residents may be concerned about is safety because the storage batteries are made from dangerous chemicals, and are very hazardous if they burn in a fire. The Energy Committee will address the battery storage facilities. NYSERDA has created a model battery storage local law for municipalities to work from. There was discussion.

Code Enforcement/Buildings & Grounds – Zack Soboleski – Provisional Appointment – Mr. Soboleski has completed all of the code enforcement classes. He will be taking a practice test in June. The actual Civil Service test will not be until probably next year. The Civil Service test he will be taking will be Code Enforcement Officer/Maintenance Mechanic. A motion was made to adopt a Resolution by Councilperson Donahue to approve the provisional appointment of Zack Soboleski to the position of Code Enforcement/Buildings & Grounds Officer pending his taking the required Civil Service test, and scoring in the top three test-takers, and the motion was duly

seconded by Councilperson Nye. There was some discussion. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Nye, Bensley, Leighton

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

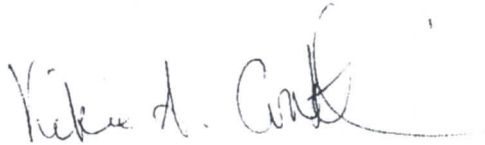
There was no further new business.

**ADJOURNMENT:**

A motion was made by Councilperson Leighton to adjourn the meeting at 6:34 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 May 18, 2021, at the Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Vickie A. Conklin", written in a cursive style.

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 4th day of May, 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 Leighton, who moved its adoption, and was seconded by Councilperson Nye.

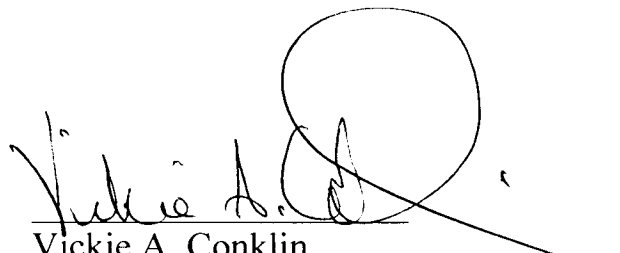
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Rounds, Donahue, Bensley, Nye, Leighton

NAYS: None

ABSENT: None

The Resolution was then declared adopted.

  
Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, by motion Councilperson Leighton has recommended that the Town Board approve claim numbers 327; 328-329; 329-333; 334-351, and 351-389 as audited, and

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

**NOW, THEREFORE**, be it

**RESOLVED**, that claim numbers 327; 328-329; 329-333; 334-351, and 351-389 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 Office Building, 279 Park Avenue, Binghamton, New York and via ZOOM video conference on the 4<sup>th</sup> day of May, 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 Donahue who moved its adoption and was seconded by Councilperson Nye.

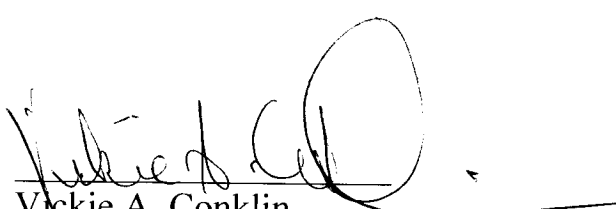
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: 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 set a public hearing on May 18, 2021 at 7:31 pm to put in a moratorium on marijuana retail sales and onsite consumption sites while the Town determines if it is in the best interest of the Town to adopt a local law opting out of allowing marijuana retail sales and onsite consumption sites in the Town.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board set a public hearing on May 18, 2021 at 7:31 pm to put in a moratorium on marijuana retail sales and onsite consumption sites while the Town determines if it is in the best interest of the Town to adopt a local law opting out of allowing marijuana retail sales and onsite consumption sites in the Town; 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 Office Building, 279 Park Avenue, Binghamton, New York and via ZOOM video conference on the 4<sup>th</sup> day of May, 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 Donahue who moved its adoption and was seconded by Councilperson Nye.

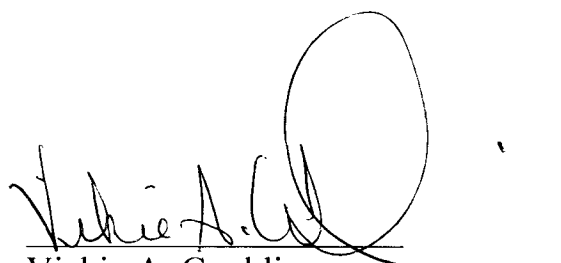
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: 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 provisionally appoint Zack Soboleski to the position of Code Enforcement/Building & Grounds Officer pending his taking the required civil service test and scoring in the top test-takers.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town provisionally appoints Zack Soboleski to the position as Code Enforcement/Building & Grounds Officer pending his taking the required civil service test and scoring in the top three test-takers; 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.