

TOWN OF BINGHAMTON
TOWN BOARD
July 20, 2021

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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, JULY 20, 2021, 7:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

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

ROLL CALL:

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

OTHERS PRESENT:

V. Conklin, Town Clerk	R. Rolston, Highway Superintendent
A. Pope, Town Attorney	3 Guests
N. Pappas, Code Enforcement Officer/Building & Grounds	

PUBLIC HEARING – 7:02 p.m. – Proposed Changes to Chapter 240 – R-1 - District Schedule of Zoning Regulations for Accessory Permitted Uses

Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to amend Chapter 240 – R-1 District Schedule of Zoning Regulations for Accessory Permitted Uses. Town Attorney Pope explained the permitted uses and accessory uses under the R-1 code. Town Attorney Pope stated that Code Enforcement is running into issues with travel trailers that are not registered and in bad shape, but some people say they can have it because the code says travel trailer - unoccupied. The change will require the travel trailer to be currently licensed and inspected.

Supervisor Rounds opened the floor to the public for comments at 7:15 p.m.

Matt Cruise – Mr. Cruise asked, if a car on his property that he is working on has a car cover on it, will it be allowed if it is not in a garage even though it is not registered? A discussion was held between Code Enforcement Officer Pappas and Town Board Members regarding “junk vehicles” and what is classified as such and how this will pertain to the new changes of the code.

Jim Cadden – Mr. Cadden brought up the subject of court cases and rulings on the matter of “junk vehicles” and how he has been dealing with this matter for 50 years. He stated that the whole matter is a difference of opinion and that the State has laws that permit one vehicle, while the Town of Binghamton has a stricter policy on the subject. He stated that only the Department of Motor Vehicles can create motor vehicle laws, and not the Town. Mr. Cadden asked if the Town is eliminating this law or is this just adding on to the laws as they are now? Supervisor Rounds explained the additions and changes to the law to Mr. Cadden regarding R-1 code.

There being no further presentations, the floor was declared closed at 7:34 p.m.

A motion was made by Councilperson Bensley to adopt a Resolution to amend Chapter 240 –

R-1 Schedule of Accessory Use as follows: paragraph 3 – travel trailer, unoccupied, but shall be currently registered and inspected; paragraph 4 – eliminated in total, 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, Leighton, Nye

Absent: None

Nays: Donahue

Declared adopted.

(Resolution Appended)
(Notice of Public Hearing Appended)

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

2021

Lighting	Claim No. 565	\$ 20.20
Sewer	Claim No. 566-567	\$ 105,563.26
Water	Claim No. 567-574	\$ 437.85
Highway	Claim No. 571-585	\$ 239,549.51
General	Claim No. 586-611	\$ 10,374.87

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)

RECOGNITION OF MINUTES:

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

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comments at 7:35 p.m.

Jim Cadden – Mr. Cadden asked for a cell service update. Supervisor Rounds gave the following update: She spoke with BC County Attorney Behnke, BC Executive Garnar, Chuck Rogers (BC Public Emergency Systems), and a representative at Verizon. Once the County and Verizon sign the contract, there will be three antennas added to the cell tower that Broome County owns; one antenna goes northeast, one goes northwest, and one goes south; they will provide us with a map of the current coverage, and what the proposed extended coverage will be with the new antenna pointing south, but cell service in rural communities is not 100% guaranteed; the antenna should give the Town some extension. Verizon will be getting back to Supervisor Rounds in about six weeks regarding the study that will be done. Mr. Cadden asked if the Town will be removing the 20-year moratorium on cell phone towers. Town Attorney Pope explained that the Federal Government controls cell towers now, and that the Town does not have a moratorium on cell towers. A discussion was held between Supervisor Rounds and Mr. Cadden regarding laws and regulations for the cell towers.

David Woodward – Mr. Woodward was given until the August 3, 2021 Work Session to inform the Board of what his plans are with 14 Holmes Place, which has various code violations.

Matt Cruise – Mr. Cruise voiced his support for Mr. Woodward.

There being no further presentations, the floor was declared closed at 8:05 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS:

TOB Rabies Clinic – Wednesday, August 11, 2021 – 6:00 p.m. to 7:00 p.m. – TOB Community Center – Free to TOB Residents

TOB Volunteer Fire Co. – Annual Chicken BBQ – Saturday, August 21, 2021 – 12:00 Noon until Sold Out

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – The next regularly scheduled quarterly joint meeting with the ZBA will be held on Monday, October 18, 2021 at 6:30 p.m. at the TOB Town Hall. The Planning Board met and discussed the solar project with the ZBA Board. There was some discussion with Atlas Renewables, who stated that they do not need to go to the ZBA Board since they are a utility company. Supervisor Rounds will meet with Gerry Tagliaferri on Thursday, July 22, 2021, to discuss getting back with Atlas once there is a quorum, and a date set for ZBA meeting, which might take until the beginning of September. They would like all of the members to attend the meeting, not just a quorum. Until then, Deputy Town Attorney Rose Pope will research if Atlas Renewables is a public utility company. At the time of this Board meeting, Code Enforcement Officer Pappas has not had any contact from Atlas Renewables, and it was made clear to Atlas Renewables that they have to have their permits before any work can begin. They need to submit the permit application, and a check for permit fees to Code Enforcement Officer Pappas

before a Zoning Board meeting can be scheduled. Mr. Haskell, the property owner, is simply leasing the property to Atlas Renewables and has not commented on their activity.

Zoning Board of Appeals – The next regularly scheduled quarterly joint meeting with the Planning Board will be held on Monday, October 18, 2021 at 6:30 p.m. at the TOB Town Hall.

Youth Commission – The next meeting will be held on Thursday, July 22, 2021 at 6:00 p.m. at the TOB Town Hall. Councilperson Leighton made an announcement that the Youth Commission needs more public engagement from the parents and whomever might want to be involved in staffing, coaching, manning the concession stand, and being involved in the community and youth activities for the Town of Binghamton. Hopefully, involvement will pick up once the school year begins. Supervisor Rounds discussed the effects that COVID had on the youth sports last year and how the program has to be built back up.

Code Enforcement/Buildings and Grounds – Court cases are going well. There is a court date scheduled in August for 25 Powers Road. The Town needs to get pricing for a new roof for the Town Hall as the leaks continue, with the last, once again, being in the kitchen area. John Stilloe was contacted, who said that the roof only needs a new rubber coat. Supervisor Rounds asked for three estimates for the roof. Councilperson Leighton spoke about the bad parking lot conditions at the Town Hall and the Community Center. Mr. Pappas had already discussed prices with Broome Bituminous, so we should be locked into the price quote of \$18,000 from two months ago, which includes milling and resurfacing at the Town Hall. Supervisor Rounds instructed Mr. Pappas to call Broome Bituminous to see if the price is still valid as it is a good price. Mr. Pappas also stated that he believes the refrigerator at the Community Center can be fixed.

Highway Department – Highway Superintendent Bob Rolston said that the Highway Department is in repair mode. Roberts Road Pipe Expense – Approval – Highway Superintendent Bob Rolston stated that he does not need approval since the cost is under the allowed amount. The pipe was procured through Broome County for free via the Broome County Bid/Emergency Bid. The cost is approximately \$11,000 for the installation of the pipe by a contractor. Materials such as concrete blocks, blacktop, and backfill are an additional cost. The pipe on Roberts Road has been replaced, but cleanup needs to be done and guardrails need to be put back up. The pipe was considered a 100-year flood pipe and was filled to the top last Saturday. The new pipe was procured through the County for free. The second pipe had failure issues due to the influx of water and the pipe became plugged with tires, railroad ties, and a tree from upstream which caused it to fold. A call was received from an Orchard Park resident regarding runoff from a small existing creek that starts by Cheryl Drive. Mr. Rolston spoke to Town of Conklin Highway Superintendent Coddington regarding the matter. The runoff is from the ditch that goes through private property and goes down to Conklin Road. It is not from the Town of Binghamton dumping water as the resident suggested. With the influx of the amount of rainwater, the bank of the creek let loose and the water went in every direction into all the neighbors' yards. Mr. Rolston stated that the land owner needs to maintain the ditch line that is on his property as Town resources cannot be used for private land. Mr. Rolston informed Supervisor Rounds and the Town Board that many pipes throughout the County were plugged or could not take any more water, and that the County has more resources and more manpower to clear the pipes. The Town is still clearing pipes and opening roads. Surplus Items – 2012

Vermeer Chipper & 2005 Volvo Truck – Authorization to List Surplus Items on Auctions International - Highway Superintendent Rolston informed the Town Board that the Volvo truck has already been listed on Auctions International and that he really did not get the bid he wanted to on the first auction, so he did a counteroffer to the person that was bidding on it, but that wasn't accepted. The Town of Mamakating bought the Volvo truck for \$20,000, which was done on a counteroffer, and it will take approximately 30 days to be released from their surplus funds. Their Board needs to approve the sale under a referendum, then the Town of Binghamton Town Board would have to approve the sale. The chipper will be sold on Auctions International. The truck will not need to go on Auctions International again. Councilperson Bensley made a motion to adopt a Resolution to declare the 2012 Vermeer Chipper as surplus and listed on Auctions International, 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, Nye, Bensley, Leighton

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

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

Town Clerk's Monthly Report for June 2021

DCO Monthly Report for June 2021

Code Enforcement Officer's Monthly Report for June 2021

Supervisor – Supervisor Rounds spoke about the phone calls she made to the County about Verizon regarding getting cell phone service extended for the Town. The Town of Binghamton has been approved for another two year, \$500,000 CDBG grant. Thoma will be sending instructions about returning the agreement letter. Residents must live on the property in the Town to apply. Grants are income based.

UNFINISHED BUSINESS:

Code Enforcement – 14 Holmes Place, 487 Morgan Road & 1978 Montrose Ave. – Update - Code Enforcement Officer Nick Pappas stated that certified letters had been sent to all three residents and two came back undelivered/unsigned. Town Attorney Pope informed the Town Board that the Town is beyond the “do nothing” approach, and that if the owners are not properly served, there cannot be a public hearing. He questioned if the Town should give the owners extra time before being served. Mr. Pappas believes that both properties (in reference to the letters that came back), are current on their taxes; the Morgan Road house is placarded and uninhabitable, and the Montrose Ave. house is locked. Town Attorney Pope believes that the Town should move forward with all three properties with the unsafe building process. The unsafe building process and serving the owners will be held off for two weeks, which will give the owners time to respond. Mr. Pappas and Town Attorney Pope will start putting information

together for the September 7, 2021 Work Session. A motion was made by Councilperson Bensley to adopt a Resolution to set a public hearing on September 7, 2021 at 5:31 p.m. to determine whether each of the following buildings and properties located at 14 Holmes Place, Binghamton, New York, 487 Morgan Road, Binghamton, New York, and 1978 Montrose Avenue, Binghamton, New York, are to be deemed unsafe, 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)

NEW BUSINESS:

Code Enforcement – Mowing Fees - Resolution – Code Enforcement Officer Nick Pappas informed the Town Board that the Town’s auditor, Mike Wolyniak, informed him that the Town should have a set mowing fee for vacant properties. Mr. Pappas proposes a \$250 fee per lawn for mowing. There was discussion. Councilperson Bensley made a motion to adopt a Resolution to set a mowing fee of \$250 per mow per vacant property, and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the resolution. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Nye, Bensley, Leighton

Absent: None

Nays: None

Declared Adopted.

(Resolution Appended)

Highway – Roberts Road Pipe Expense – Approval – This subject was covered under Officials and Committee Reports.

Highway – Surplus Items – 2012 Vermeer Chipper & 2005 Volvo Truck – Authorization to List Surplus Items on Auctions International – This subject was covered under Officials and Committee Reports.

Wind & Solar Energy – Deforestation Proposal - Councilperson Bensley provided Board members with the proposed deforestation language. The wind-energy conversion local law is being worked on (wind turbines) and is at the point now where it is almost complete. Both pieces will be similar for solar and wind. Councilperson Bensley reviewed the proposed language with the Board. A public hearing has previously been set for August 3, 2021 at 5:31 p.m. to set the permit fees for solar. There was discussion.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comment at 9:14 p.m.

Jim Cadden – Mr. Cadden asked what the difference is between commercial solar energy and what is used for residential solar energy. Supervisor Rounds told him that it is all explained in our Solar Local Law.

There being no further presentations, Supervisor Rounds declared the floor closed at 9:17 p.m.

EXECUTIVE SESSION:

A motion was made by Councilperson Bensley to go into Executive Session at 9:17 p.m. to discuss a legal and/or personnel matter, and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. Motion carried.


Councilperson Leighton made a motion to reconvene at 9:36 p.m., and the motion was duly seconded by Councilperson Bensley. All those present voted in favor of the motion. Motion carried.

ADJOURNMENT:

A motion was made by Councilperson Nye to adjourn the meeting at 9:37 p.m., and the motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion. Motion carried.

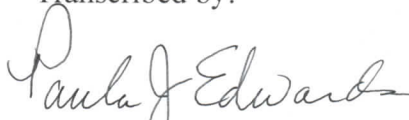
The next meeting of the Town of Binghamton Town Board will be a Work Session to be held on Tuesday, August 3, 2021, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,



Vickie A. Conklin
Town Clerk

Transcribed by:



Paula J. Edwards
Deputy 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 regarding the proposed changes to Chapter 240 – R-1 District Schedule of Zoning Regulations for Accessory Permitted Uses. The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, July 20, 2021 at 7:01 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 the proposed changes and to evaluate and consider adoption of the foregoing.

Dated: June 1, 2021

Vickie 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 July, 2021 at 7:00 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

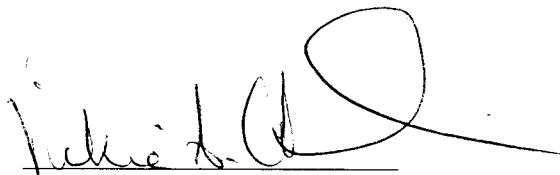
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: Councilperson Michael Donahue

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, the Town Board conducted a Public Hearing on July 20, 2021 at 7:01 p.m. for consideration of the proposed Local Law Amendment to Chapter 240-R1 of the Town of Binghamton Code; and

WHEREAS, the Town Board has before it for its consideration the proposed Local Law Amendment to Chapter 240-R1-Schedule of Accessory Use of the Town of Binghamton Code.

NOW THEREFORE, IT IS

RESOLVED, that the Town Board hereby approves the Local Law Amendment to Chapter 240-R1-Schedule of Accessory Use of the Town of Binghamton Code as follows:

Paragraph 3. Travel trailer, unoccupied, but shall be currently registered and inspected.

Paragraph 4. Eliminated in total.

RESOLVED, that the Town Clerk, Supervisor and such other Town officials are authorized to take such additional and further action as is necessary to implement this Resolution.

RESOLUTION

At a regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Hall, 279 Park Avenue, Binghamton, New York, on the 20th day of July, 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 Donahue, who moved its adoption, and was seconded by Councilperson Nye.

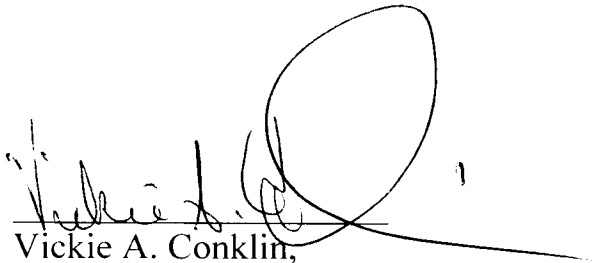
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth 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 Leighton has recommended that the Town Board approve claim numbers 565; 566-567; 567-574; 571-585, and 586-611 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 565; 566-567; 567-574; 571-585, and 586-611 as audited are hereby adopted and approved; and be it further

RESOLVED, that the Town Supervisor and such other Town officials are authorized to take such additional and further action as is necessary to implement this Resolution.

RESOLUTION

At a regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Hall, 279 Park Avenue, Binghamton, New York, on the 20th day of July, 2021 at 7:00 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

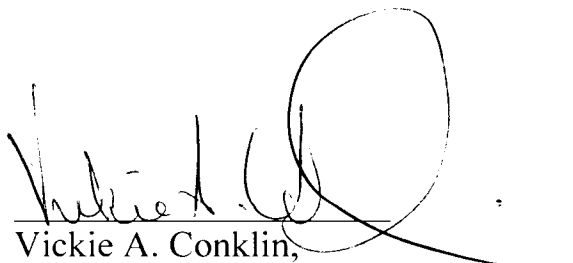
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, it has been recommended that the Town Board declare surplus the 2012 Vermeer Chipper and to authorize its sale through Auctions International.

NOW THEREFORE, IT IS

RESOLVED, that declaring surplus the 2012 Vermeer Chipper and authorization of its sale through Auctions International is hereby approved; and it is further

RESOLVED, that the Supervisor and such other Town officials are authorized to take such additional and further action as is necessary to implement this Resolution.

RESOLUTION

At a regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Hall, 279 Park Avenue, Binghamton, New York, on the 20th day of July, 2021 at 7:00 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

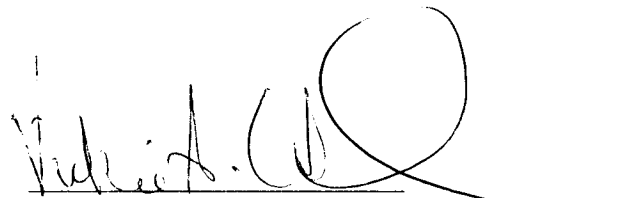
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, it has been recommended that the Town Board schedule a separate public hearing on September 7, 2021 at 5:31pm with respect to each of the alleged unsafe building and property located at 14 Holmes Place, Binghamton, New York, 487 Morgan Road, Binghamton, New York and 1978 Montrose Avenue, Binghamton, New York at which time the Town of Binghamton shall present its evidence of the nature and extent of the unsafe buildings and each owner shall be given an opportunity to present any evidence the owner may have.

NOW THEREFORE, IT IS

RESOLVED, that the scheduling of three separate public hearings on September 7, 2020 at 5:31pm with respect to the unsafe building and property located at the three separate properties as noted above is hereby approved; and it is further

RESOLVED, that the Town Clerk, Town Attorney and such other Town officials are authorized to take such additional and further action as is necessary to implement this Resolution.

RESOLUTION

At a regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Hall, 279 Park Avenue, Binghamton, New York, on the 20th day of July, 2021 at 7:00 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

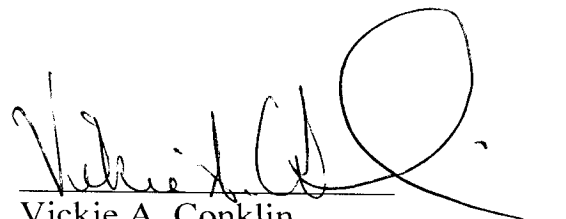
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.


Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, it has been recommended that the Town Board set a specific fee for mowing of properties by the Code Department of \$250.00 per mow per property.

NOW THEREFORE, IT IS

RESOLVED, that the specific fee for mowing of properties by the Code Department of \$250.00 per mow per property is hereby approved; and it is further

RESOLVED, that the Town Clerk and such other Town officials are authorized to take such additional and further action as is necessary to implement this Resolution.