

**TOWN OF BINGHAMTON**  
**TOWN BOARD**  
**September 21, 2021**

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**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, SEPTEMBER 21, 2021, 7:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.**

The meeting was called to order at 7:01 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	K. Olds, TOB Volunteer Fire Co.
P. Wagner, Deputy Highway Superintendent	2 Guests

**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

Highway	Claim No. 738, 744-756	\$ 21,149.51 or \$60,537.51
Lighting	Claim No. 739	\$ 24.04
Sewer	Claim No. 740	\$ 398.35
Water	Claim No. 741-743	\$ 1,871.46
General	Claim No. 757-780	\$ 14,183.07

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

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

Nays: None

Abstained: Leighton

Declared adopted.

(Resolution Appended)

## **RECOGNITION OF MINUTES:**

There were no corrections made to the September 7, 2021 Work Session minutes.

## **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comments at 7:05 p.m.

Sally Ellis – Ms. Ellis voiced a complaint about the winter ordinance parking ban not being enforced on Beechknoll Road, in particular 21 Beechknoll Road. A paper copy of her voiced complaint is appended hereto. Supervisor Rounds informed Ms. Ellis that the Code Enforcement staff has been issuing tickets, sometimes in the early morning hours. Supervisor Rounds will meet with Code Enforcement Officer Pappas concerning this matter.

Jim Cadden – Mr. Cadden inquired about the Town Hall parking lot being paved. Supervisor Rounds informed Mr. Cadden that the paving will not take place in 2021 due to Broome Bituminous not having sufficient time to pave the parking lot. The paving of the Town Hall parking lot will be a 2022 budgeted item. The monetary amount is based on per ton, and to budget properly, there was an additional \$10 per ton estimate of what should be added. \$45,000 will be budgeted for the paving job. The paving job being done in-house in 2022 may be a consideration.

There being no further presentations, the floor was declared closed at 7:22 p.m.

## **COMMUNICATIONS AND ANNOUNCEMENTS:**

Fall Tree Branch and Brush Pickup – September 15, 2021 thru October 15, 2021

Free Fishing Day – Saturday, September 25, 2021

Columbus Day – TOB Municipal Buildings Closed - Monday, October 11, 2021 in Observance of Columbus Day

## **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.

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. A meeting may be set for October 25, 2021, for a variance case to be heard.

Youth Commission – They are halfway through the football season, having played four games so far. There are approximately 105 football players and 70 cheerleaders from K-6. The next three Sundays will be played at the SV Stadium. Sunday, October 3<sup>rd</sup> is picture day. The Cheer program is scheduling some competitions outside of cheering for youth football. The Booster Club is back up and running, and is actively fundraising in several ways in addition to the home



games concession stand during football. The football players and cheerleaders will be participating in the SV homecoming parade on Saturday, October 23<sup>rd</sup>. There has been no commitment from the school regarding gym use for basketball. Basketball is still up in the air. Chenango Valley, and some other local youth programs, are discussing a potential in-house basketball league for grades 3 and 4; talks are in the early stages, and could be an alternative if they do not get use of the SV gym.

Code Enforcement/Buildings and Grounds – Supervisor Rounds and Mr. Pappas met with Mike Laco from Clark Patterson Lee regarding the Town Hall roof replacement project. Half of the roof needs to be replaced (the older section). Mr. Pappas and Mr. Laco will meet on September 29, 2021, to inspect the roof. Mr. Laco will put together a unified specs package to put out for bidding. This project will be a 2022 budgeted item. Mr. Pappas is looking at the cost of replacing the fencing at Jackson Park. It is the original fencing, and is starting to come out of the ground.

Highway Department – Roads are paved (Douglas, Partridge, Colchester, Carol and Karen); they have been doing a lot of shoulder work; a lot of paving work on the edges of the road; tree, branch and brush pickup has begun, and the annual sexual harassment training has been completed.

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

Town Clerk's Monthly Report for August 2021

DCO Monthly Report for August 2021

Code Enforcement Officer's Monthly Report for August 2021

TOB Volunteer Fire Co. – Regarding Station #1 on Hawleyton Road, Chief Emmons received a phone call yesterday informing him that there was a fuel spill apparently from a school bus in the parking lot of Station #1. The SV facility rep contacted Chief Emmons informing him that there would be a cleanup crew at Station #1 tomorrow (this morning). They did not make it today, and are coming tomorrow. There is a significant amount of fuel spillage, which has eaten some of the pavement away, and killed a ton of grass. Apparently, the spill happened on September 9, 2021, but he was not informed on that day. The DEC is now involved because for any kind of cleanup to happen, the DEC's response is to put in a ticket to give to the contractor that is going to dig it out so that the contractor can take it to the landfill. The DEC may come tomorrow or Thursday to view the spill. There were eight calls for the month, two house fires for other fire companies; one motor vehicle accident on Brinkman Road with minor entrapment; two members have been signed up for the County smoke diver's class, an advanced class for the SCBAs; two members have been signed up for the State paramedic class (extrication from heavy equipment), which is an in-depth three-day long class, eight hours per day, and a house has been donated for training purposes.

Supervisor – The CDBG Request for Proposals (RFP) has been published. As of today, we have received 18 requests for the RFP. The deadline to receive proposals is October 15, 2021. The guardrail at the bottom of Park Avenue by the original Ross Park Zoo entrance will be replaced by the City next week. Verizon will be putting a 20' extension on one of the towers on Ingraham Hill; as a follow-up Supervisor Rounds spoke to BC Attorney Bob Behnke and the gentleman

from Verizon and was informed that they are still working on putting together the perspective of here is the service you have, and this is what will hopefully happen. T-Mobile is changing some of their equipment as well. Supervisor Rounds spoke with T-Mobile and asked what their plans are. She was informed by T-Mobile that it is an equipment maintenance upgrade, replacing some of the equipment that is currently there. For T-Mobile customers the equipment maintenance upgrade will probably provide better service, but that is not going to help the cell service issues.

#### **UNFINISHED BUSINESS:**

Accessory Units – Set Public Hearing – A motion was made by Councilperson Leighton to adopt a Resolution to set a public hearing on October 19, 2021 at 7:01 p.m. to amend Chapter 240 of the Town of Binghamton Code, namely to add the following sentence to the definition of Accessory Building – “A storage container shall be considered an Accessory Building”, 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, Nye, Leighton                      Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

R-1 Permitted Uses – Set Public Hearing – A motion was made by Councilperson Leighton to adopt a Resolution to set a public hearing on October 19, 2021 at 7:02 p.m. to amend Chapter 240 of the Town of Binghamton Code, namely to insert the phrase “Animal Harboring Not Permitted” and to insert the phrase “Only 1 Inoperable or Unlicensed/Uninspected Vehicle Permitted” in the Schedule of Zoning Regulations for R-1 District, and the motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion. There was discussion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Declared adopted.

(Resolution Appended)

Wind Energy Systems Law – Councilperson Bensley asked if there were any questions concerning the proposed Wind Energy Systems Law. Councilperson Donahue asked, how big of a power line is needed to feed these? Councilperson Bensley did not know. He did know that the location of a substation and/or transmission line is very important. There was discussion, which included the minimal number of transmission lines in the Town of Binghamton. Supervisor Rounds will forward the proposed law to Planning Board Chairperson Streno.



Legalization of Cannabis – Update – There was discussion. The Town Board decided to stay in instead of opting out regarding cannabis consumption bars, and dispensaries within the Town. No smoking zones include cannabis.

#### **NEW BUSINESS:**

There was no new business.

#### **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comment at 8:06 p.m.

Jim Cadden – Mr. Cadden asked if Supervisor Rounds has received any updates from County Executive Garnar regarding updating the County's emergency services; commented that even with dead cell service, customers still have to pay a fee for 911 service, and does the Town receive any of the 911 fee. Supervisor Rounds replied that it comes down to dollars and cents; the population on the southern side of the Town is not enough of a population for a cell company provider to invest in a new tower with new equipment to cover maybe a thousand people, if that; boosters are now available which enable residents to upgrade their cell service, and the Town does not receive any money for the 911 service fee. Mr. Cadden suggested that the County use some of the 911 fee revenue to put baffles on the towers so that they cover the whole area. The terrain of the Town is also an issue for cell service.

There being no further presentations, Supervisor Rounds declared the floor closed at 8:13 p.m.

#### **EXECUTIVE SESSION:**

A motion was made by Councilperson Leighton to go into Executive Session at 8:13 p.m. to discuss a legal and/or personnel matter and the motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion. Motion carried.

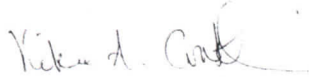
A motion was made by Councilperson Donahue to reconvene at 8:58 p.m., and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried.

#### **ADJOURNMENT:**

A motion was made by Councilperson Bensley to adjourn the meeting at 9:00 p.m., and the motion was duly seconded by Councilperson Nye. 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, October 5, 2021, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.*

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Vickie A. Conklin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Vickie A. Conklin  
Town Clerk

## RESOLUTION

At a regularly scheduled Board 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 21<sup>st</sup> day of September, 2021 at 7:00 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

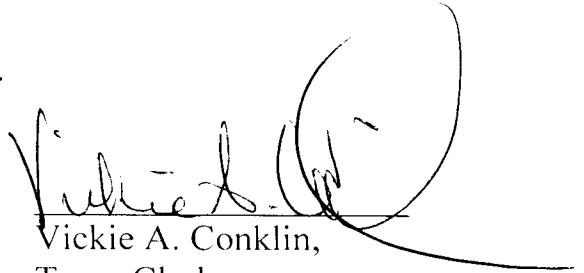
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

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 738, 744-756; 739; 740; 741-743, and 757-780 as audited, and

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

**NOW, THEREFORE**, be it

**RESOLVED**, that claim numbers 738, 744-756; 739; 740; 741-743, and 757-780 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.

①

Sally Ellis - 18 Beekmole Road

I am here to make a formal complaint about the Town's code enforcer's unwillingness to enforce the winter overnight parking ban on my street.

A couple of years ago, I took my complaint to him and was told that he makes "exceptions" such as for some in Park Terrace who don't have driveways so he "overlooks" their parking on the road. The only redress

I got from him that year was that he would "look into it". I didn't hear anything from him so needless to say.... nothing was done.

I live at 18 Beekmole Rd and my complaint lies with 21 Beekmole, across the street. Three men live there and they each have a vehicle, two cars and a truck. The ones with the cars are creating an unnecessary problem for me and hampers my ability to safely get out of my driveway and into the road.

(2)

The two cars park in front of their house "facing up" the street instead of down like other cars do. One of the cars park just a few inches from the opening of the driveway at #19.

Since these two cars are usually parked there day and night, the snow plow has to swing around them. Snow that should have been pushed against the curb and dumped into #19 driveway opening is now in the middle of the road.

To compound, this middle of the road accumulation, it is added to when they clean off their cars and since they park "up" instead of down. To access getting in and out of their cars, they must park further in the road from the curb. . . . . and if #20 has company visiting, the area I have to navigate to like backing into a small snow cover tunnel.

Since my first complaint, these people at #21 has acquired a boat <sup>that sits</sup> on a trailer and is now taking up space in their driveway along with the truck.

(3)

Space that could have been used to park one of the cars last winter and by doing so lessen some of my difficulty.

Last year prior to the horrific snowfall of 42", they did manage to get the two cars off the road by putting them on their front yard..... unfortunately it was a short reprieve. Because as soon as they dug them out back into the street, they went.

The house at 17 Buck Knoll has 3 cars and even with other "stuff" can get their cars in the driveway. #19 has room for their cars. #11 Buck Knoll has 2 cars and a truck and all park on their front yard - still do.

I know for a fact that #21 Buck Knoll has room for all 3 vehicles in their driveway if they get rid of their boat, and that vinyl fencing <sup>and</sup> for privacy I guess cutting off the rest of their driveway.

What I don't understand <sup>is</sup> why these people were allowed to park there in spite of this ban when I first made my ~~stated~~ complaint. Why this boat



(4)

and trailer and the solid white partitan did not exist then. Why were they allowed to be an exception? Why - what was the reason? I like to know.

Allowing exceptions for some is not fair to those who do comply by utilizing their yards, bearing the inconvenience of having to jockey their cars around in order to enable the snowplows to do ~~there~~<sup>their</sup> job. Exceptions when there is no justification for it breeds illwill.

I am addressing the Town Board with this complaint at this point in time so they can notified the people at 21 Bush Knoll sufficient time to make arrangements to comply with the Ban.

For I will not tolerate ~~and~~ another winter like I did in the Past.

Also to remind the Town Board and especially the code enforcers that is job was and is to enforce the ban, not to determine how and when to apply it especially when it is not justified.

(5)

I hope to hear from the Town  
Board that my complaint is finally  
Taken care of.

## **RESOLUTION**

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

ABSENT: None

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


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

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.

  
Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, the Town Board has recommended a Local Law Amendment to Chapter 240 of the Town of Binghamton Code, namely to add the following sentence to the definition of Accessory Building – “A storage container shall be considered an Accessory Building”, and therefore must conduct a Public Hearing with respect to the same; and

**NOW THEREFORE, IT IS**

**RESOLVED**, that the Town Board hereby calls for a Public Hearing to be conducted at 7:01 on October 19, 2021 for consideration of the Local Law Amendment to Chapter 240 of the Town of Binghamton Code as noted above; and it is further

**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

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Councilperson Michael Bensley  
Councilperson Dean Nye  
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Councilperson Michael Donahue

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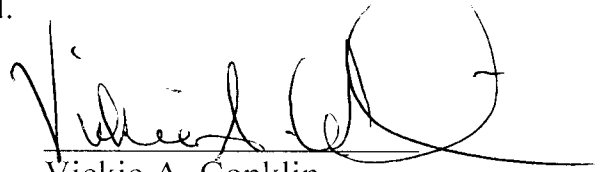
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Vickie A. Conklin,  
Town Clerk

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**NOW THEREFORE, IT IS**

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**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.