

**TOWN OF BINGHAMTON**  
**TOWN BOARD**  
**October 19, 2021**

Page	2	Public Hearing – 7:02 p.m. - Proposed Change to Chapter 240 of the TOB Code – to Add the Following Sentence to the Definition of Accessory Building – “A cargo/freight container shall be considered an Accessory Building”.
Page	4	Public Hearing – 7:17 p.m. - Proposed Change to Chapter 240 of the TOB Code – to Insert the Phrases “Animal harboring includes poultry”, and “three (3) acres are required to harbor animals”, and “A travel trailer unoccupied must be registered and have a current inspection” in the Schedule of Zoning Regulations for R-1 District
Page	5	Approval of Audited Claims Recognition of Minutes
Page	6	Voice of Public Communications and Announcements Officials and Committee Reports Planning Board
Page	7	Officials and Committee Reports (Continued) Zoning Board of Appeals Youth Commission Code Enforcement/Buildings & Grounds Highway Department Receipt of Reports TOB Volunteer Fire Co. Supervisor Unfinished Business New Business CDBG – Awarding of Administrator Bid
Page	8	Voice of the Public

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, OCTOBER 19, 2021, 7:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.**

The meeting was called to order at 7:00 p.m. by Supervisor Rounds.

**ROLL CALL:**

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

**OTHERS PRESENT:**

V. Conklin, Town Clerk	K. Olds, TOB Volunteer Fire Co.
A. Pope, Town Attorney	E. Einstein, The Country Courier
Robert Rolston, Highway Superintendent	3 Guests

**PUBLIC HEARING: 7:02 p.m. – Proposed Change to Chapter 240 of the TOB Code – to Add the Following Sentence to the Definition of Accessory Building – “A cargo/freight container shall be considered an Accessory Building”.**

Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to receive public input on the proposed change to Chapter 240 of the TOB Code – to add the following sentence to the definition of Accessory Building – “A cargo/freight container shall be considered an Accessory Building”.

Supervisor Rounds opened the floor to the public for comments at 7:02 p.m.

Jim Cadden – A truck body is still legal? A tractor trailer box or a box of a box truck is still a non-accessory building? If they are licensed (inaudible) trailer? If you have a privy, that knocks you out of the storage building? Under, no permit? How long is the permit good for? A storage shed attached is not an accessory?

Supervisor Rounds – We are just adding that to the definition. There is a definition, and if you have a copy of the definition, an accessory use is the use customarily incidental and subordinate to the principal use the building. You are allowed to have a detached garage and one accessory unit. If you are using anything for incidentals and they are subordinate to the principal building of your lot, that is deemed to be an accessory unit. We are just defining it a little further because of the recent increase in cargo and freight use, but is still an accessory building. If the accessory building is 144 square feet or larger, it has to come before the Code Department, and for a permitted use. There are still regulations that those units, regardless if it is on wheels or if it is stationary, that have to be met. There is a five feet setback, behind the principal building, things like that. One of the proposals that we are making tonight, that within public sewer, the cargo and freight units are not allowed. They are allowed if you are using it as a trailer, but if you are using it as an accessory unit, it has to set behind the main building; it has to be a five-foot

setback; it cannot be in front of the principal structure. I do not think an outhouse is an accessory unit. Without public water and public sewer, and you meet all of the setbacks behind the principal structure, you can use it. If it is over 144 square feet, you have to go to the Code Department and get a permit. Under 144 square feet, no permit is required. As long as you have it. It is not an annual permit. You come and get a permit, you tell Nick where you are going to put it, what it is going to be, you put it there, and it is there as long as you want it to be there.

John Phelan – You are talking 144 square foot for a trailer? Can I get around that by leaving it licensed? How did we come up with 144 square feet? Everybody that has a container in their backyard, it is illegal? Setback on property lines? How much is a permit? I am grandfathered in? If I leave it permanently registered? If it is permanently licensed in the State of Maine? If I take it someplace, load it and bring it back? What is the fine for not having a permit? I take it to get it loaded and bring it back. Yes. I am storing hay while it is sitting there. If I take the plates off of the trailer, then I have to get a \$25 permit?

Supervisor Rounds – No, we are talking 144 square feet for an accessory unit. If it is bigger than 144 square feet, you have to get a permit. No, because if you are using it as an accessory use, it has to follow the laws of the accessory use. That is State law. That is not anything that the Town of Binghamton put into code. It is illegal if you have not gotten a permit for it. We are not saying that they are illegal, what we are saying is that under the definition of an accessory use, if you are without public water and public sewer, the building has to be behind the principal structure and you have to have it within no closer than five feet to the rear and five feet to each setback. If you have a tractor trailer that you are using as an accessory unit and it is 15x15, and you want to have that, you have to come to our Code Department and get a permit. \$25.00. No, an accessory use is an accessory use. Whatever you are using as an accessory use falls under the definition of accessory building. A storage trailer is an accessory unit. If the accessory unit is larger than 144 square feet, it has to be permitted, and you have to set it behind the main structure of your house. You have to get a permit and you have to follow the guidelines, which it has to set behind the main structure and it has to set within five feet of the property lines. We will send you a letter and say, you need to come in and get it permitted and you need to move it behind your principal building on the property. Do you empty it and take it out again and bring it back? Then you empty the hay and go get more hay. As long as you are using it not as an accessory unit. Supervisor Rounds read the definition of accessory building again. You are having on your property a storage unit, and you are putting in things that will not fit in your garage anymore. Anything that you are storing and using as an accessory unit, if it is over 144 square feet, it has to be permitted. Correct. Are you saying that truck comes and loads hay onto it? That needs to be behind your principal building.

Code Enforcement Officer Pappas – Are you using it or is it pulled in there and reloading the trailer all of the time from another truck? That is more to the point of what he does with it. It is pulled into the yard there. Puts hay back and forth like a shed. It is like a shed.

There being no further presentations, the floor was declared closed at 7:16 p.m.

Supervisor Rounds stated that the Board will not be able to take a vote on it this evening because it does have to go to the County for a 239 review.



**PUBLIC HEARING: 7:17 p.m. – Proposed Change to Chapter 240 of the TOB Code – to Insert the Phrases “Animal harboring includes poultry”, and “three (3) acres are required to harbor animals”, and “A travel trailer unoccupied must be registered and have a current inspection” in the Schedule of Zoning Regulations for R-1 District**

Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to receive public input on the proposed change to Chapter 240 of the TOB Code – to Insert the Phrases “Animal harboring includes poultry”, and “three (3) acres are required to harbor animals”, and “A travel trailer unoccupied must be registered and have a current inspection” in the Schedule of Zoning Regulations for R-1 District

Supervisor Rounds opened the floor to the public for comments at 7:17 p.m.

Jim Cadden – I noticed that in two or three places the Code requires three or more acres, but in the other place it says it has to be over three acres. If you have three acres, you have enough? They are allowed to have chickens in the City, but now you are not allowed to have chickens in the country? With less than three acres, they can go for a ZBA variance, can't they?

Supervisor Rounds – It should say a lot equal to or larger than three acres. On the definition Nick and I had written lots larger than three acres are required, so what it needs to say is lots equal to or larger than three acres. Correct. You can have chickens in the country as long as you have three acres of land. Yes, they could.

Kevin Olds – I am confused as it says lots larger than three acres are required to harbor animals. Should it not say if you would like to harbor animals you must have three acres?

Supervisor Rounds – I think we are going to say harboring animals requires three or more acres.

John Severi – What was it before the three or more acres required? Was there just no requirement?

Code Enforcement Officer Pappas – It has always been three acres.

There being no further presentations, the floor was declared closed at 7:23 p.m.

There was discussion.

Supervisor Rounds went through the Zoning Schedule as follows: Under Permitted Uses, column titled Principal, number 4 where it says animal harboring, we are adding animal harboring requires three or more acres. Under Permitted Uses, column titled Accessory, number 3, travel trailer, unoccupied, we are adding travel trailers unoccupied must be registered and a current inspection. Under number 4, we are removing the whole section on storage and parking of two upright and unregistered vehicles. Under Yard Required, under Principal Use and Accessory Uses, we are extending the without public sewers to go across the whole section. For example, for Accessory Uses Without Public Sewer having the accessory unit in front of the

principal unit is not permitted, but you can have one behind the principal unit and five feet from each side and five feet from the rear. If you go down a little further, it says with public sewer you are not permitted to have it in front of the principal building. You can have it within five feet of each setback. Under that, again, cargo and freight units are not permitted as an accessory use in public water and sewer districts. As far as the definitions go, under 240.6, Building, Accessory, we are adding, "A cargo/freight container shall be considered an accessory building." Under animal harboring we are adding, "Animal harboring includes poultry and small domestic fowl such as chickens, turkeys, ducks, and geese provided such animal harboring may be only conducted on a lot of three acres or more.

There was lengthy discussion.

Supervisor Rounds stated that the Board will not be able to take a vote on it this evening because it does have to go to the County for a 239 review.

**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

General	Claim No. 836-857	\$ 14,121.85
Highway	Claim No. 858-871	\$ 8,056.62
Lighting	Claim No. 872	\$ 26.74
Sewer	Claim No. 873-876	\$ 194,968.50
Water	Claim No. 876-879	\$ 37,715.26

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)

#### **RECOGNITION OF MINUTES:**

There were no corrections made to the October 5, 2021 Work Session minutes or the October 12, 2021 Special Budget Meeting minutes.

## **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comments at 7:46 p.m.

John Phelan – Mr. Phelan voiced his concern regarding the lack of cell service in the Town as an elderly gentleman was lost in the woods, and there was a lack of cell service for the rescue of the gentleman.

John Severi – Mr. Severi inquired if the Town opted out regarding cannabis consumption bars and dispensaries within the Town.

Supervisor Rounds – We did not opt out. Everything is stalled with the change in command in the Governor's office.

Jim Cadden – There is already a store in Owego and Waverly. They are planning a store in Conklin, Whitney Point and Elmira.

There being no further presentations, the floor was declared closed at 7:54 p.m.

## **COMMUNICATIONS AND ANNOUNCEMENTS:**

Leaf Pickup – October 18, 2021 thru November 24, 2021

Free Fishing Day – Thursday, November 11, 2021

Veterans Day – TOB Municipal Buildings Closed - Thursday, November 11, 2021 in Observance of Veterans Day

## **OFFICIALS AND COMMITTEE REPORTS:**

Planning Board – A joint meeting with the ZBA was held on October 18, 2021, at which time they approved T-Mobile's tower upgrade. They talked a little bit about Verizon. The Verizon extension will take the load off of BU's towers. It will not affect anything to the south of the Town. Supervisor Rounds stated that, after speaking with Ray Mastin, she learned that anything that Verizon does is supposed to have benefits to the Town. Right now, the way they are proposing to have their antennas angled, is down between Vestal and the Town of Binghamton and across the Town on the City of Binghamton line. We want something to go down diagonally, which is what T-Mobile will be doing, but T-Mobile is only really helping their consumers. The contract between the County and Verizon has not yet been signed, but the contract does state repeatedly that anytime anything is done with those towers, it is supposed to benefit the Town of Binghamton. She has been told by the County Attorney that they will let us know when things are getting close to being signed. They are supposed to provide us with an area coverage. The Wind Energy Systems Law will be sent to the County for a 239 review. The only concern was the strobe lighting.



Zoning Board of Appeals – A joint meeting with the Planning Board was held on October 18, 2021. There was a short meeting to talk about one issue. There will be one issue coming up dealing with an area variance. There may be another issue as well going forward.

Youth Commission – A regularly scheduled meeting will be held Thursday, October 21, 2021 at 6:00 p.m. There will be members collecting all of the baseball gear from the coaches. They are going to go through uniforms for basketball because the schools are allowing the youth leagues to use the gyms for practices and inner scrimmage games, but not allowing teams from outside of the Towns that encompass the school districts to use the gyms.

Code Enforcement/Buildings and Grounds – A resident came in who has 11 acres off of Mill Street where there are two spots of 50 feet of road frontage to get into it. The Town owns approximately a 122'x215' lot. He would like the Town to consider selling the lot to him. The Town cannot sell it to him, but can put out an RFP stating with a minimum bid of whatever Town Assessor Cook gives us as an assessed value for that piece of property.

Highway Department – Finished doing brush pickup; started leaf pickup; finished up drainage issues, and finishing up blacktopping.

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

Town Clerk's Monthly Report for September 2021

DCO Monthly Report for September 2021

Code Enforcement Officer's Monthly Report for September 2021

TOB Volunteer Fire Co. – There have been nine calls this past month; the Parkland Alienation process is almost finished as the paperwork is ready to be signed; the spill that happened from the bus has been taken care of, and The Community Fund grant fell through.

Supervisor – The water tank project will be going to the BC Health Department this week, which will take no longer than two weeks for review; there is a problem with the older tank as lead was found resulting in further testing, and the Wind Energy Systems Law is moving on to the 239 review.

## **UNFINISHED BUSINESS:**

There was no unfinished business.

## **NEW BUSINESS:**

CDBG – Awarding of Administrator Bid – Three bids were received by noon on October 15, 2021, and opened on October 19, 2021. The P.A. Environmental Corporation from Bayside is only able to do asbestos abatement. Peter L. Morse & Associates' bid was based on an hourly fee schedule. Thoma Development Consultants bid was \$87,500. A motion was made by Councilperson Bensley to adopt a Resolution to accept Thoma Development Consultants' bid in the amount of \$87,500 for the administration of the CDBG grant, and the motion was duly

seconded by Councilperson Donahue. There was discussion. 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)  
(Bid Sheet Appended)

**VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comment at 8:14 p.m.

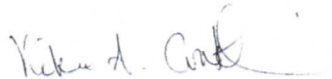
There being no presentations, Supervisor Rounds declared the floor closed at 8:14 p.m.

**ADJOURNMENT:**

A motion was made by Councilperson Donahue to adjourn the meeting at 8:15 p.m., and the motion was duly seconded by Councilperson Bensley. 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 Thursday, November 4, 2021, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.*

Respectfully submitted,



Vickie A. Conklin  
Town Clerk



## RESOLUTION

At a regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Hall, 279 Park Avenue, Binghamton, New York, on the 19th day of October, 2021 at 7:00 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

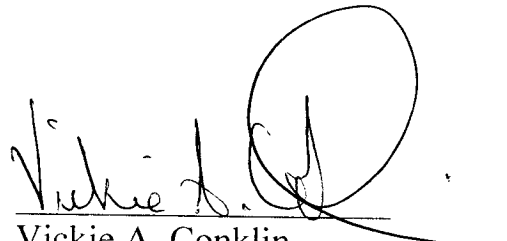
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: None

The Resolution was then declared adopted.

  
Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, by motion Councilperson Nye has recommended that the Town Board approve claim numbers 836-857; 858-871; 872; 873-876, and 876-879 as audited, and

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

**NOW, THEREFORE**, be it

**RESOLVED**, that claim numbers 836-857; 858-871; 872; 873-876, and 876-879 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 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 19<sup>th</sup> day of October, 2021 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth A. 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 Bensley, who moved its adoption, and was seconded by Councilperson Donahue.

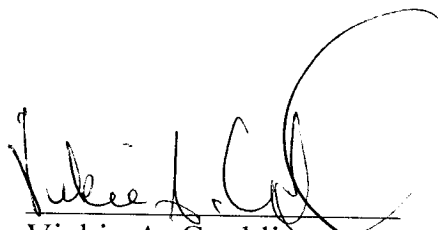
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

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 award the CDBG Administrator contract to Thoma Development of Cortland, New York.

**NOW THEREFORE, IT IS**

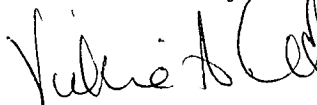
**RESOLVED**, that the CDBG Administrator contract is hereby awarded to Thoma Development of Cortland, New York; and it is further

**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.

**TOWN OF BINGHAMTON**  
October 19, 2021  
**CDBG 2021 - REQUEST FOR PROPOSALS**  
**GRANT #105HR132-20**  
Bids Opened at 10:30 A.M.

Name/Address	Bid
P.A. Environmental Corporation 47-16 201 Street Bayside, NY 11361	No Monetary Bid
Peter L. Morse & Associates 875 East Main Street - Suite 130 Rochester, NY 14605	Hourly Fee Schedule (See attached)
Thoma Development Consultants 34 Tompkins Street Cortland, NY 13045	\$87,500

Bids Received By:



Vickie A. Conklin  
Town Clerk

**\*\*Note - bid column is blank until after bids have been opened.  
After bids are opened, insert dollar amount next to name of  
bidder.**

## Base Fee Schedule for Architectural Services –by Percentage

Design Development .....	20%
Construction Documents (including Asbestos reference) .....	65%
Bid Phase.....	5%
<u>Construction Administration – 6 visits and reviews.....</u>	<u>10%</u>

Total Fees to be determined.

## Hourly Billing Rates

September 20, 2021

<u>Description</u>	<u>Hourly rate</u>
Principal Architect	\$105
Project Architect Level 1	\$85
Architect Level 2	\$75
Construction Administration	\$95

### Mechanical Electrical /Structural/ Engineer/ Mechanical Engineering Consultants (Not included in base pricing)

Principal	\$105
Engineer Level 1	\$85
Engineer Level 2	\$80
Administration	\$35