

TOWN OF BINGHAMTON
TOWN BOARD
November 16, 2021

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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, NOVEMBER 16, 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	Kevin Olds, TOB Volunteer Fire Co.
A. Pope, Town Attorney	E. Einstein, The Country Courier
R. Rolston, Highway Superintendent	G. Middleton, Esq., Coughlin & Gerhart
N. Pappas, Code Enforcement Officer/Buildings & Grounds	2 Guests

Supervisor Rounds stated: 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 a motion to adopt a Resolution to approve the following claims as audited:

2021

Lighting	Claim No. 938	\$ 31.04
Sewer	Claim No. 939-940	\$ 9,015.31
Water	Claim No. 940-945	\$ 24,123.14
Highway	Claim No. 946-961	\$ 62,197.40
General	Claim No. 962-982	\$ 59,146.57

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 November 4, 2021 Work Session minutes.

VOICE OF THE PUBLIC:

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

Town Attorney Pope – Town Attorney Pope introduced Gina Middleton, Associate, Coughlin & Gerhart, who will be covering for Town Attorney Pope at the Board meeting in January.

There being no further presentations, the floor was declared closed at 7:03 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS:

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

Thanksgiving Day – TOB Municipal Buildings Closed - Thursday, November 25 and Friday, November 26, 2021 in observance of Thanksgiving

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – The Town received a 239 Review for the Verizon antenna extension on the tower on Ingraham Hill Road. A special Planning Board meeting may be scheduled for December regarding this matter. The Town was also provided what Verizon is predicting would be the improvement of our cell service on the southern part of the Town. Verizon's attorney, Mr. Lux, may attend the December 7th Work Session via Zoom to explain Verizon's graphs and projections telling us what is already existing and how the extension on the tower will help our cell service in the southern part of the Town. It does appear as though the southern part of the Town will see a significant improvement in the cell service south of Ingraham Hill Road, most likely for Verizon customers, but hopefully for other residents' carriers.

Zoning Board of Appeals – A ZBA meeting was held on November 8, 2021 regarding the Soboleski appeal, which was approved, and Atlas Renewables. The meeting was well attended by residents. The next meeting will be held on Monday, December 13, 2021 at 6:30 p.m. A list of questions provided by the Town will be answered by Atlas Renewables at that meeting. Atlas Renewables is a construction company that erects solar farms, and then sells them. Atlas Renewables is seeking a utility zoning variance.

Youth Commission – Basketball is underway.

Code Enforcement/Buildings and Grounds – A new Court entrance is being established with the proposed purchase of a glass door. Mr. Pappas received a quote from B&F Glass Co., Inc. in the amount of \$5,964.00, for a single 42" door with sidelights on each side. The quote includes installation. Mr. Pappas will attempt to get two more quotes for the glass door to present at the December 7th Work Session. Mr. Pappas received a quote from Timberline Lawn & RV, Inc. for

a new Kubota brush hog in the amount of \$2,900.00. Timberline will work with the Town on rebates for the brush hog. A motion was made by Councilperson Donahue to adopt a Resolution to approve the purchase of a Land Pride RCF 2060 Rotary Cutter (brush hog) on the State contract list in an amount not to exceed \$3,000.00, and the motion was duly seconded by Councilperson Bensley. 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)

Mr. Pappas met with an Energy Service Representative from NYSEG (Willdan), who created an Energy Efficiency Proposal for the Town Hall for an upgrade to LED lighting. The proposed cost of the upgrading is \$9,799.16, with the actual cost being \$13,646.99 minus a utility incentive (28%) of \$3,847.83. The cost to replace the lamps outside around the building is \$2,040 for a total of \$11,839.16. The Buildings and Grounds Department used the same numbers from the NYSEG proposal and priced out the job through Dunn Electric Supply at \$5,342.52, rounded up to \$6,000.00 (to include dimmer switches) with a savings of over \$5,000. Councilperson Nye questioned if the Town would be entitled to the NYSEG rebate. Supervisor Rounds replied that she would raise the issue with NYSEG. There was discussion. A motion was made by Councilperson Nye to adopt a Resolution approving the purchase of LED lights and light fixtures from Dunn Electric Supply to replace the Town Hall's lighting fixtures at a price not to exceed \$6,000.00, and the motion was duly seconded by Councilperson Bensley. 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)

Highway Department – Highway Superintendent Rolston requested that some of the Highway Garage's lighting be upgraded to LED to be installed by the Highway Department. Dunn Electric will be asked to put together another quote for the Highway Department. The Highway Department is continuing to take down ash trees, picking up leaves, filling the sand shed, and getting everything ready for winter.

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

Town Clerk's Monthly Report for October 2021

Town Board – November 16, 2021

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DCO Monthly Report for October 2021
Code Enforcement Officer's Monthly Report for October 2021

TOB Volunteer Fire Co. – There have been nine calls for the month. Mr. Olds thanked the Board as there is a signed Deed for the Parkland Alienation. They now have a signed contract with a manufacturer for a new water tanker with a purchase price of \$375,000.00. It will be 450 days before the truck is ready. They will sell the 1988 water tanker.

Supervisor – The Town Hall has a new phone system as of today as the lease with AVAYA was up this month. The new phone system is an internet, cloud-based system. The Town is in receipt of the independent audit for the fiscal year ending 2020. The report has been filed with the Town Clerk's office.

UNFINISHED BUSINESS:

CDBG – Resolution Designating CDBG Environmental Certifying Officer – The Town needs to adopt an Environmental Certifying Officer for the CDBG grant. The proposed Resolution was read by Supervisor Rounds, a copy of which is appended hereto. A motion was made by Councilperson Donahue to adopt a Resolution to designate Supervisor Rounds as the CDBG Environmental Certifying Officer, 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, Bensley, Donahue, Nye, Leighton Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

Orchard Park Water Tank Replacement – Authorization for CPL to Put Out for Bids – A motion was made by Councilperson Bensley to authorize Clark Patterson Lee to put together bid specifications for the Orchard Park Water Tank Replacement, Town of Binghamton, with the bid specifications going out on November 24, 2021, bids to be received by December 15, 2021 at 12:00 p.m., and opened on December 15, 2021 at 12:01 p.m., and the motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion. Motion carried.

NEW BUSINESS:

Procurement Policy – Amendments – A motion was made by Councilperson Bensley to make a modification to the Town of Binghamton Procurement Policy to remove the following language: "The Department Head and the Fiscal Officer will review all purchases over the amount of \$20,000.00 to determine if the item being purchased is subject to competitive bidding", and also remove "With certain exceptions, General Municipal Law Section 103 requires competitive bidding procedures for purchase contracts in excess of \$20,000 and for public work contracts in excess of \$35,000", and replaced with the following language: "General Municipal Law, Section

103 requires competitive bidding procedures for general Town purchase contracts in excess of \$20,000 and for public work contracts in excess of \$35,000, with certain exceptions. For public work contracts between \$20,000 and \$35,000, the Department Head and Fiscal Officer will review all purchases to determine if the item being purchased should be subject to competitive bidding, and subject to formal approval by the Town Board”, and the motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. Motion carried.

The CDBG grant requires an amendment to the TOB Procurement Policy that is more definitive for Minority and Women Owned Business Participation in Procurement and Contracting and Section 3 Business Participation in Procurement and Contracting. The proposed Resolution was read by Councilperson Leighton, a copy of which is appended hereto. A motion was made by Councilperson Donahue to adopt a Resolution to amend the Town of Binghamton Procurement Policy to add the language for Minority and Women Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting, and Section 3 Business Participation in Procurement and Contracting, and the motion was duly seconded by Councilperson Nye. 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)

Supervisor Rounds advised that on Page 2 of the TOB Procurement Policy, Method of Competition to be used for Non-Bid Procurements, it states: “Three telephone or written quotes, where possible”, the word “telephone” is to be eliminated, and on page 2 under Adequate Documentation where it states “Written quotes – all three quotes to be filed with voucher; telephone quotes no longer accepted”, “telephone quotes no longer accepted” is to be eliminated. A motion was made by Councilperson Bensley to make the following changes to the Town of Binghamton Procurement Policy: On page 2 under Method of Competition to be used for Non-Bid Procurements where it states “Three telephone or written quotes, where possible”, the word “telephone” is to be eliminated, and on page 2 under Adequate Documentation where it states “Written quotes – all three quotes to be filed with voucher; telephone quotes no longer accepted”, “telephone quotes no longer accepted” is to be eliminated, and the motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion. Motion carried.

Contracts for Shared Services w/Town of Conklin – DCO and Code Enforcement – Approval –
A motion was made by Councilperson Bensley to adopt a Resolution to approve the Intermunicipal Agreement between the Town of Conklin and Town of Binghamton to provide Dog Control Services for January 1, 2022 through December 31, 2022, 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, Bensley, Donahue, Nye, Leighton

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

A motion was made by Councilperson Bensley to adopt a Resolution to approve the Intermunicipal Agreement between the Town of Conklin and Town of Binghamton to provide Code Enforcement Services for January 1, 2022 through December 31, 2022, and the motion was duly seconded by Councilperson Nye. 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)

Town Hall – NYSEG Energy Efficiency Proposal – This subject was covered under Officials and Committee Reports.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comment at 8:13 p.m.

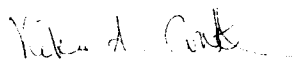
There being no presentations, Supervisor Rounds declared the floor closed at 8:13 p.m.

ADJOURNMENT:

A motion was made by Councilperson Bensley to adjourn the meeting at 8:15 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, December 7, 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 16th day of November, 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 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: 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 Leighton has recommended that the Town Board approve claim numbers 938; 939-940; 940-945; 946-961, and 962-982 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 938; 939-940; 940-945; 946-961, and 962-982 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 16th day of November, 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 Donahue, who moved its adoption, and was seconded by Councilperson Bensley.

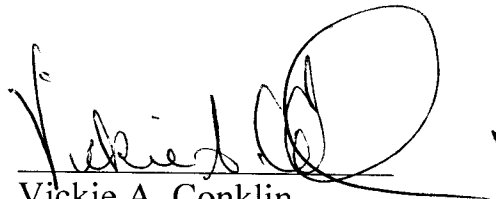
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: 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 approve the purchase of a Landpride brushhog on the State contract list at a price not to exceed \$3,000.00; and

NOW, THEREFORE, be it

RESOLVED, the purchase of a Landpride brushhog on the State contract list at a price not to exceed \$3,000.00 is 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 Office Hall, 279 Park Avenue, Binghamton, New York, on the 16th day of November, 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 Nye, who moved its adoption, and was seconded by Councilperson Bensley.

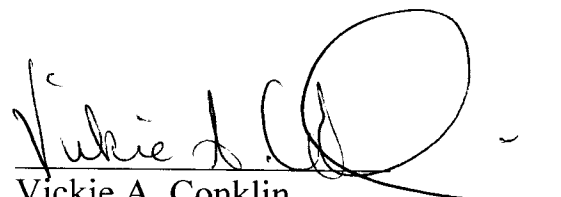
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: 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 approve the purchase of LED lights and light fixtures from Dunn Electric Supply at a price not to exceed \$6,000.00; and

NOW, THEREFORE, be it

RESOLVED, the purchase of LED lights and light fixtures from Dunn Electric Supply at a price not to exceed \$6,000.00 is 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 Office Hall, 279 Park Avenue, Binghamton, New York, on the 16th day of November, 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 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: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.


Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, the Town of Binghamton was awarded a Community Development Block Grant from the U.S. Department of Housing and Urban Development through the New York State Office of Community Renewal, as administered by the State of New York; and

WHEREAS, the Town of Binghamton is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this CDBG award; and

RESOLVED, that the Supervisor of the Town of Binghamton be hereby designated as the Town's environmental certifying officer for the purpose of signing correspondence and other required documents and forms, 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 regularly scheduled Board Meeting of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Office Hall, 279 Park Avenue, Binghamton, New York, on the 16th day of November, 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 Donahue, who moved its adoption, and was seconded by Councilperson Nye.

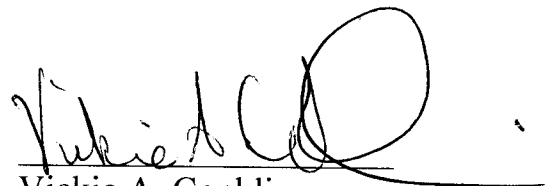
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

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 adopt a Resolution to add Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting and Section 3 Business Participation in Procurement and Contracting to the Town of Binghamton's Procurement Policy, which will read as follows:

"Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Town will solicit up to three MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The Town's established purchase/contracting thresholds will apply.

For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Town will keep documentation of M/WBE solicitation in its records and any response(s) thereto.

Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Town will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan.

Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Town's established purchase/contracting thresholds will apply.

The Town will keep documentation of MWBE and Section 3 solicitation in its records and any response(s) thereto."

NOW, THEREFORE, be it

RESOLVED, that the Town Board adopts a Resolution to add Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting and Section 3 Business Participation in Procurement and Contracting to the Town of Binghamton's Procurement Policy, 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 regularly scheduled Board 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, on the 16th day of November, 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 Bensley, who moved its adoption, and was seconded by Councilperson Leighton.

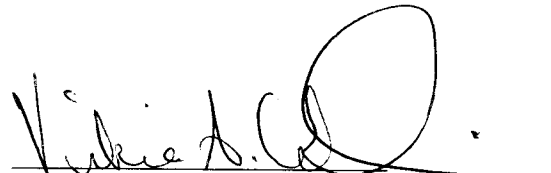
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 approve the Intermunicipal Agreement with the Town of Conklin for dog control services for the year 2022; and

NOW, THEREFORE, be it

RESOLVED, the Intermunicipal Agreement with the Town of Conklin for dog control services for the year 2022 is 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 Office Building, 279 Park Avenue, Binghamton, New York, on the 16th day of November, 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 Bensley, who moved its adoption, and was seconded by Councilperson Nye.

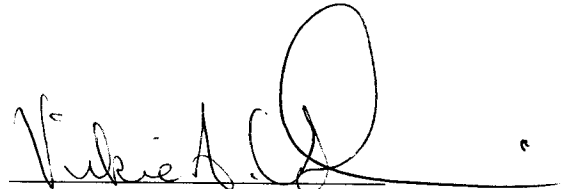
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 approve the Intermunicipal Agreement with the Town of Conklin for code enforcement services for the year 2022; and

NOW, THEREFORE, be it

RESOLVED, the Intermunicipal Agreement with the Town of Conklin for code enforcement services for the year 2022 is 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.