

TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
November 4, 2021

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MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON THURSDAY, NOVEMBER 4, 2021, 5:30 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

The meeting was called to order by Supervisor Rounds at 5:31 p.m.

ROLL CALL:

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

OTHERS PRESENT:

V. Conklin, Town Clerk	S. Reifler, Bookkeeper
A. Pope, Town Attorney	2 Guests
R. Rolston, Highway Superintendent	
N. Pappas, Code Enforcement Officer/Buildings & Grounds	

PUBLIC HEARING – 5:31 p.m. – Adoption of the TOB 2022 Preliminary Budget

Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to consider public input on the adoption of the Town of Binghamton's 2022 Preliminary Budget.

Supervisor Rounds opened the floor to the public for comment at 5:31 p.m.

Sally Ellis – Ms. Ellis stated that there appears to be an omission in the Town's Preliminary Budget as there is no Parkwood water and sewer development listed under Special Districts, the Highway Department or in the General Fund; Parkwood is a private development and should be established as a special district; since the consolidated water and sewer districts are public, Parkwood cannot join them, and as a resident in the consolidated district, she would like to know specifically where in the Town's budget, Parkwood is listed. A paper copy of her voiced complaint is appended hereto. After Councilperson Donahue's response, Ms. Ellis stated that she researched it in the Broome County Courthouse Library and it cannot be done. They have nothing in common; when one is public and one is private, there is nothing in common; we pay the salaries, the benefits, if Orchard Park has a water break, we have to reimburse the highway department for whatever they spend in salaries; Nancy Yezzi's project came in the Fall of 1983, let us assume that it took the Board two years to have it completed, why did it take all of these years for it join the consolidated sewer district? There were new pipes being laid down at the Town Hall. Was that work being done part of the drainage...who is doing the maintenance? Did the General Fund reimburse the Highway Department?

Councilperson Donahue – Parkwood is in the consolidated sewer district; the sewer is public as it was done by the Town Board in 1996; the charges and the revenue from Parkwood goes to the consolidated sewer district. Yezzi's project – It might have been done a little bit earlier because

what happened is that the DEC came in and they wanted a SPDES permit. It might have been 1992 to 1996 when they consolidated.

Supervisor Rounds – In 1996, Parkwood was put into the consolidated sewer district because it does have a consolidated sewer system; it is not necessarily public; they are not individual; the Town will look into this, and get the information to you; the bills are paid and the monies are collected into the same water and sewer district funds; you get charged being in a consolidated water and sewer district on your taxes, a fee or a percentage, which is part of this budget of what we use to maintain our water and sewer maintenance in the public districts; Parkwood pays a quarterly fee, but is not based on their usage, it is based on their expenses; the Highway Department keeps track of all of their expenses to maintain that sewer district, and that is what the ten houses pay, is to maintain that sewer district; I am assuming that the money that was being collected by the residents was the money that was being paid to maintain that sewer district. That is part of the maintenance of the Town Hall; we had some water issues; that is not part of the drainage district because it is not water and sewer; it was maintenance; that is an expense that was accrued this year, not in the budget for next year; we have a maintenance budget; if we have some water damage or we found out that we had a clogged pipe out here in our connection, those are things that are just part of daily wear and tear that we maintain our properties with out of the budget; it is not a line item for the drainage, it is just part of a maintenance budget. For part of that project out here, the Buildings and Grounds Department did it, and we also used the Highway to do some digging as well. Yes, we do.

Jim Cadden – I was looking at the budget for the operation of the Town Park, the lights at the Town Park being replaced. I know you have not, but you were talking about doing it. There will not be anything done this year? The Town Park's hours are usually from sunrise to sunset. Why do you need lights? Laws are made to broken, don't pay any attention to them, turn the lights on and violate the...just because it is against the (inaudible) laws. How much is budgeted for the lights this year to be turned on? There is no breakdown? I was told years ago that you have to notify NYSEG when you turn them on for the season because of the surge, and it costs \$1,000 just to turn them on.

Supervisor Rounds – We have not replaced them yet. We are, but we have not put it in the budget for next year. Correct. We also have sporting events that do go past into the evening, so we do use the lights in May, June, July, August, and football season they have practice there. It is not a violation when it is a group organization and there is supervision and parents there, and there is our youth commission and our youth commissioner there participating in the Town sports program. It is not a violation. Do you have anything else, Jim, about the budget, because the lights for the Town Park are not in the budget for next year. We have been budgeted for the use of the park. It is something that comes in our NYSEG bill. Sandra, do we break out Jackson Park? It does not; we have already gone through that, and it does not cost \$1,000; there is a surge. Basically, what happens is, there is a surge; the first time they are turned on in a month, it costs \$400. You have this pool of money that is \$400, and then as you are using the lights, you are taking money out of that pool of \$400, and they have it figured out that is pretty much spent in the month once you have turned them on. If we do not turn them in October, November, December, all the way through until May, we do not get charged anything, but once you turn them on, you have this pool of money that you use then for the rest of the months.

Bookkeeper Reifler – It is under the contractual for Parks; it is in 7110.4, it is A7110.4. That includes everything that it takes to run the park. No, not for everything.

There being no further presentations, the floor was declared closed at 5:46 p.m.

A motion was made by Councilperson Leighton to adopt a Resolution approving and adopting the Town of Binghamton Budget for the Fiscal Year 2022, 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, Donahue, Nye, Leighton, Bensley Absent: None

Nays: None

Declared adopted.

(Notice of Public Hearing Appended)
(Resolution Appended)

Supervisor Rounds made the following statement: A motion may be made to go into an executive session to discuss a legal matter and/or a personnel matter regarding a particular employee after the meeting is convened.

APPROVAL OF AUDITED CLAIMS:

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

2021		
Lighting	Claim No. 880	\$ 633.95
Sewer	Claim No. 881	\$ 971.30
Water	Claim No. 881-886	\$ 6,544.63
Highway	Claim No. 887-903	\$ 46,385.87
General	Claim No. 904-937	\$ 21,977.23

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, Leighton, Bensley Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no changes/corrections made to the October 19, 2021 regular Town Board meeting minutes.

COMMUNICATIONS AND ANNOUNCEMENTS:

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

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

Free Fishing Day – Thursday, November 11, 2021

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

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – The next meeting will be in 2022.

Zoning Board of Appeals – The ZBA met this past week to deal with an issue on Park Avenue. There was a question regarding property lines, etc. The ZBA did not take action. They are coming back on Monday to again look at the situation. There is a meeting on November 8, 2021 regarding a use variance.

Youth Commission – Football concluded on October 17th. The equipment return for football and cheer is this Saturday at Jackson Park. Instead of having a big party at the end of the year, they will be giving out gifts to all of the players, along with photos from the photo day after their equipment is turned in on Saturday. Basketball registration ended Friday, October 29th. Practices have begun. They have been given the use of the SV gyms for practices and home games provided that the general school COVID protocols are followed.

Code Enforcement/Buildings & Grounds – The drain is in for the roof drain in the front of the building so that when the roof is done, it will be tied into the new drain. The glass person was here to look at the front door for the Court. He will come tomorrow to look at it so as to be able to provide an estimate. The side exit Court door needs some maintenance or replacement. They are going to try to get the concrete poured for the bathroom at the park before it gets too cold. A valuation of the property at 3706 Mill Street in the amount of \$18,000 was provided by Assessor Cook. It is a half-acre lot with public sewer and water. Mr. Pappas believes the gentleman is not interested in purchasing the property. There was discussion regarding the property, whether the Town would like to keep or sell the property, and the options of how to sell the property.

Highway Department – Sucking up leaves, and taking care of quite a few of the ash trees.

TOB Volunteer Fire Co. – There was no report.

Supervisor – Supervisor Rounds attended the Broome County Auction wherein there were four Town properties up for auction. 330 Park Avenue, 104 Burr Avenue, one house on Pierce Creek Road, and one house on Pierce Street were sold at the auction. Regarding what to plan for the increase of sales tax from Cannabis, it will not be completely implemented until 2025; of the \$75,000,000 they are projecting half will probably go to New York City. This would leave about \$40,000,000 for the 57 counties and the host communities as the host communities receive three cents of the four cents. It maybe leaves \$10,000,000. Broome County would receive about \$170,000 dividing that amount between 14 municipalities within Broome County. States that have total taxation rates of 25% are struggling with the black-market operators that flooded the market, which keeps the legal retail sales muted. New York's model for their taxation appears to be in the low 20s percent range.

UNFINISHED BUSINESS:

Animal Harboring – Definition – There was discussion regarding the definition of animal harboring. It was agreed to change the number to five (5) for small domesticated animals. A motion was made by Councilperson Donahue to adopt a Resolution to set a public hearing for December 21, 2021 at 7:01 p.m. for public consideration of the Local Law Amendment to Chapter 240 of the Town of Binghamton Code, namely to define the phrase Animal Harboring as used in the Code, 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, Leighton, Bensley Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

NEW BUSINESS:

Highway Department – Proposals to Crush Excess Gravel at Town Dump – The Highway Department has a small screening plant that they use to screen gravel from the DEC, or any excess gravel that they usually get out of the creeks when they run over. This year the DEC hauled close to 100 loads, and the Highway Department is running out of room. Village would come in and take all of the material, including piles of millings that are oversized, chunky millings; they crush everything, every bit of gravel that they have, and make a finished product. One hundred percent of that will be usable material, approximately \$5 per ton. Right now to go buy crush and run is close to \$19 per ton (does not include delivery price), and they have to haul it from either Lopke or Barney Dickinson. The amount of material that they would crush in a matter of about five days would probably last them four years. If they buy 1,000 tons per year at \$19 per ton, that totals \$19,000. They could probably do this under \$25,000, and it would clean up the whole dump. There was discussion. A motion was made by Councilperson Donahue to

adopt a Resolution approving a specialty services agreement for the Department of Public Works with Villager Construction, Inc. to crush stockpiles of gravel and asphalt to a size of approximately 1 ½ inches at a price not to exceed \$25,000, 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, Donahue, Nye, Leighton, Bensley

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

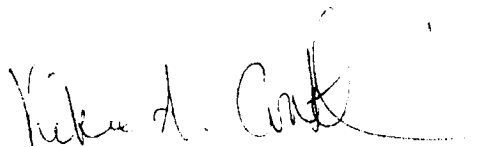
Open Meetings Law Amendments – Gov. Hochul signed open meetings law amendments, including amending Public Officers Law Section 103 to require public bodies to make records that will be discussed at an upcoming meeting available to the public upon request at least 24 hours before the meeting to the extent practicable. There was discussion.

ADJOURNMENT:

A motion was made by Councilperson Bensley to adjourn the meeting at 6:41 p.m., and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried.

The next meeting of the Town of Binghamton Town Board will be a regular Town Board meeting at 7:00 p.m. on Tuesday, November 16, 2021, at the Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,

A handwritten signature in black 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

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 to consider input on the adoption of the Town of Binghamton's 2022 Preliminary Budget, which said public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Thursday, November 4, 2021 at 5:31 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 this issue and to evaluate and consider adoption of the foregoing.

Please take further notice that the information which is the subject matter of the public hearing is available for inspection at the Town Hall in the Town Clerk's office Monday through Friday 9:00 A.M. through 4:00 P.M.

Dated: October 5, 2021

Vickie A. Conklin, Town Clerk

RESOLUTION

At a regularly scheduled Board Work Session 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 4th day of November, 2021 at 5:30 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 Bensley.

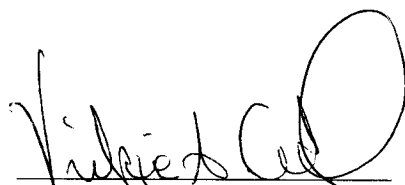
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.


Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, the Town Board has before it the Town of Binghamton Preliminary Budget for Fiscal Year 2022; and

WHEREAS, the Town Board conducted a public hearing in connection with the same on November 4, 2021;

NOW, THEREFORE, be it

RESOLVED, that Budget for the Town of Binghamton for the Fiscal Year 2022 as finalized is hereby adopted and approved; and be it further

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

Sally Ellis

Looking over the Town's Preliminary Budget, there appears to be an omission.

There is no Parkwood water and sewer development listed under SPECIAL DISTRICTS. There is no Parkwood listed in the GENERAL FUND or the HIGHWAY DEPARTMENT. Parkwood has to be listed somewhere ~~it~~ in the Town's budget because monies are being received, spent, saved and specific services are being provided for.

Parkwood is a PRIVATE development with "unique structures and needs regarding operational and maintenance, therefore by law it should be established as a special district.

Since the Consolidated Water and Sewer Districts are PUBLIC, Parkwood can not join them, hence Parkwood does not have legitimate access to anything the Consolidated Districts pay for such as monies, services, employees, employee benefits, anything that is stipulated in their

(2)

own budgets. This principle also applies to the Town General Fund and Highway Department.

As a resident in the Consolidated and a resident / Taxpayer in the Town, I want to know specifically where in the Town's Budget, Parkwood is listed so I can see for myself that boundaries designated by law is complied with and not infringed upon.

RESOLUTION

At a regularly scheduled Work Session of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Hall, 279 Park Avenue, Binghamton, New York, on the 7th day of September, 2021 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: None

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

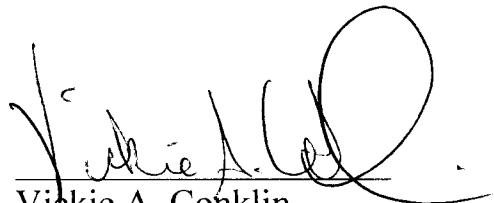
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Rounds, Donahue, Nye, Bensley, Leighton

NAYS: None

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, by motion Councilperson Donahue has recommended that the Town Board approve claim numbers 880; 881; 881-886; 887-903, and 904-937 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 880; 881; 881-886; 887-903, and 904-937 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 Work Session 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 4th day of November, 2021 at 5:30 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 Leighton.

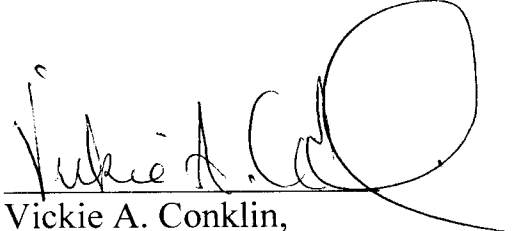
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.


Vickie A. Conklin,
Town Clerk

RESOLUTION:

WHEREAS, the Town Board has recommended a Local Law Amendment to Chapter 240 of the Town of Binghamton Code, namely to define the phrase Animal Harboring as used in the Code, and therefore must conduct a Public Hearing with respect to the same; and

WHEREAS, the proposed definition is as follows:

Animal Harboring is defined as the keeping of any horses, cattle, sheep, goats, hogs, mules or other customary farm animals, the keeping of any animals or creatures customarily kept in zoos, and the keeping of any animals for sale, boarding, lease, hire or farming. Three acres or more are required to harbor animals defined as Animal Harboring. Animal Harboring is also defined as the harboring of five (5) or more of any one or more species of small domesticated animals such as dogs, cats, rabbits, pigs, chickens, fowl, or such similar animals, which also requires three (3) acres or more. Roosters are not allowed in any residential district. Domesticated animals should be properly leashed, caged, penned or housed, and should not cause or present any health, safety, noise or odor issues.

NOW THEREFORE, IT IS

RESOLVED, that the Town Board hereby calls for a Public Hearing to be conducted at 7:01 on December 21, 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

At a regularly scheduled Board Work Session 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 4th day of November, 2021 at 5:30 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 a specialty services agreement for the Department of Public Works with Villager Construction, Inc. to crush stockpiles of gravel and asphalt to a size of approximately 1 ½ inches at a price not to exceed \$25,000.00; and

NOW, THEREFORE, be it

RESOLVED, the specialty services agreement for the Department of Public Works with Villager Construction, Inc. to crush stockpiles of gravel and asphalt to a size of approximately 1 ½ inches at a price not to exceed \$25,000.00 is hereby adopted and approved; and be it further

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