



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

The meeting was called to order at 7:00 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:**

Paula Edwards, Deputy Town Clerk	Jerry Emmons, TOB Volunteer Fire
A. Pope, Town Attorney	E. Einstein, Country Courier
R. Rolston, Highway Superintendent	Jarod Lutz, via Zoom
N. Pappas, Code Enforcement Officer/Buildings & Grounds	6 Guests

**PUBLIC HEARING: 7:01 p.m. – Amending Chapter 240.6 – Definitions of the TOB Code, Namely to Define the Phrase “Animal Harboring”**

Deputy Town Clerk Edwards 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 proposed change to Chapter 240.6 of the Town of Binghamton Code, namely to define the phrase “Animal Harboring”.

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

Supervisor Rounds read the new, full definition of the phrase “Animal Harboring” that was agreed upon by the Town Board. Town Resident James Cadden questioned some portions of the new law, i.e.: noise, odor issues. Mr. Cadden questioned how to control the sounds that animals make to express their ‘thoughts and feelings’, he also stated that when ‘fertilizer’ is spread in the fields, the wind will blow the odor around. Supervisor Rounds further explained that the ‘noise and odor’ is geared towards domesticated animals, such as dogs and chickens in residential areas, and that there has to be respect for your neighbors where the said issues of noise and odor may be an issue. Councilperson Leighton informed Mr. Cadden that this new definition refers to people who have less than three acres of land and not farmers who spread fertilizer.

There being no further presentations, the floor was declared closed at 7:09 p.m.

A motion was made by Councilperson Bensley to adopt a Resolution to amend Chapter 240.6 – Definitions of the Town of Binghamton Code, namely to define the phrase “Animal Harboring”, 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, Donahue, Nye, Bensley, Leighton

Absent: None

Nays: None

Declared adopted.

(Notice of Public Hearing Appended)  
(Resolution Appended)

**PUBLIC HEARING: 7:02 p.m. – Special Use Permit Application by Bell Atlantic Mobile Systems, LLC dba Verizon Wireless**

Deputy Town Clerk Edwards 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 proposed special use permit application by Bell Atlantic Mobile systems, LLC dba Verizon Wireless to extend the existing Broome County tower by 25 feet and to co-locate additional antennae on the existing tower.

Supervisor Rounds opened the floor to the public for comment at 7:10 p.m.

Supervisor Rounds read the specifics of the application and noted that Jarod Lutz, the attorney for Bell Atlantic, would be joining the meeting via Zoom if anyone had questions that the Board could not answer. James Cadden asked how extensive the service will be extended with the new application, and if the coverage would be at least 50% more. Mr. Cadden also brought up the issue of ‘roaming service’ and asked what negotiations have been made available to extend a bigger service for the town, and what the cost is that the town will be paying. Mr. Cadden questioned how many millions of dollars the county makes on town phone bills, in the span of a year and why they don’t put up a new tower. Mr. Lutz explained that there are areas that the substantial service would cover. Mr. Cadden was concerned about his area and property and if the cell phone service would reach there. Councilperson Bensley informed him that because of the geography and distance, it’s too far for the antenna to reach. Supervisor Rounds proceeded to explain that the tower is only going to increase the service by 40 or 50% due to the geography of the area, and there will only be a 25 feet extension on Ingraham Road, but that it will not cover the entire town. Mr. Cadden brought up the fact that Brookside School and the fire department are lacking in cell service, as is Hawleyton. Supervisor Rounds pointed out that a map of the areas that will have coverage is available for viewing in the Town Hall and that only some areas will have better coverage. Councilperson Leighton agreed to go over the map with Mr. Cadden following the end of the meeting. Mr. Lutz gave more information regarding the service that will be provided. Supervisor Rounds questioned Mr. Lutz about the 239 Review that was submitted to the County, and the response that was received. She asked Attorney Lutz if the concerns from the County for the 239 Review were being addressed; specifically, the County said, “The Town should ensure that the application adequately addresses other service providers in the area and includes all required documents and approvals. SEQR should include the FAA lighting approval and any other required approvals in addition to the special use permit, the FAA

lighting in the outdoor lighting response, and the public service uses in the land use response.” Mr. Lutz did inform the Board that the E.A.F form must be completed, as does the mount analysis, which cannot be completed until it is discovered which vendor and brackets will be supplied. Councilperson Donahue inquired of Mr. Lutz if an “as built” plan receipt will be provided, even if it comes after the equipment has been ordered and arrives. Mr. Lutz stated that it will be provided. Once the project is completed, it will then be determined what will be done to further the cell service for the town.

Attorney Pope proceeded with reading the questions from the short form for the SEQR report. He reminded the Board that there are two parts to the review and that he didn’t believe the long form would be needed for the tower extension. He stated that the answers given were his own, and that if any Board member disagrees, to speak up.

1. Will the proposed action create a material conflict with an adoptive land use or planning regulation? Answer: No.
2. Will the proposed action result in a change in the use or intensity of use of land? Answer: No.
3. Will the proposed action impair the character or quality of the existing community? Answer: No.
4. Will the proposed action have an adverse impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Answer: No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect the existing infrastructure for the mass transit, biking or walkway? Answer: No.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? Answer: No.
7. Will the proposed action impact existing: A. public/private water supplies? B. public/private wastewater treatment utilities? Answer: No to both A and B.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Answer: No as the tower is already there.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? Answer: No.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Answer: No.
11. Will the proposed action create a hazard to environmental resources or human health: Answer: No.

A motion was made by Councilperson Leighton to declare that, based on documentation, the proposed action will not result in significant adverse environmental effects, 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, Bensley, Leighton

Absent: None

Nays: None

Declared adopted.

There being no further presentations, the floor was declared closed at 7:19 p.m.

A motion was made by Councilperson Leighton to adopt a Resolution to grant Bell Atlantic Mobile Systems, LLC dba Verizon Wireless, a special use permit to extend the existing Broome County tower by 25 feet and to co-locate additional antennae on the existing tower, with the conditions that they provide a complete engineering report, with a building permit, and once constructed, to provide Code Enforcement with the “as built” plan. 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, Bensley, Leighton                      Absent: None

Nays: None

Declared adopted.

(Notice of Public Hearing Appended)  
(Resolution Appended)

**PUBLIC HEARING: 7:03 p.m. – Six-Month Moratorium – Battery Energy Storage Systems**

Deputy Town Clerk Edwards affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to consider public input to put a six-month moratorium on Battery Energy Storage Systems in the Town in order to allow the Town Board sufficient time for review, study, analysis and, if necessary, determine appropriate revisions and amendments to its Local Land Use Laws concerning such use.

Supervisor Rounds opened the floor to the public for comment at 7:21 p.m.

With no questions or comments from the floor, Supervisor Rounds relayed the Proposed Law No. 7 of 2021, “A Local Law Establishing A Temporary Land Use Moratorium Prohibiting Battery Energy Storage Systems Within The Town of Binghamton”, its authority, purpose, and intent, to the Town Board. The six-month moratorium will give the Town Board sufficient time to review, study and analyze and if necessary, to determine the appropriate revisions and amendments to the local law and its use.

There being no further presentations, the floor was declared closed at 7:25 p.m.

A motion was made by Councilperson Nye to adopt a Resolution to put a six-month moratorium on Battery Energy Storage Systems in the Town in order to allow the Town Board sufficient time for review, study, analysis and, if necessary, determine appropriate revisions and amendments to its Local Land Use Laws concerning such use, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Nye, Bensley, Leighton

Absent: None

Nays: None

Declared adopted.

(Notice of Public Hearing Appended)  
(Resolution Appended)

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

2021

Lighting	Claim No. 1096	\$ 37.16
Sewer	Claim No. 1082	\$ 64.50
Water	Claim No. 1083 - 1086	\$ 487.47
Highway	Claim No. 1087 -1095, 1097	\$ 5,506.07
General	Claim No. 1053 – 1081	\$ 7,709.54

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 December 7, 2021 Work Session minutes.

## **VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comments at 7:27 p.m.

Resident James Cadden wished to thank Deputy Supervisor Donahue for the transparency that he has promoted. Mr. Cadden also discussed the four generations of the Jackson family who have served the town for many years. He believes that the Jacksons should be recognized by the town for their years of service. Supervisor Rounds noted that there are many town residents who have been on the spotlight page of the Town newsletter and will take a look at *Town Talk* regarding highlighting the Jackson family. Mr. Cadden wished the Town Board a Happy New Year.

There being no further presentations, the floor was declared closed at 7:35 p.m.

## **COMMUNICATIONS AND ANNOUNCEMENTS:**

Christmas – TOB Municipal Buildings Closed - Friday, December 24 and Monday, December 27, 2021 in observance of Christmas

## **OFFICIALS AND COMMITTEE REPORTS:**

Planning Board – Meeting moved to January 18, 2022, due to conflict with the Town Board meeting.

Zoning Board of Appeals – Attorney Pope and Atlas Solar met with the ZBA and answered questions. The ZBA will move forward with the process.

Youth Commission – Councilperson Leighton announced that there are nine teams of children playing basketball. The next meeting for the Youth Commission will be held on January 20<sup>th</sup>, 2022. The Youth Commission meets on the third Thursday of the month.

Code Enforcement/Buildings and Grounds – Nothing to report.

Highway Department – Superintendent Rolston reported work on road shoulders, brush work, and maintenance. Stone debris will be crushed up by the first of the year.

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

Town Clerk's Monthly Report for November 2021

DCO Monthly Report for November 2021

Code Enforcement Officer's Monthly Report for November 2021

TOB Volunteer Fire Co. – There were 13 fire calls for the month of November. There were five house fires and three minor fires. Three AFG (Assistance to Firefighters Grant) have been submitted for the year for washers and gear dryers for each station. The chief spent some time discussing other grants being applied for. There are ten new members of the fire department.

Supervisor – A letter was received from the Department of Transportation regarding the speed limit on Hawleyton Road. There has been a reduction to 40 MPH linear speed between the Pennsylvania State Line and the Quaker Lake Road (Hairpin Turn) which was requested in March of 2021.

**UNFINISHED BUSINESS:**

Orchard Park Water Tank Replacement Project – Awarding of Bid –

Bids were opened on December 15<sup>th</sup>, 2021. Three companies provided bids. ProCon had the lowest bid at \$966,000 after meeting all the requirements with bid security, bid certificates, and liability insurance.

A motion was made by Councilperson Leighton to adopt a resolution to award the Orchard Park Water Storage Tank Replacement Project to ProCon for the amount of \$966,000.

Motion was duly seconded by Councilperson Bensley. All those present voted in favor of the motion. There was some discussion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Declared Adopted.

**NEW BUSINESS:**

Re-Organizational Resolution and Set 2022 Organizational Meeting for January 4, 2022 -

A motion was made by Councilperson Donahue to adopt a Resolution to set the Organizational Meeting for Tuesday, January 4, 2022 at 5:30 p.m., and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. There was some discussion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Declared adopted.

(Resolution Appended)

Designate New Year’s Holiday – Monday, January 3, 2022 – A motion was made by Councilperson Nye to designate Monday, January 3, 2022 as New Year’s Holiday for the Town of Binghamton, and the motion was duly seconded by Councilperson Donahue. All those present voted in favor of the motion. Motion carried.



Youth Commission – Reappointment of Director Chris Streno - A motion was made by Councilperson Bensley to approve the reappointment of Chris Streno as Director of Youth Activities of the Youth Commission for 2022, and the motion was duly seconded by Councilperson Leighton. All those present voted in favor of the motion. Motion carried.

**VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comment at 8:00 p.m.

There being no presentations, Supervisor Rounds declared the floor closed at 8:01 p.m.

**ADJOURNMENT:**

A motion was made by Councilperson Bensley to adjourn the meeting at 8:05 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 an Organizational Meeting and Work Session to be held on Tuesday, January 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