

TOWN OF BINGHAMTON
TOWN BOARD
February 15, 2022

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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, FEBRUARY 15, 2022, 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	0 Guests
R. Rolston, Highway Superintendent	
N. Pappas, Code Enforcement Officer/Buildings & Grounds	
Z. Soboleski, Code Enforcement/Buildings & Grounds	

PUBLIC HEARING: 7:01 p.m. – Proposed Amendment to Chapter 157 of TOB Code Related to Prohibited Smoking Areas

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 proposed amendment to Chapter 157 of the Town of Binghamton Code related to prohibited smoking in areas of the Town. Supervisor Rounds read the proposed Amendment, a copy of which is appended hereto.

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

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

A motion was made by Councilperson Nye to adopt a Resolution amending Chapter 157 of the Town of Binghamton Code related to prohibited smoking areas, specifically to include the Community Center, cannabis and vaping, 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, Leighton, Nye Absent: None

Nays: None

Declared adopted.

(Notice of Public Hearing Appended)
(Amendment to Chapter 157 of TOB Code Appended)
(Resolution Appended)

PUBLIC HEARING: 7:06 p.m. – 25 Powers Rd., Bing., NY – Declare an Unsafe & Dangerous 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 declare 25 Powers Road, Binghamton, New York an unsafe and dangerous building. Town Attorney Pope advised that this type of proceeding arises out of Chapter 106 for dangerous and unsafe buildings. The property owner was sent an Order and Notice for this evening's public hearing, which was sent by regular and certified mail, and was received and signed for by the owner. The owner was not present for this evening's public hearing. Town Attorney Pope explained the process to the Board as follows: The first step is the Town taking reasonable and immediate steps to ensure that the property is secure. The Town can order the owner to do it. If the owner does not do it within a number of days set by the Town, then the Town would have to secure it with its own forces or by contractor. Those costs can be applied to the property. Apart from securing it, there is some remedial work short of demolition when you hear the proof. If there is proof, the Town would order the owner to take care of those items within a reasonable period of time, and if the owner does not, the Town would do it. Demolition is the ultimate remedial action if nothing is done. The Town has to give the owner a reasonable amount of time to demolish it. If the owner does not demolish it, then the Board would have the right to do it. Town Attorney Pope put the following documents into the record: 1. February 2, 2022 letter by Deputy Town Attorney Rosemarie Pope was sent via regular mail and certified mail, return receipt to Mr. Malik Husain, which involves 25 Powers Road, tax map number no. 161.13-1-43; with that was a Notice and Order that was signed by Deputy Town Attorney Rosemarie Pope involving that same property, which was issued to Mr. Malik Husain as the owner at his address at 6621 Tabor Avenue, Philadelphia, PA 19111. That called for a hearing tonight at 7:02 p.m. so that he was on notice to be here, and the Notice also told him some of the things that the Board would be authorized to do if the Board so votes, which is to secure the premises within five days, demolition removal, and an assessment of expenses. 2. Three different accusatory instruments that were issued by Nick Pappas, the Town's Code Enforcement Officer; all three are dated December 30, 2021; they involve three different code or alleged code violations on this same property. 3. November 4, 2021 Notice of Violation with an Order to Remedy; this went to Mr. Husain at the Philadelphia, PA address involving 25 Powers Road, tax map no. 161.13-1-43, and it listed out the different alleged code violations, including a New York State Fire Code placard removal violation. Mr. Pappas presented the following evidence: It started at the beginning of 2020; it was purchased by a different individual; there were some code issues with a burned down building, garbage all over the property; by the time the owner came into Court, the property had been sold to Malik Husain; once purchased by Mr. Husain, he had a bottom tenant and an upper tenant; the shed was not removed; Mr. Husain did meet with Mr. Pappas and Town Attorney Pope; he did clean up the burned down shed; there is major electrical problems inside the house; the basement is not a habitable space, just sort of hodgepoded together; there is a couple that lives upstairs with a baby; he believes they are still living there; he does not believe there is anybody living in the basement because there is no power in the basement; they have cleaned up the shed; Mr. Husain has missed two Court appearances so far; a trial was held absentia; he has failed to do anything since, consequently the Order of Remedy was issued in December; a couple of months ago there were major garbage issues; the neighbors were dumping the garbage across the street on another property; nothing has been done since this property has been taken over by Mr. Husain. Mr. Pappas does not believe the property needs to be demolished; he does not know how safe it is

upstairs; he placarded the building for all occupants to not occupy, and someone had taken the placard down. At this point, the tenants are still living there. No work has been done; no building permits have been pulled. Mr. Malik had stated that he would remedy everything in two weeks. He has done absolutely nothing with it. Questions were asked and answered. There was discussion. A motion was made by Councilperson Donahue to adopt a Resolution declaring 25 Powers Road, Binghamton, New York 13903 an unsafe and dangerous building; order the owner of the property to give notice to the tenants to be out by April 1, 2022; the building needs to be secured and vacated by April 10, 2022, and the building needs to be code compliant by May 1, 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, Bensley, Donahue, Leighton, Nye

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

2022

Lighting	Claim No. 84	\$ 39.08
Sewer	Claim No. 85-88	\$ 11,475.23
Water	Claim No. 88-92	\$ 7,110.19
Highway	Claim No. 93-105	\$ 21,510.67
General	Claim No. 97-128, 130-137	\$ 38,948.15
Special Districts	Claim No. 129	\$ 224,020.00

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, Bensley, Donahue, Leighton, Nye

Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no corrections made to the February 1, 2022 Work Session minutes.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comments at 7:37 p.m.

There being no presentations, the floor was declared closed at 7:37 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS:

Free Fishing Days – Saturday, February 19 & Sunday, February 20, 2022

Presidents' Day – TOB Municipal Buildings Closed - Monday, February 21, 2022 in observance of Presidents' Day

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – There was no update.

Zoning Board of Appeals – The ZBA met on Monday, February 14, 2022, and reviewed Atlas Renewables' SEQR Part 1, and Town Attorney Pope lead them through SEQR Part 2. SEQR stands for State Environmental Quality Review. The ZBA took the lead agency away from the DEC as the ZBA will be the lead agency. The next meeting is scheduled for February 28, 2022 to review what has been done so far, and a meeting is scheduled for March 7, 2022 where perhaps they will be able to vote on the Atlas Renewables' appeal. There was discussion.

Youth Commission – The next regularly scheduled meeting will be held on Thursday, February 17, 2022 at 6:00 p.m. at the TOB Town Hall.

Code Enforcement/Buildings and Grounds – A few parking tickets have been issued due to the winter parking ordinance, and finishing up installing LED lights in the Town Hall.

Highway Department – The Highway Department has been plowing and sanding; cleaning up trees; general maintenance, and all of the catch basins are open for the predicted rain on Thursday.

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

Town Clerk's Monthly Report for January 2022

DCO Monthly Report for January 2022

Code Enforcement Officer's Monthly Report for January 2022

TOB Volunteer Fire Co. – There have been ten calls since the last report.

Supervisor – The Town is in receipt of another 250+ covid home tests from Broome County. The Town will be having a drive-thru for residents on Thursday, February 17, 2022 from 11:30 a.m. to 1:30 p.m. to pass out the covid home tests, two per car.

UNFINISHED BUSINESS:

Mill Street Property – Declare as Surplus – An RFP will be put together by the Town Attorney for the sale of 3706 Mill Street, Binghamton, New York 13903 once it is declared surplus. The RFP will be advertised in The Country Courier. The Town can also reach out to a real estate agent, providing them with the RFP. A motion was made by Councilperson Nye to adopt a Resolution to declare 3706 Mill Street, Binghamton, New York 13903 as surplus, and the motion was duly seconded by Councilperson Leighton. 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)

NEW BUSINESS:

Year End Budget Transfers – A motion was made by Councilperson Nye to adopt a Resolution to approve the year end budget transfers for the General Fund, Highway Fund, Water Fund, Lighting Fund and Sewer District Fund, 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 – Approval to Purchase New Pickup Truck – Highway Superintendent Rolston provided the Board with a quote from Robert Green Truck Division for a new pickup truck, a copy of which is appended hereto. The currently owned pickup truck will be put on Auctions International. A motion was made by Councilperson Donahue to adopt a Resolution to authorize the purchase of a new 2022 Ram 3500 regular cab 4x4 pickup with plow in an amount not to exceed \$51,938.35, and 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, Bensley, Donahue, Nye, Leighton Absent: None

Nays: None

Declared adopted.

(Resolution Appended)

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comment at 8:08 p.m.

There being no presentations, Supervisor Rounds declared the floor closed at 8:08 p.m.

ADJOURNMENT:

A motion was made by Councilperson Bensley to adjourn the meeting at 8:08 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 Work Session to be held on Tuesday, March 15, 2022, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,



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 proposed amendment to Chapter 157 of the Town of Binghamton Code related to prohibited smoking in areas of the Town. A public hearing will be held on the proposed amendment to Chapter 157 of the Town of Binghamton Code at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, February 15, 2022 at 7:01 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 proposed change to Chapter 157, 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: January 19, 2022

Vickie Conklin, Town Clerk

**TOWN OF BINGHAMTON
LOCAL LAW NO. 1 OF THE YEAR 2022
A LOCAL LAW AMENDING CHAPTER 157
OF THE TOWN OF BINGHAMTON CODE**

Section 1. Chapter 157 of the Town of Binghamton Parks and Recreation Areas shall be amended as follows:

Add amended Section 157 – Smoking Prohibited.

- A. All Town parks, playgrounds, athletic fields, **Community Center** and concession stands shall be smoke, tobacco, **cannabis**, and **vaping** free, with all smoking, tobacco, **cannabis** and **vaping** use prohibited in such areas.
- B. Notwithstanding the prohibitions of paragraph A above, the parking lots of the Town parks shall be designated smoking areas.

Section 2. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section twenty-seven (27) of the Municipal Home Rule Law.

**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 declare 25 Powers Road, Binghamton, New York an unsafe and dangerous building. The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, February 15, 2022 at 7:02 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 declaring the structure on 25 Powers Road to be unsafe and dangerous..

Dated: February 1, 2022

Vickie 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 15th day of February, 2022 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 Donahue, who moved its adoption, and was seconded by Councilperson Nye.

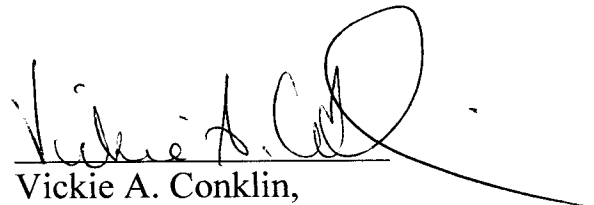
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: 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 Donahue has recommended that the Town Board approve claim numbers 84; 85-88; 88-92; 93-105; 97-128, 130-137, and 129 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 84; 85-88; 88-92; 93-105; 97-128, 130-137, and 129 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.

rev-04/01/08

Y PHONE 545-794-0300 FAX 545-794-0295
ONONDAGA STATE WIDE BID CNOGV-06-19 AS OF JANUARY 2020

CHASSIS LESS 6%/FACTORY OPTIONS LESS 10%

		ADAM SIMON			
QTY		UNIT PRICE	NET PRICE	TOTAL	
1	D28L62- NEW 2022 RAM 3500 REG CAB 4X4 PICK UP GAS	39,940.00	37,543.60	\$37,543.60	
1	XXS- UPFITTER ELECTRONIC MODULE	345.00	310.50	\$310.50	
1	XHC- TRAILER BRAKE CONTROL	295.00	265.50	\$265.50	
1	MWH- REAR WHEEL HOUSE LINERS	\$195.00	\$175.50	\$175.50	
1	MRT- CHROME TUBULAR SIDE STEPS	\$495.00	\$445.50	\$445.50	
1	LNJ- FRONT FOG LAMPS	\$195.00	\$175.50	\$175.50	
1	JKV- 115V AUX POWER OUTLET	\$210.00	\$189.00	\$189.00	
1	DK3- ELEC SHIFT ON THE FLY TRANSFER CASE	\$295.00	\$265.50	\$265.50	
1	ANT- BED UTILITY GROUP	\$845.00	\$760.50	\$760.50	
1	AD2- SNOW CHIEF GROUP	\$555.00	\$499.50	\$499.50	
1	ACL- DOT ROADSIDE SAFETY KIT	\$195.00	\$175.50	\$175.50	
1	AMP- CHROME APPEARANCE GROUP	\$1,095.00	\$985.50	\$985.50	
1	A61- TRADESMAN LVL 1 EQUIPMENT GROUP	\$1,045.00	\$940.50	\$940.50	
1	FACTORY TO DEALER DESTINATION CHARGE		\$1,695.00	\$1,695.00	
1	WESTERN 9.0' PRO PLUS STEEL PLOW	13,772.50	6,886.25	\$6,886.25	
1	BACK UP ALARM	\$168.00	\$84.00	\$84.00	
1	ANTICORROSION PROTECTION & UNDERCOAT	\$502.00	\$251.00	\$251.00	
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		SUB TOTAL		\$51,648.35	
	BROOME COUNTY ZONE 2	DELIVERY		\$290.00	
		FED EXCISE TAX		\$0.00	
		TOTAL		\$51,938.35	