

TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
July 5, 2022

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MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, JULY 5, 2022, 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 5:32 p.m.

ROLL CALL

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

OTHERS PRESENT:

Vickie Conklin, Town Clerk	R. Mastin, Planning Board Member
R. Pope, Deputy Town Attorney	4 Guests
R. Rolston, Highway Superintendent	
N. Pappas, Code Enforcement/Buildings & Grounds	

PUBLIC HEARING – 5:32 p.m. – Chapter 102 – Building Construction Local Law

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 Chapter 102 – Building and Construction Local Law. Supervisor Rounds read the proposed Building Construction Local Law, a copy of which is appended hereto.

Supervisor Rounds opened the floor to the public at 5:33 p.m.

Jon Rasmussen – Mr. Rasmussen opposes the proposed local law as it may change the character and/or aesthetics of the neighborhood.

Diana Rasmussen – Mrs. Rasmussen opposes the proposed local law as it may change the character and/or aesthetics of the neighborhood.

Rita Ernstrom – Ms. Ernstrom opposes the proposed local law as it may change the character and/or aesthetics of the neighborhood.

David Rosenbloom – Mr. Rosenbloom asked if the accessory buildings being talked about would have to meet the building codes. He was informed, yes, they must be actual structures to meet code.

Questions were asked and answered. There being no further presentations, the floor was declared closed at 6:25 p.m.

There was lengthy discussion wherein it was decided that the language for the proposed Building Construction Local Law will have changes in the wording, and a new public hearing needs to be

set. A motion was made by Councilperson Nye to adopt a Resolution to set a public hearing for Tuesday, August 2, 2022 at 5:31 p.m. to solicit comments from the public on the proposed Chapter 102 – Building Construction Local Law, 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, Nye, Leighton

Absent: Bensley

Nays: Donahue

Abstained: None

Declared adopted.

(Chapter 102 – Building Construction Proposed Local Law Appended)
(Notice of Public Hearing Appended)
(Resolution Appended)

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:

<u>2022</u>			
Sewer	Claim No. 504-505	\$	496.85
Water	Claim No. 506-510	\$	1,266.63
Highway	Claim No. 511-521	\$	74,937.04
General	Claim No. 522-552	\$	23,210.60
Lighting	Claim No. 530	\$	641.15

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

Ayes: Rounds, Donahue, Nye, Leighton

Absent: Bensley

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

NEW BUSINESS:

Federal Government Mileage Rate Increase - Councilperson Donahue informed the Board that the Federal Government increased the mileage rate to \$.62.5 effective July 1, 2022. A motion was made by Councilperson Donahue to adopt a Resolution to accept the Federal Government's increase in the mileage rate to \$.62.5 per mile effective July 1, 2022, 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, Donahue, Nye, Leighton

Absent: Bensley

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no changes/corrections made to the June 21, 2022 regular Town Board meeting minutes.

COMMUNICATIONS AND ANNOUNCEMENTS:

TOB Volunteer Firemen's Annual Chicken BBQ – Saturday, August 20, 2022 – Noon until sold out.

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – The next regularly scheduled meeting will be held on Monday, July 11, 2022 at 6:30 p.m. at the TOB Town Hall.

Zoning Board of Appeals – The next regularly scheduled meeting will be held on Monday, July 11, 2022 at 6:30 p.m. at the TOB Town Hall.

Youth Commission – The Youth Commission did not meet in June. The next regularly scheduled meeting will be held on Thursday, July 21, 2022 at 6:00 p.m. at the TOB Town Hall.

Code Enforcement/Buildings & Grounds – The Town is on the contactor's list to have the TOB parking lot paved.

Highway Department – The 2022 South Mountain sewer lining project is complete, with repairs also being done on the project. The Orchard Park water tank's footer walls are in, they are working on the floor, and the roof is there. The Highway Department has been mowing, patching, and has relined 500' of the storm sewers in Park Terrace.

TOB Volunteer Fire Co. – There was no report.

Supervisor – The Summer 2022 Town Talk is going out soon. There is a new Assessor's Assistant, Mary Atkinson, who is a Town resident. She trained for a couple of weeks, and this week is her first week. She is also going to the Assessor's office in the Town of Union for training a few hours a week. Her hours will be Tuesdays, Wednesdays and Thursdays from 9:00 a.m. to 2:00 p.m.

UNFINISHED BUSINESS:

Highway Department – Orchard Park Water Tank – Statutory Installment Bond – Resolution - The Town is part of the American Rescue Plan Act through New York State with monies coming from the Corona Virus ARPA fund, approximately \$481,000. The cost of the new water tank is \$1.1 million, minus the \$481,000; the Water/Sewer Department has between \$200,000 to \$250,000 that the Town is going to use. Instead of financing the balance, the Town has asked Town Attorney Pope to set up a bond wherein the General Fund will loan the Town's Water Department the money for the bond. The Water Department will be charged minimal interest. There was discussion. A motion was made by Councilperson Nye to adopt a Resolution approving the issuance of a Statutory Installment Bond to evidence the debt of the Town's Water funds to the Town's General Fund for the purpose of financing the new Water Tank-Orchard Park project, 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

Absent: Bensley

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

It is uncertain whether or not a public hearing is needed to be set up. Deputy Town Attorney Pope will get clarification on a public hearing being needed, but advised the Board to set up a public hearing this evening. A motion was made by Councilperson Nye to adopt a Resolution to

set a public hearing for the Statutory Installment Bond to finance the Water Tank-Orchard Park project from the General Fund to the Water Fund for Tuesday, August 2, 2022 at 5:32 p.m., 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

Absent: Bensley

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

Permit Fees for Solar Projects – Update – The fees were set prior for solar project permits, but now there is a question of whether the fees should include all of the acreage leased for a solar project, or just the acreage that will be used of the leased land for a solar project. There was discussion wherein it was decided to make revisions to permit fees for solar projects to reflect fees per leased acre. A public hearing will need to be set. A motion was made by Councilperson Donahue to adopt a Resolution to set a public hearing for the Town's proposed revisions to permit fees for solar projects as follows: Building Permit \$100 per leased/owned acre; Planning Board review \$100 per leased/owned acre; SWPP Permit \$500 per leased/owned acre; Zoning Board review \$100 per leased/owned acre, and the Owner Development Lessee shall pay an annual fee of \$1,000 or such other amount as the Town Board may, from time to time, determine by Resolution to cover the cost of processing and reviewing the annual inspection report, and for other such similar administration, inspections and enforcement for August 2, 2022 at 5:33 p.m., 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, Donahue, Nye, Leighton

Absent: Bensley

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

NEW BUSINESS:

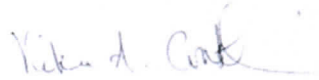
There was no further new business.

ADJOURNMENT:

A motion was made by Councilperson Donahue to adjourn the meeting at 7:37 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, July 19, 2022, at the Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Vickie A. Conklin".

Vickie A. Conklin
Town Clerk

**TOWN OF BINGHAMTON
LOCAL LAW NO. 2 OF THE YEAR 2022
CHAPTER 102 – BUILDING CONSTRUCTION
OF THE TOWN OF BINGHAMTON CODE**

Chapter 102 – Building Construction

In the R1 Residential One-Family District, an owner-applicant may apply for a permit for the construction of one (1) accessory building prior to the construction of the principal one family dwelling unit on the condition that the applicant agree in writing on the permit application that if the principal one family dwelling unit is not fully constructed in accordance with the provisions of this Code within eighteen (18) months of the issuance of the permit for the accessory building that the owner-applicant shall at its own cost and expense, dismantle and remove said accessory building within thirty (30) days of issuance of such a notice or order from the Building Inspector and that upon failure of the owner-applicant to do so that the Town may enter upon the owner-applicant's property and dismantle and remove said accessory building with all such costs and expenses being assessed as a lien or charge upon the subject property and in addition with the owner-applicant being subject to the penalties set forth in Section 102-20 herein.

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 for comments on the proposed Chapter 102 – Building Construction local law. The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, July 5, 2022 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 the above.

Dated: June 7, 2022

Vickie Conklin, Town Clerk

RESOLUTION

At a 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 5th day of July, 2022 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

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

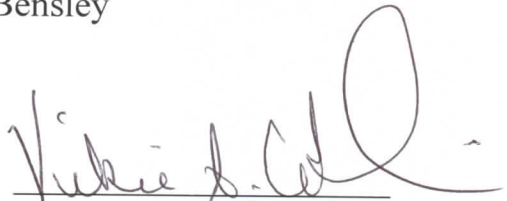
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: Councilperson Michael Donahue

ABSENT: Councilperson Michael Bensley

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 call for a public hearing on August 2, 2022 at 5:31 pm to solicit comments on Chapter 102 – Building Construction local law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board adopts a Resolution to call for a public hearing on August 2, 2022 at 5:31 p.m. to solicit comments on Chapter 102 – Building Construction local law; 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 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 5th day of July, 2022 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

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

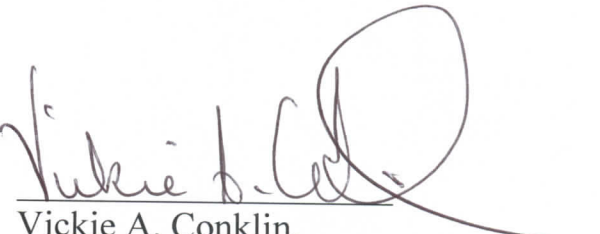
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Rounds, Donahue, Leighton, Nye

NAYS: None

ABSENT: Councilperson Michael Bensley

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 504-505; 506-510; 511-521; 522-552, and 530 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 504-505; 506-510; 511-521; 522-552, and 530 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 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 5th day of July, 2022 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

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

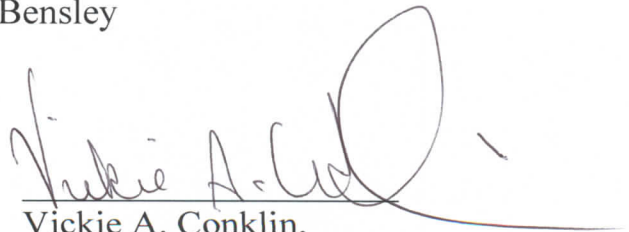
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: Councilperson Michael Bensley

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 increase the mileage reimbursement rate to the IRS new rate of 62.5 cents per mile effective July 1, 2022.

NOW, THEREFORE, be it

RESOLVED, that the Town Board adopts a Resolution to increase the mileage reimbursement rate to the IRS new rate of 62.5 cents per mile effective July 1, 2022; 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.

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, held at the Town Hall, in Binghamton, New York, in said Town, on the 5th day of July, 2022, at 5:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Rounds, and upon roll being called, the following were present:

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

ABSENT: Councilperson Michael Bensley

The following resolution was offered by Councilperson Dean Nye, who moved its adoption, seconded by Councilperson Mark Leighton, to-wit:

BOND RESOLUTION DATED JULY 5, 2022.

A RESOLUTION AUTHORIZING THE FINANCING OF WATER TANK, IN AND FOR THE TOWN OF BINGHAMTON, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$200,000 AND AUTHORIZING THE ISSUANCE OF \$200,000 LOCAL FINANCE LAW BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in a significant environmental effect; and

WHEREAS, by a Bond Resolution dated July 5, 2022, the Town Board of the Town of Binghamton, Broome County, New York, authorized the issuance of \$200,000 Local Finance Law Bonds of said Town to pay the cost of the new Water-Tank Orchard Park project for said Town, including original, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, and determined that the period of probable usefulness thereof was to be twenty-five years; and

WHEREAS, it has now been determined that it is in the financial interest of said Town to amortize such Local Finance Law Bond to evidence the debt of the Town's Water Funds to the Town's General Fund for the purpose of financing said project, the period of probable usefulness of said specific object or purpose being twenty-five years in accordance with the applicable provisions of the Local Finance Law; and NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Binghamton, Broome County, New York, as follows:

FIRST AUTHORIZING, the Town of Binghamton, to issue a Local Finance Law Bond to evidence the debt of the Town's Water Funds to the Town's General Fund for the purpose of financing the new Water Tank-Orchard Park project;

SECOND AUTHORIZING, pursuant to Section 62.10 of the Local Finance Law to enter into financing of the new Water Tank-Orchard Park project by way of a Local Finance Law Bond as noted above;

THIRD DELEGATING to the Supervisor, Clerk and Town Attorney to take such additional and further action as is necessary to implement this resolution, and

FOURTH THAT THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

* * * * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Elizabeth Rounds	VOTING Aye
Councilperson Dean Nye	VOTING Aye
Councilperson Mark Leighton	VOTING Aye
Councilperson Michael Donahue	VOTING Aye

The resolution was thereupon declared duly adopted.

* * * * *

RESOLUTION

At a 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 5th day of July, 2022 at 5:30 o'clock P.M. of said day, the following were:

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

ABSENT: Councilperson Michael Bensley

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

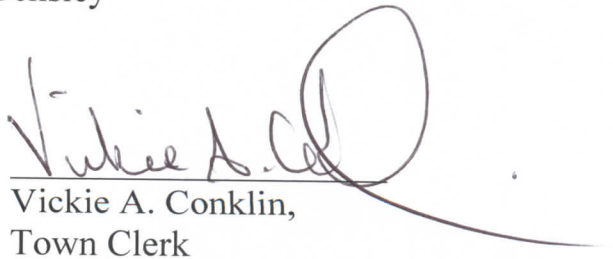
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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

NAYS: None

ABSENT: Councilperson Michael Bensley

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 call for a public hearing on August 2, 2022 at 5:32 pm to solicit comments the Town's proposed revisions to permit fees for solar projects.

NOW, THEREFORE, be it

RESOLVED, that the Town Board adopts a Resolution to call for a public hearing on August 2, 2022 at 5:32 p.m. to solicit comments on revisions to the Town's proposed revisions to permit fees for solar projects; 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.