

MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, AUGUST 16, 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	J. Emmons, Chief, TOB Volunteer Fire Co.
A. Pope, Town Attorney	K. Olds, President, TOB Volunteer Fire Co.
R. Rolston, Highway Superintendent	E. Einstein, The Country Courier
N. Pappas, Code Enforcement Officer/Buildings & Grounds	1 Guest

PUBLIC HEARING – 7:01 p.m. – Extension of TOB Local Law Establishing a Temporary Land Use Moratorium Prohibiting Battery Energy Storage Systems within the TOB for a Period of Six (6) Months

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 Extension of TOB Local Law Establishing a Temporary Land Use Moratorium Prohibiting Battery Energy Storage Systems within the TOB for a Period of Six (6) Months.

Supervisor Rounds opened the floor to the public at 7:01 p.m.

There being no presentations, the floor was declared closed at 7:01 p.m.

A motion was made by Councilperson Bensley to adopt a Resolution to approve the extension of the Town of Binghamton Local Law establishing a temporary land use moratorium prohibiting battery energy storage systems within the Town of Binghamton for a period of six (6) months, 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, Bensley, Nye, Leighton Absent: None

Nays: None

Abstained: None

Declared adopted.

(Notice of Public Hearing Appended)
(Resolution Appended)

PUBLIC HEARING - 7:04 p.m. – Wind Energy Systems 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 Wind Energy Systems Local Law.

Supervisor Rounds opened the floor to the public at 7:04 p.m.

There being no presentations, the floor was declared closed at 7:04 p.m.

A motion was made by Councilperson Bensley to adopt a Resolution to approve the Town of Binghamton Wind Energy Systems Local Law, and the motion was duly seconded by Councilperson Leighton. There was discussion. Councilperson Bensley voiced his deep concern for the height requirements. He would like the height requirements to be lower, and understands the logic. He will go along with the Board for their consensus vote, but the maximum height is what it is and is not one centimeter higher. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Abstained: 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:

Lighting	Claim No. 643	\$ 24.09
Water	Claim No. 644-647	\$ 79,003.19
Sewer	Claim No. 647-648	\$ 103,641.43
Highway	Claim No. 649-657	\$ 13,245.92
General	Claim No. 658-675	\$ 10,793.51

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, Bensley, Nye, Leighton Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no corrections made to the August 2, 2022 Work Session minutes.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comments at 7:11 p.m.

There being no presentations, the floor was declared closed at 7:11 p.m.

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 September 12, 2022 at 6:30 p.m. at the TOB Town Hall.

Zoning Board of Appeals – The next regularly scheduled meeting will be held on September 12, 2022 at 6:30 p.m. at the TOB Town Hall. Two cases will be heard. Sara Reifler has resigned as a member of the ZBA and as ZBA Secretary/Processor. The ZBA needs to fill two member positions.

Youth Commission – The last Youth Commission meeting was held on July 21, 2022. There were two youth baseball teams, 14U teams, A and B, still playing. A 12U team was going to tournament. Baseball is finished. Football has begun as they are on their third week of practice. The first games will be Sunday, August 28 at SVHS. They play three home games in a row. They are back to end the regular season October 2nd at SVHS. We are hosting the All-Star games on November 6th. There are 12 kindergarten football players. Twenty-four youths in grades 5 and 6 have signed up for football. Thirty-two youths in grades 3 and 4 have signed up for football. Twenty-five youths in grade 2 have signed up for football. The Booster Club is getting a lot of people volunteering to help. Seventy young women have signed up for cheerleading between kindergarten and 6th grade. The 3rd and 4th graders have been split

between two teams. One of them will be playing in the vacant slot at Chenango Forks as was done last year.

Code Enforcement/Buildings and Grounds – There were trials in Court today for code cases. The pads will be put in for the new signs at Jackson Park.

Highway Department – The Highway Department has been painting stop bars, patching, mowing, and doing shoulder work. There is an extension (November) on the completion of the Orchard Park Water Tank project due to the supply chain.

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

Town Clerk's Monthly Report for July 2022
DCO Monthly Report for July 2022
Code Enforcement Officer's Monthly Report for July 2022

TOB Volunteer Fire Co. – There were nine calls for the month of July. They are getting ready for the Chicken BBQ this Saturday.

Supervisor – The Town is in need of two ZBA members. Supervisor Rounds provided Board members with the TOB Housing Rehabilitation Status Report provided by Thoma regarding the CDBG grant. There was discussion.

UNFINISHED BUSINESS:

Highway Department – Orchard Park Water Tank – Statutory Installment Bond – The 30 days has expired for the Legal Notice. The General Fund will be loaning \$266,617 to the Water Fund at an interest rate of 1.5% for 15 years, with the annual payments being \$19,888.56. Taxes will not be raised for the Consolidated Water District. \$480,000 of the ARPA funds will be used; approximately \$350,000 will be used from the Water Department fund balance, and \$45,000 may be used from the Water reserve account. A motion was made by Councilperson Bensley to adopt a Resolution to approve the loan to the Water Reserve account for \$266,617 or such other amount as may be determined by the Supervisor and authorizing the Supervisor to execute the Demand Note, 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, Bensley, Nye, Leighton Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

A motion was made by Councilperson Bensley to adopt a Resolution to set a public hearing for input on the proposed withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New Tank on September 20, 2022 at 7:01 p.m., 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, Bensley, Nye, Leighton Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

Cannabis Industry – Zoning Regulations – Supervisor Rounds provided a handout to the Board members of a proposed TOB local law on Cannabis distribution and consumption sites, which she asked the Board members to review for discussion at the September 6, 2022 Work Session.

NEW BUSINESS :

2022 Annual Sexual Harassment Training – The sexual harassment training for 2022 will begin on August 18, 2022 via a webinar offered by NYMIR. Training is also offered by NYMIR via their website for staff not attending the webinar.

Aqua Terra – Improvements – Update – Supervisor Rounds provided Board members with the proposal she received from Broome County for the Aqua Terra Park Improvement Feasibility Study and Concept Design. Broome County will contribute \$5,000 of the \$18,000 cost for the study, and is asking the Town to pay the remaining \$13,000. The proposal includes creating a swimming beach, primitive restrooms, rustic changing area, picnic shelter, construct 10-15 primitive campsites and expanding the parking area. A motion was made by Councilperson Nye to approve the proposal from Clark Patterson Lee to move forward with the Feasibility Study for Aqua Terra Park improvements at a cost of \$18,000 with \$5,000 being paid by Broome County, and the motion was duly seconded by Councilperson Bensley. After lengthy discussion, this matter was tabled for a future meeting. Supervisor Rounds will ask Broome County to provide past feasibility studies, and traffic studies.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comment at 8:18 p.m.

Melissa Chapman – Mrs. Chapman voiced her concerns regarding the proposed improvements at Aqua Terra, which include the park being a nature and wildlife park now and in the future (bird watchers, hikers, bikers, etc.); traffic coming out of Maxian Road onto Hawleyton Road; endangered species; the Town (taxpayers) contributing to a County owned park; why add more

for the County to take care of when they currently do not take care of the park, and if there is a swimming area, the treatment of the water.

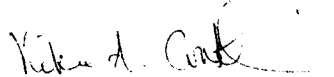
There being no further presentations, Supervisor Rounds declared the floor closed at 8:27 p.m.

ADJOURNMENT

A motion was made by Councilperson Bensley to adjourn the meeting at 8:27 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, September 6, 2022, 5:30 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,



Vickie A. Conklin
Town Clerk

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**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 extension of the Town of Binghamton Local Law establishing a temporary land use moratorium prohibiting battery energy storage systems within the Town of Binghamton for a period of six (6) months. A public hearing will be held on the same at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, August 16, 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.

Dated: July 19, 2022

Vickie Conklin, Town Clerk

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 August, 2022 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth A. Rounds
Councilperson Michael Bensley
Councilperson Mark Leighton
Councilperson Dean Nye
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 extension of the Town Local Law establishing a temporary land use moratorium prohibiting battery energy storage systems within the Town of Binghamton for a period of six (6) months; and

WHEREAS, a public hearing in connection with the above was duly held on August 16, 2022 at 7:01pm.

NOW THEREFORE, IT IS

RESOLVED, that the extension of the Town Local Law establishing a temporary land use moratorium prohibiting battery energy storage systems within the Town of Binghamton for an additional six (6) months is hereby approved; and it is 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.

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**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 Wind Energy Systems Local Law within the Town of Binghamton. A public hearing will be held on the same at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, August 16, 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 this issue and to evaluate and consider adoption of the foregoing.

Please take further notice that the proposed Local Law establishing Wind Energy Systems Local Law within the Town of Binghamton, 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: July 19, 2022

Vickie Conklin, Town Clerk

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 August, 2022 at 7:00 o'clock P.M. of said day, the following were:

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

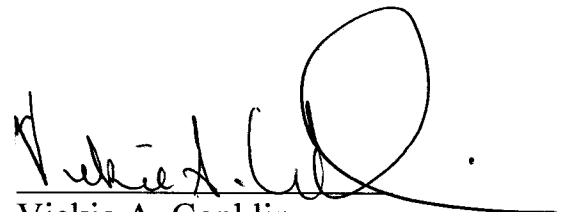
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 and adopt the proposed Town of Binghamton Wind Energy Systems Local Law; and

WHEREAS, a public hearing in connection with the above was duly held on August 16, 2022 at 7:02pm.

NOW THEREFORE, IT IS

RESOLVED, that the Town of Binghamton Wind Energy Systems Local Law is hereby approved and adopted; and it is further

RESOLVED, that the Town Clerk 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 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 August, 2022 at 7:00 o'clock P.M. of said day, the following were:

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

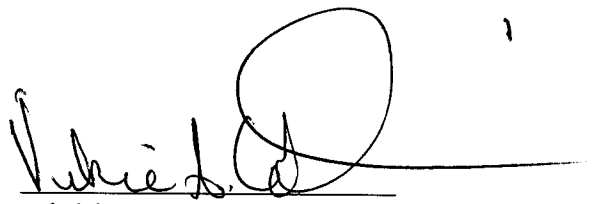
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: Supervisor Elizabeth Rounds
Councilperson Michael Donahue
Councilperson Dean Nye
Councilperson Michael Bensley
Councilperson Mark 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 643; 644-647; 647-648; 649-657, and 658-675 as audited, and

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

NOW, THEREFORE, be it

RESOLVED, that claim numbers 643; 644-647; 647-648; 649-657, and 658-675 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 August, 2022 at 7:00 o'clock P.M. of said day, the following were:

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

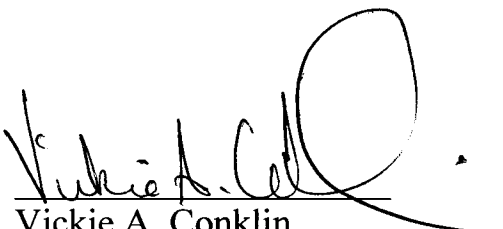
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 Local Finance Law statutory installment note as between the Town of Binghamton General Reserve and the Town of Binghamton Water Reserve upon such final dollar amount as determined by the Supervisor based on other sources of monies for the Orchard Park Water Tank; and

NOW THEREFORE, IT IS

RESOLVED, that the Local Finance Law statutory installment note as between the Town of Binghamton General Reserve and the Town of Binghamton Water Reserve, for such final dollar amount as determined by the Supervisor based on other sources of monies for the Orchard Park Water Tank, is hereby approved; and it is 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 Hall, 279 Park Avenue, Binghamton, New York, on the 16th day of August, 2022 at 10:00 o'clock A.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 Donahue.

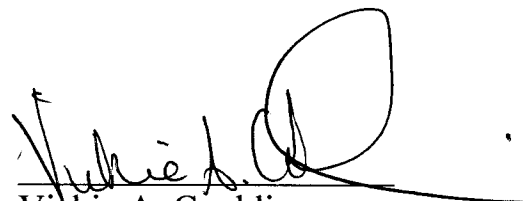
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 call for a Public Hearing for Tuesday, September 20, 2022 at 7:01 p.m. to consider input on the proposed withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New Tank; and

NOW THEREFORE, IT IS

RESOLVED, that the Town Board hereby approves calling for a Public Hearing to be conducted on Tuesday, September 20, 2022 at 7:01 p.m. to consider input on the proposed withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New Tank withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New Tank; 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.