

**TOWN OF BINGHAMTON**  
**TOWN BOARD**  
**September 20, 2022**

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**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, SEPTEMBER 20, 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	G. Middleton, Esq., Coughlin & Gerhart
A. Pope, Town Attorney	R. Mastin, Planning Board Member
R. Rolston, Highway Superintendent	E. Einstein, The Country Courier
N. Pappas, Code Enforcement Officer/Buildings & Grounds	1 Guest
Z. Soboleski, Assistant Codes/Buildings & Grounds	

**PUBLIC HEARING – 7:01 p.m. – Withdrawal of Funds form the Water Reserve Fund Account for the Orchard Park New Water Tank**

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 withdrawal of funds for the Water Reserve Fund Account for the Orchard Park New Water Tank. Supervisor Rounds stated that the Orchard Park Water is being replaced, and the Town is going to self-finance it. There is money in the Town’s Consolidated Water District that are in two reserve accounts; the capital reserve account for equipment, which is \$25,008.89, and also a reserve account for repairs, which is \$47,340.78. This public hearing is being held so that the Town can remove the \$25,008.89 and \$47,340.78 (total of \$72,349.67) out of the reserve accounts and put it into the fund balance so that when it is time to pay for the water tank, that money will be available for the Town to pay the balance on the water tank.

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

There being no presentations, the floor was declared closed at 7:02 p.m.

A motion was made by Councilperson Bensley to adopt a Resolution to approve the withdrawal of funds for the Water Reserve Fund Account for the Orchard Park New Water Tank, 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)

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

Highway	Claim No. 725-737	\$ 138,120.51
Lighting	Claim No. 738	\$ 27.25
Water	Claim No. 739-744	\$ 2,483.38
General	Claim No. 745-769	\$ 5,208.96
Capital Projects	Claim No. 770	\$ 126,273.05

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: None

Nays: None

Abstained: Bensley

Declared adopted.

(Resolution Appended)

**RECOGNITION OF MINUTES:**

There were no corrections made to the September 6, 2022 Work Session minutes.

**VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comments at 7:09 p.m.

Bill White – Mr. White stated that he wants the public to be aware that he almost died from a deer tick that had a parasite in the stomach of the tick. The condition is called babesiosis. A screening (blood test) can diagnosis the condition. There is medication that will cure the condition once a person is diagnosed correctly. A repellent is available at Dick's Sporting Goods

that is very effective in keeping insects off clothing/people. Mr. White hopes that this information will help save lives.

There being no further presentations, the floor was declared closed at 7:16 p.m.

### **COMMUNICATIONS AND ANNOUNCEMENTS:**

Highway Department – Fall Tree Branch and Brush Pickup – September 19, 2022 thru October 21, 2022

Free Fishing Day – Saturday, September 24, 2022

### **OFFICIALS AND COMMITTEE REPORTS:**

Planning Board – A meeting was held on August 31, 2022. The next regularly scheduled meeting will be held on Monday, October 17, 2022 at 6:30 p.m. at the TOB Town Hall.

Zoning Board of Appeals – A meeting and two public hearings were held on September 12, 2022 to hear two cases. A variance was granted for a carport, and an application for a variance was submitted by Sigma Solar, LLC for property referred to as 930 Powderhouse Road, Binghamton, New York. The next regularly scheduled meeting will be held on Monday, October 17, 2022 at 6:30 p.m. at the TOB Town Hall.

Youth Commission – Youth football is going great. Basketball is being discussed. The next regularly scheduled meeting will be held via Zoom on Wednesday, September 21, 2022 at 6:00 p.m.

Code Enforcement/Buildings and Grounds – Municipal Cleanup Days were held on Friday, September 16 and Saturday, September 17, 2022, and went very well. The concrete pad will be poured for new signage at the Town Hall.

Highway Department – A number of driveway pipes have been installed, along with cleaning ditches, cutting down more trees with more trees scheduled to be cut down next week, and routine maintenance on shoulders has been done. Some Town roads are scheduled for striping next week. The new Orchard Park water tank floor has been poured, and all of the needed materials are at the site to move forward with the project. The project should be completed in two weeks.

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

Town Clerk's Monthly Report for August 2022

DCO Monthly Report for August 2022

Code Enforcement Officer's Monthly Report for August 2022

TOB Volunteer Fire Co. – There was no report.

Supervisor – Town Attorney Pope and Deputy Town Attorney Pope will be retiring from representing municipalities beginning January 1, 2023. Gina Middleton, Esq., of Coughlin & Gerhart will be the new Town Attorney as of January 1, 2023.

**UNFINISHED BUSINESS:**

Cannabis Industry – Local Law – Approval – TOB Code states that for parking there is one spot for every 100 square feet of retail space. Noise is based on what is allowed by TOB Code. A motion was made by Councilperson Nye to adopt a Resolution to set a public hearing for Tuesday, October 18, 2022 at 7:01 p.m. to consider public input on the proposed Town of Binghamton Cannabis Distribution and Consumption Site Local Law, 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, Bensley, Nye, Leighton      Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

Highway Department – New TV Screen & Surveillance Cameras - Approval – Highway Superintendent Rolston provided the Board members with three quotes for the purchase of a new TV screen and surveillance cameras. There was discussion. This subject was held over for approval at the October 4, 2022 Work Session.

Battery Energy Storage Systems Local Law – Update – The Board is in receipt of the proposed Battery Energy Storage Systems Local Law for review. A motion was made by Councilperson Leighton to adopt a Resolution to set a public hearing for Tuesday, October 18, 2022 at 7:02 p.m. to consider public input on the proposed Battery Energy Storage Systems Local Law, 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, Bensley, Nye, Leighton      Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

**NEW BUSINESS :**

Town Clerk – Appointment of Tracy Tokos – Second Deputy Town Clerk – A motion was made by Councilperson Leighton to appoint Tracy Tokos as Second Deputy Town Clerk, and the motion was duly seconded by Councilperson Bensley. There was discussion. This subject was held over for approval at the October 4, 2022 Work Session.

CDBG – Applicant Approvals – Melissa Evans; Jane Davis; Dona Schmidt – Resident Melissa Evans has been prequalified for the CDBG funds for windows and doors, exterior and interior carpentry, painting, flooring, and other (tree and gutters) for property located at 3972 Roberts Road, Binghamton, New York in the amount of \$32,819. A motion was made by Councilperson Bensley to adopt a Resolution to approve the allocation of funds for the Evans property located at 3972 Roberts Road, Binghamton, New York, in the amount of \$32,819, 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, Bensley, Nye, Leighton      Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

Resident Jane Davis has been prequalified for the CDBG funds for roofing, exterior and interior carpentry, plumbing, flooring, heating, and windows and doors for property located at 26 Beechnoll Road, Binghamton, New York in the amount of \$30,000. A motion was made by Councilperson Leighton to adopt a Resolution to approve the allocation of funds for the Davis property located at 26 Beechnoll Road, Binghamton, New York, in the amount of \$30,000, 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, Bensley, Nye, Leighton      Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

The approval for resident Dona Schmidt has been held over for the October 4, 2022 Work Session per discussion.

Buildings & Grounds – Jackson Park – Fencing Quotes – Approval – Mr. Pappas provided three quotes for new fencing for one ballfield at Jackson Park. There was discussion. This subject has been held over for the October 4, 2022 Work Session.

**VOICE OF THE PUBLIC:**

Supervisor Rounds opened the floor to the public for comment at 8:20 p.m.

There being no presentations, Supervisor Rounds declared the floor closed at 8:20 p.m.

**ADJOURNMENT**

A motion was made by Councilperson Bensley to adjourn the meeting at 8:21 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, October 4, 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 withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New Water Tank. A public hearing will be held on the same at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, September 20, 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 withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New Water Tank, 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: August 18, 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 20<sup>th</sup> day of September, 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.

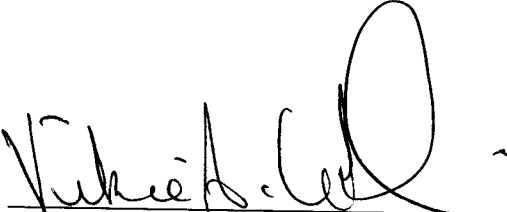
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New Tank; and

**WHEREAS**, a public hearing was conducted on September 20, 2022 at 7:01pm with respect to such proposed action; and

**NOW THEREFORE, IT IS**

**RESOLVED**, that the withdrawal of funds from the Water Reserve Fund Account for the Orchard Park New 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 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 20th day of September, 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 Leighton, 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:

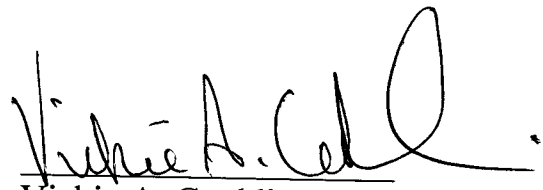
AYES: Supervisor Elizabeth Rounds  
Councilperson Michael Donahue  
Councilperson Dean Nye  
Councilperson Mark Leighton

NAYS: None

ABSENT: None

ABSTAINED: Councilperson Michael Bensley

The Resolution was then declared adopted.

  
Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, by motion Councilperson Leighton has recommended that the Town Board approve claim numbers 725-737; 738; 739-744; 745-769, and 770 as audited, and

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

**NOW, THEREFORE**, be it

**RESOLVED**, that claim numbers 725-737; 738; 739-744; 745-769, and 770 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 20<sup>th</sup> day of September, 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 Nye, who moved its adoption, and was seconded by Councilperson Bensley.

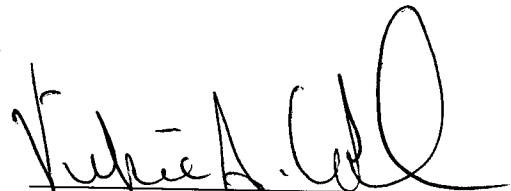
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 call for a Public Hearing for Tuesday, October 18, 2022 at 7:01 p.m. to consider input on the proposed Cannabis Distribution Local Law; and

**NOW THEREFORE, IT IS**

**RESOLVED**, that the Town Board hereby approves calling for a Public Hearing to be conducted on Tuesday, October 18, 2022 at 7:01 p.m. to consider input on the proposed Cannabis Distribution Local Law; 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 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 20<sup>th</sup> day of September, 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 Nye, who moved its adoption, and was seconded by Councilperson Leighton.

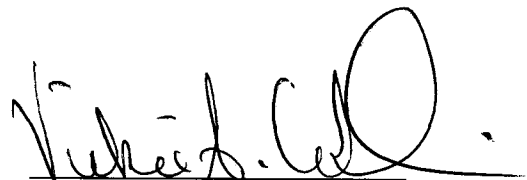
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: 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, October 18, 2022 at 7:02 p.m. to consider input on the proposed Battery Energy Storage System Local Law; and

**NOW THEREFORE, IT IS**

**RESOLVED**, that the Town Board hereby approves calling for a Public Hearing to be conducted on Tuesday, October 18, 2022 at 7:01 p.m. to consider input on the proposed Battery Energy Storage System Local Law; 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 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 20<sup>th</sup> day of September, 2022 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth A. 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 Leighton.

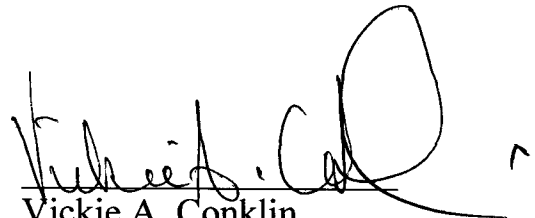
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

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 the CDBG grant application of Melissa Evans for the property at 3972 Roberts Road in the amount of \$32,819.00 as set forth in the memo to the Board.

**NOW THEREFORE, IT IS**

**RESOLVED**, that the CDBG grant application of Melissa Evans for the property at 3972 Roberts Road in the amount of \$32,819.00 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 20<sup>th</sup> day of September, 2022 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth A. 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.

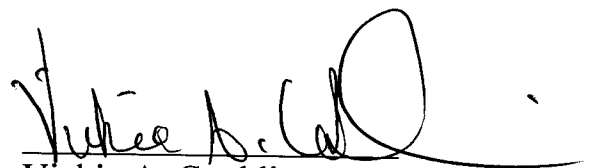
A roll call vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.



Vickie A. Conklin,  
Town Clerk

**RESOLUTION:**

**WHEREAS**, it has been recommended that the Town Board approve the CDBG grant application of Jane Davis for the property at 26 Beechknoll Road in the amount of \$30,000.00 as set forth in the memo to the Board.

**NOW THEREFORE, IT IS**

**RESOLVED**, that the CDBG grant application of Jane Davis for the property at 26 Beechknoll Road in the amount of \$30,000.00 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.