

**TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
March 7, 2023 4:00PM**

- Page 2** **Meeting call to order**
Roll Call
Approval of Audited Claims
- Page 3-5** **Recognition of Minutes**
Communications and Announcements
Officials and Committee Reports
 Planning Board
 Zoning Board of Appeals
 Youth Commission
 Code Enforcement/ Buildings & Grounds
 Highway Department
 TOB Volunteer Fire Co.
 Supervisor
- Page 5-7** **Unfinished Business**
New Business
- Page 8** **Adjournment**

MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, March 7, 2022, 4:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON NEW YORK.

The meeting was called to order by Supervisor Rounds at 4:04 p.m.

ROLL CALL:

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

OTHERS PRESENT:

T. Tokos, Town Clerk
 G. Middleton, Town Attorney
 N. Pappas, Code Enforcement Officer/Buildings and Grounds
 Z. Soboleski, Code Enforcement Officer/Building and Grounds
 M. Leighton, Highway Superintendent

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:

Deputy Supervisor Donahue Made the motion to adopt a Resolution to approve the following claims as audited:

<u>AUDITED CLAIMS</u>	<u>CLAIM #'S</u>	<u>AMOUNT</u>
GENERAL	137 – 167	\$ 16,584.67
HIGHWAY	134 -148, 169 -170	\$ 30,797.54
LIGHTING	126	\$ 682.94
SEWER	127 – 128	\$ 1717.27
WATER	128 -133, 168	\$ 7216.67
		<u>TOTAL: \$ 56,999.09</u>

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, Conklin
Nays: None **Abstained:** None
Absent: Nye

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

There were no changes/corrections made to February 21, 2023 regular Town Board Meeting

COMMUNICATIONS AND ANNOUNCEMENTS: Presently there are no new announcements.

OFFICIALS AND COMMITTEE REPORTS:

Zoning Board of Appeals/Planning Board – Changes to the solar panel location has been approved. The original plot for the panels has had some minor tweaking, but will remain in the same area but moved slightly to the flatter grade of land. Dr. Miller, who lives near the area where the solar panels will be placed, inquired about a row of pines being planted so that he doesn't have to view the panels from his residence. A letter was sent to Tom Pappas (Mill Hill project) requesting a grade study. The developer wants a commitment regarding no curbs, no and no gutters. A meeting was held with Supervisor Rounds, Attorney Middleton, Deputy Supervisor Donahue, Chris Streno, Dave Chase, and Dominic Emilio from Clark Patterson. The town is relying heavily on Clark Patterson for this project as the current administration have never been through developments like this in the town. There will be no commitment from the Town regarding gutters or curbs until the grade study is received. Chris Streno will schedule a planning board meeting once the study comes in. Councilperson Bensley asked about the criteria for curbs and gutters in the Town. Deputy Supervisor explained the gutters and drains which are determined by location in the town subdivisions versus rural areas. The Mill Hill developers do not want to put storm drains in. The grade plans must work and they must meet all the setbacks of the Zoning codes in the Town sewer districts.

Deputy Supervisor Donahue met with Dominic Emilio from Clark Patterson, City engineer, and plant operator from the Joint sewage treatment plant. They discussed 'credits'. The Town would have to buy 'credits' from the City of Binghamton to sell to the developer. The city would have to approve the sale of the credits, and would need all the credits purchased upfront and not in phases. The developers will have to do a survey from where the overflows tie in with the City of Binghamton. There is one overflow building on the Conklin line, all the way to the second overflow area further down towards vestal. This survey will be expensive and will not be provided by the Town. No credits will be purchased by the Town until after the appropriate survey is complete. The Town is in good faith, working with the developers. The next meeting will be held on March 16, 2023 but the time is yet to be determined. Attorney Middleton will look into this as there may be a conflict with the Youth Commissions' next meeting.

Youth Commission – Next meeting on March 16th, however the time is yet to be determined. There will be discussion regarding a Lacrosse program. The registration fees would be around 125 dollars, and the Town will initially rent equipment because of it being a new program.

Code Enforcement/Buildings and Grounds Conference call with Reza Hussain from Powers Road was held. Mr. Hussain was hoping to resolve the issues so that he did not have to appear in court. There was discussion regarding a reasonable fine and a potential stipulation that would require the property is boarded up and external property cleaned in full within 30 days. Within 60 days, Hussain would have to have an Architectural engineer in and come up with a written plan for demolition or remediation of the property to make it code compliant, and within 90 days to begin the actual physical process of demolition, plus a 7500-dollar fine. There was pushback. Attorney Middleton stated that the Town then gave him an offer of a 4000-dollar fine with the 30/60/90-day setup, or a 3500-dollar fine and he agrees to demolish within 30 days. If he does not get back with Attorney Middleton tomorrow with his response, there is a court appearance on Friday. If he does respond, she will request an adjournment from the Court, pending on the calendar until the terms of the stipulation are complied with in full. He will have 15 days to provide a check for 4000 dollars. There was discussion on dollar amounts that the town has already incurred, and what will occur if Mr. Hussain keeps missing court appointments. Attorney Middleton will keep Supervisor Rounds updated.

New Order to Remedy letters will be sent to the owners of 330 Park Avenue, and 1978 Montrose Ave, giving them 30 days to comply with the order. Once Attorney Middleton gets a copy of the orders, her office will send a letter notifying them of the Unsafe Structure Law. A Public Hearing will be set at the work session in April regarding these properties.

The water heater has been removed from the Community Center. And the final measurements have been done for the new windows at the Town Hall, but it is not sure when they will arrive.

Highway Department - The department has been fighting diverse storms, and more are expected this weekend. There was a tree down on Peckham Road, believed to be knocked down by the wind. The downed tree took down a telephone pole with a fiber optic cable.

The jetter will be taken to Ohio on Thursday, and will be inspected prior to departure. Deputy Supervisor Donahue reminded Superintendent Leighton that the jetter cannot pass by D.O.T. stops they are required to stop. The route to Ohio was discussed and whether there would be tolls. The Highway Department is saving money by transporting the jetter instead of having it transported by others.

There has been a lot of maintenance done on highway vehicles and equipment between storms. There has been trim, ditch work and brushwork done, and there are a lot of signs that will be replaced before this upcoming weekend. There has been a run of the stomach flu at the Highway department again.

Supervisor Leighton stated that he went up to the Tennis Center and horse farm. There has been an issue with people using the turn-around as a parking area. The Tennis Center plans to

add more 'strip parking' on the side of the road. There will need to be a Public Hearing on the No Parking Traffic Law before signs can be installed. There was discussion regarding code requirements on the parking area vs. tennis center users. The center also needs to get an engineered plan as to the parking. Code Enforcement Officer Pappas will need to contact the tennis center to notify them of this.

'Kris' at the tennis center has been notified that they will become an outside user of the water. Any work that is done at the center will from this point on will have to go through the Planning Board. There was discussion on who owns the center, if it is the University Foundation or the University.

The status of the delivery of the new 10-wheeler truck has been pushed to the end of the first quarter. Volvo is waiting on parts for incoming road tractors. There are two 10 wheelers at the Highway Department that are only being used sporadically. Deputy Supervisor Donahue asked if both 10 wheelers should be sold. Highway Superintendent Leighton discussed using these machines for parts when needed. When the new 10-wheeler arrives, there will be a total of 5 trucks for the Highway Department. There was a very long discussion from Superintendent Leighton regarding axle sizes/lengths, truck sizes, payments, and specifications on the original bid for the truck. Two of the present trucks and other items will be put on Auctions International in the upcoming future.

TOB Volunteer Fire Department - There was no report.

Supervisor - CDBG grant is now finished. There is a few thousand dollars left and one of the recipients has a bit more work to be done which will be tied up until May. The project will be completed by June. Supervisor Rounds spoke with Phil Connery from Thoma. No one from the town was budgeted for the grant for this year, but the Town will consider applying for the grant in 2024, which will be for the grant year 2025. Supervisor Rounds stated that this grant has helped around 30 families so far, and the town should put together a list of people who could possibly use the help of the next grant. This CDBG Grant program has been very successful! The application for the Town Clean Up Days has been approved for 3 days, May 19th, 20th, and 24th. The County has put the electronics collection contract out for bid.

The Town sent a letter to the Binghamton University Tennis Center notifying them that as of March 21st, they will be charged as an outside user for operation and maintenance on their property tax. They will not be put into the consolidated water and sewer district until the Mill Street Project is completed.

UNFINISHED BUSINESS: - Set Public Hearing to approve to draft the local law for the 10% tax break for the T.O.B Volunteer Fire Department. The County has already approved this and is moving forward. Kirkwood has already implemented this tax break years ago. The Fire Chiefs from the Towns of Binghamton, Conklin and Kirkwood should be the ones who need to go to

the school district about this. It had been originally discussed, waiting on the County, because the County had specified that Volunteers should be active members to be able to receive this tax break. Supervisor Rounds will follow up with Colleen Wagner from the County, as they are just setting their public hearing. There was discussion regarding the language to be included in the draft of the local law including the ability to add retirees to this local law and qualifications needed to benefit from this tax break. Attorney Middleton will have more information at the next Town Board Meeting.

There were 3 bid openings for the 2023 Sanitary Sewer Trenchless Lining Project. The National Water Main Cleaning Company had the lowest bid at \$117,386.50. This company had been used by the town before. Dave Bagnick from C.P.L, notified National Water Main via letter to inform them of being the lowest bidder. There was discussion from Highway Superintendent Leighton on the sequence of the lining process, how long it will take to acquire all the materials, and how long it will take to complete the job. Once the company starts the job, they have approximately 120 days to complete the project.

A Motion was made by Councilperson Bensley to approve and award the bid for \$117,386.50 to the National Water Main Company for the 2023 Sanitary Sewer Trenchless Lining Project. The motion was duly seconded by Deputy Supervisor Donahue. All those present voted in favor of the Resolution.

Ayes: Rounds, Donahue, Conklin, Bensley

Nays: None **Abstained:** None

Absent: Nye

Motion carried.

Declared Adopted.

(Resolution Appended)

The finalization of the Emergency Plan for the Town of Binghamton was discussed. The phone lines that were mentioned in a previous meeting have been checked and are in working order. A motion was made by Councilperson Conklin to make a Resolution to adopt the Town of Binghamton, Broome County N.Y. Emergency Plan. The motion was duly seconded by Deputy Supervisor Donahue. All those present voted in favor of the motion. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Conklin, Bensley

Nays: None

Abstained: None

Absent: Nye

Motion carried.

Declared Adopted.

(Resolution Appended)

In recent weeks, the Town received a FOIL request seeking to compare local emergency services contracts. A discussion held regarding the Town of Binghamton receiving ambulance services from the Broome Volunteer Emergency Squad, and while there is no contract, there has been an agreement in place since 2016 with BVES to continue using them as the primary ambulance service for the Town. Highway Superintendent Leighton questioned whether it is prudent to limit the Town to one ambulance service, and also one of the reasons why reflective housing numbers must be visible from the roads or have a reflective number of the house close to the road for property identification. Supervisor Rounds also informed the council that there are no monies exchanged for the services of Broome Volunteer Emergency as they take care of all their own financial issues.

A motion was made by Councilperson Bensley to make a Resolution to continue using Broome Volunteer Ambulance Squad services in the Town of Binghamton, and that these services will be recognized on a yearly basis. The motion was duly seconded by Councilperson Conklin. All those present voted in favor of the motion. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Conklin, Bensley

Nays: None

Abstained: None

Absent: Nye

Motion carried.

Declared Adopted

(Resolution Appended)

NEW BUSINESS:

1. The month of April has been designated by the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity as Fair Housing Month in accordance with the Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and Fair Housing Amendments Act of 1988. The Town of Binghamton will issue a Proclamation, and will be posted in the Country Courier in April.

RESOLUTION:

WHEREAS, it has been recommended that the Town Board approve the continued use of Broome Volunteer Emergency Squad as the primary ambulance service for the Town of Binghamton, and

NOW THEREFORE, IT IS

RESOLVED, that the Town of Binghamton is approved to continue the use of Broome Volunteer Emergency Squad as the primary ambulance service for the Town of Binghamton; 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 work session of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Office Building, 279 Park Avenue, Binghamton, New York, on the 7th day of March, 2023 at 4:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth Rounds
Deputy Supervisor Michael Donahue
Councilperson Michael Bensley
Councilperson Vickie Conklin

ABSENT: Councilperson Dean Nye

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

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

AYES: Supervisor Elizabeth Rounds
Deputy Supervisor Michael Donahue
Councilperson Michael Bensley
Councilperson Vickie Conklin

NAYS: None

ABSENT: Councilperson Dean Nye

The Resolution was then declared adopted.



Tracy Tokos,
Town Clerk

RESOLUTION:

WHEREAS, it has been recommended that the Town Board approve and adopt the proposed Town of Binghamton, Broome County N.Y. Emergency Plan, and

NOW THEREFORE, IT IS

RESOLVED, that the proposed Town of Binghamton, Broome County N.Y. Emergency Plan as attached hereto, is hereby adopted and 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 work session of the Town Board of the Town of Binghamton, Broome County, New York, duly called and held at the Town Office Building, 279 Park Avenue, Binghamton, New York, on the 7th day of March, 2023 at 4:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Elizabeth Rounds
Deputy Supervisor Michael Donahue
Councilperson Michael Bensley
Councilperson Vickie Conklin

ABSENT: Councilperson Dean Nye

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

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

AYES: Supervisor Elizabeth Rounds
Deputy Supervisor Michael Donahue
Councilperson Michael Bensley
Councilperson Vickie Conklin

NAYS: None

ABSENT: Councilperson Dean Nye

The Resolution was then declared adopted.



Tracy Tokos,
Town Clerk

ADJOURNMENT:

A motion was made by Councilperson Bensley to adjourn the meeting at 5:22 p.m. and the motion was duly seconded by Deputy Supervisor Donahue. 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 6:00 p.m. on Tuesday, March 21, 2023, at the Town Hall, 279 Park Avenue, Binghamton, N.Y.

Respectfully Transcribed and Submitted

Paula J. Edwards
Deputy Town Clerk



Recording Provided by:

Tracy Tokos
Town Clerk

