

**TOWN OF BINGHAMTON - TOWN BOARD WORK SESSION**  
**June 6, 4:00 P.M.**



**CALL TO ORDER**

**ROLL CALL**

E. Rounds, Supervisor  
M. Donahue, Deputy Supervisor  
D. Nye, Councilperson  
G. Middleton, Town Attorney  
N. Pappas, Code Enforcement, Building and Grounds  
Z. Soboleski, Code Enforcement, Buildings and Grounds  
T. Tokos, Town Clerk  
V. Conklin, Councilperson  
M. Bensley, Councilperson  
Lee Cooper, Highway

**PUBLIC HEARINGS:**

**1. Open: 4:01 p.m.**

Julia Ely from 1984 Montrose Avenue spoke on unsafe condition of the house and property at 1978 Montrose Avenue. Assorted abundance of trash/ junk vehicles in the yard, feral cats roaming all over, windows left open or missing, lawn is 3 feet high. Neighbor would like to see property cleaned up, windows boarded, and secured or demolition. Original photos were provided to the Town Board in February of 2023, and again last night. Testimony from Mr. Pappas is that the structure is unsafe and unsanitary (property littered with junk) and ready to collapse. There was some discussion with Attorney Middleton regarding the photos and continuing action on the Montrose Avenue Property along with Exhibits A: A Mailing Slip, B: A Memorandum, Photos, and a letter, and additional mailings dated 9/2020 through 6/2021 that have been previously issued to the owners of the property.

Councilperson Bensley made the motion to make a resolution to give the property owner a written notice to comply with The Town Code Enforcement Officer, Supervisor, Attorney and other Town Officials, to secure and board up {including the second floor} and clean the property within 30 days, and demolition of the building within 60 days at the expense of the owners. If said procedures are not completed within the allotted 30 and 60 days, be it resolved that the Town of Binghamton will exercise the right to secure the property for the total cost at the expense of the owner, and place a lien on said property for the full amount of expenses occurred by the Town of Binghamton to secure and demolish said property. The Town Supervisor, Code Enforcement, Town Attorney and Other Town Officials are authorized to take further action as necessary to implement this resolution. Some discussion followed.

The motion was duly seconded by Councilperson Nye. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Nye, Bensley, Conklin

Nays: None

Abstained: None

Motion Carried

(Resolution Appended)

Public Hearing #1 closed at 4:08 p.m.

2. **Open: 4:29 p.m.**

Public Hearing to consider input on the Town of Binghamton proposed declaration that the building at 330 Park Avenue, Binghamton, New York 13903 (176.19-1-8) is unsafe and dangerous.

**Closed: 4:30 p.m.**

Property was deemed unsafe on February 16, 2021. A new owner purchased the property in October of 2021. Owner has been issued notices of the Public Hearing but did not show up for the Public Hearing. Phone messages have been left but there has been no response from owner. There was a discussion held regarding taxes owed, mailing notices of violations and order to remedy which get returned. Councilperson Bensley made a motion to pass a resolution whereas the Town Board has before it, a recommendation from the Town Code Enforcement Officer, to deem the structure and the property at 330 Park Avenue, Binghamton NY 13903 (176.19-1.8), unsafe and dangerous, and whereas the Town Board was required to conduct a Public Hearing with respect to said issues concerning said property. The Public Hearing was duly conducted on June 6, 2023. Therefore it being resolved, following the evidence presented to the Town Board at said Public Hearing, all of which was entered as a matter of record, and owner of property not appearing, The Town Board hereby deems and determines the property at 330 Park Avenue, Binghamton New York, 13903 as unsafe and dangerous, and the owners are to finish boarding up and securing the building, including the second floor within 30 days, by and at the expense of the owners, must demolish within 60 days of the Board order. Be it further resolved that should the owner fail to finish securing and boarding up the building including the second floor, within 30 days of receipt of this written notice, and if demolition fails to take place within 60 days of the Board order be it further resolved that the security of the building will be done by the Town of Binghamton at the owners expense, the Town of Binghamton may exercise the right to perform such work, and the Town of Binghamton shall place a lien on the property for all costs and expenses for such work and be it further resolved that the Supervisor, Code Enforcement Officer, Town Attorney and other Town Officials are authorized to take additional and further actions to implement this resolution. The motion was duly seconded by Councilperson Conklin. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Nye, Bensley, Conklin

Nays: None

Abstained: None

Motion carried

(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 Nye made a motion to pass a resolution to approve the following claims as audited:

<u>AUDITED CLAIMS</u>	<u>CLAIM #'S</u>	<u>AMOUNT</u>
GENERAL	421 - 450	\$ 36,267.41
HIGHWAY	404 - 420	\$ 13,124.41
LIGHTING	393	\$ 665.21
SEWER	394 -397	\$ 126,760.18

WATER 397 - 403 \$ 2,893.58

**TOTAL** \$ **179,710.79**

*(Please note: Check #40 was written for \$22.38. Original bill was issued for \$22.39. Check #397 charged to Sewer Department but should have been charged to Water Department)*

The motion was duly seconded by Councilperson Bensley. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Nye, Bensley, Conklin

Nays: None

Abstained: None

Motion carried.

(Resolution Appended)

### **RECOGNITION OF MINUTES**

There were no corrections of minutes for the Town Board Meeting of May 16, 2023

### **COMMUNICATIONS AND ANNOUNCEMENTS OFFICIALS AND COMMITTEE REPORTS**

#### **Planning Board**

Meeting with Joint Treatment Sewage Treatment plant for the Mill Street Project has taken place.

#### **Zoning Board of Appeals**

No Report

#### **Youth Commission**

No Report -No May meeting

#### **Code Enforcement**

There have been two Public Hearings. Community Center getting set for paving. New Windows at the Town Hall have been finished. There is a purchaser for Mr. Hussein's house on Powers Road. Mr. Pappas will address code requirements with buyer. Both Code Enforcement Officers will be attending classes this week out of town. Code Officer Soboleski is doing checks on CDBG grant recipient homes.

#### **Highway Department**

Mowing has started. Delay was from mowers needing parts to service.

Stoning and Oiling of roads starting June 29<sup>th</sup>.

Austin, new employee has started and is doing well and fitting in. Lee Cooper is back.

Quotes for Felters Road: Mark has had a chance to speak with Dave Chase and sent him the information that has been collected so far. There was a discussion at the meeting on prices, new parts, and installation of pumps. Mark needs more time to get quotes as the motors and pumps at the pump stations will continue to be addressed and will be revisited at the June 6, 2023 work session.

#### **TOB Volunteer Fire Co.**

No report

### **SUPERVISOR REPORT**

Supervisor Rounds read a letter from NYMER regarding the installation of master battery disconnect switches. Electrical fires have caused 12 million dollars in property loss for NYMER associates. In order to protect the assets of NYMER partners, the master battery disconnect switches must be in use. Supervisor Rounds and Highway Superintendent Leighton met with the city regarding the water leaks that occurred in the Town of Binghamton and the city. Spread sheet analysis showed the usage to be 70 thousand dollars over the usual amount. Two leaks were found. One was for the Town, one was for the city. The usage for the town would be up approximately 18 thousand dollars. The total leak cost was determined to be 50 thousand dollars. The city will be responsible for half of the cost of the leak and the town will be responsible for the other half. A claim will be filed with Smith Brothers for the financial loss the Town has incurred because of the leak.  
Deadline of July 18, 2023 Board Meeting to be set for the handbook review/updates.

### **UNFINISHED BUSINESS**

Update – Cell Service

Calls put out to Chuck Rogers and also the attorney for Verizon, and the project is in the works. Chuck Rogers spoke to Supervisor Rounds and said that there is no actual date of completion. Town has been waiting for over a year for this service, and hopefully within the next month the project will be completed. Broome County Mitigation – Five year update. Letter of intent must be sent back-Nick, Zach, Dave Chase, Mark Leighton are points of contact. Four meetings to be held in the next 8 months. Mill Street Sewer Lining Closeout- Project is finished.

### **NEW BUSINESS**

Councilperson Conklin made a motion to adjourn into an executive session at 5:28 p.m.  
Councilperson Bensley duly seconded the motion. All present voted in favor of going into an Executive Session.

Councilperson Conklin made a motion to adjourn the executive session and return to the work session.  
Councilperson Bensley duly seconded the motion. All those present voted to adjourn.  
Executive Session closed at 5:55 p.m.

### **ADJOURNMENT**

- A motion was made by Councilperson Bensley to adjourn the work session at 5:56 p.m. and was duly seconded by Councilperson Nye. All those present voted to adjourn.

**LOOKING AHEAD:** Town Board Regular Meeting – Tuesday, June 20 @6:00p.m.  
Town Board Work Session – Tuesday, July 6 @ 4:00p.m.

Respectfully Transcribed and Submitted

Paula J. Edwards  
Deputy Town Clerk



Tracy Tokos  
Town Clerk

