

TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
October 3, 2023 at 4:00 PM

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 Roll Call
 Public hearing
 Approval of Audited Claims
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 Recognition of Minutes
 Communications and Announcements
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MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, October 3, 2023, 4:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON NEW YORK.

CALL TO ORDER 4:00 p.m.

ROLL CALL:

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

OTHERS PRESENT:

T. Tokos, Town Clerk
G. Middleton, Town Attorney
M. Leighton, Highway Superintendent.
N. Pappas, Code Enforcement Officer/Buildings and Grounds.
Z. Soboleski, Code Enforcement Officer/Buildings and Grounds
D. Lewis, TOB Volunteer Fire Co.

2 Guests – Bill McGowan – Planning board member.
John Watson – Binghamton Solar, LLC

PUBLIC HEARING: 4:01 – To receive public input on this issue and to evaluate and consider adoption of the foregoing.

The Town Clerk affirmed that the Notice of Public Hearing had been properly posted and published. The purpose of the Public Hearing is to approve the 4 agreements between the Town of Binghamton and Binghamton Solar, LLC. Supervisor Rounds read the proposed Resolutions, a copy of each is appended hereto.

Supervisor Rounds opened the floor at 4:01

• **Host Community Agreement –**

Deputy Supervisor Donahue made a motion to adopt the Resolution to approve the **Host Community Agreement** between Binghamton Solar LLC, a Delaware Limited Liability Company, and the Town of Binghamton, Broome County, New York. The motion was duly seconded by Councilperson Nye. All those present voted in favor of the motion. A roll call vote resulted in the following:

Ayes: Donahue, Nye, Conklin, Bensley Rounds
Nays: None
Abstained: None

Motion Carried.

- **Pilot Payment –**

Councilperson Nye made a motion to adopt a resolution to approve the **Pilot Payment in Lieu of Taxes Agreement for Solar Energy Systems Pursuant to Real Property Tax Law 487**, between the Town of Binghamton, The Susquehanna Valley School District, The County of Broome and Binghamton Solar LLC. 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, Nye, Conklin, Bensley,

Absent:

Nays: None

Abstained: None

Motion Carried.

Road Use Agreement -

Deputy Supervisor Donahue made a motion to adopt a resolution to approve the **Road Use Agreement** between the Town of Binghamton and Binghamton Solar LLC, a Delaware Limited Liability Company. Whereas, the company intends to permit, construct, operate and maintain solar energy facilities with an aggregate size of 5.00-Megawatt AC nameplate capacity that will generate electric power (the “Solar Project”) on approximately 30 acre portion of property at 57 Powers Road, Binghamton, New York 13903 (Tax Parcel ID number 161.14.1.35.11, (“the Property”) being located within the Town of Binghamton, Broome County, New York, and Whereas, the Town through its Planning Board, Zoning Board of Appeals and Town Board took the requisite action and issued to Company the requisite approvals (collectively, the “Approvals”) in respect of the Solar Project, and Whereas, Company intends to engage in the construction of the Solar Project (“Solar Project Construction Activities”) The motion was duly seconded by Councilperson Conklin. Councilperson Nye brought forth a discussion regarding conflicts and it was determined that there are none. Councilperson Bensley inquired as to how long after completion will there be road repairs. There was discussion with Attorney Middleton on these issues. All those present voted in favor of the motion. A roll call vote resulted in the following:

Ayes: Rounds, Donahue, Nye Conklin, Bensley.

Absent: None

Nays: None

Abstained: None

Motion Carried.

Decommissioning Agreement -

Councilperson Conklin made a motion to accept the **Decommissioning Agreement** between the Town of Binghamton, and Binghamton Solar LLC, a Delaware Limited Liability Company. Robert Haskell, as the fee owner of the real estate shall execute this Agreement to acknowledge

he is aware of the conditions, obligations and responsibilities of this Agreement and the Town of Binghamton Local Law 240.57. 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, Nye, Conklin, Bensley,

Absent: None

Nays: None

Abstained: None

Motion Carried

Supervisor Rounds closed the floor at 4:07 p.m.

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. There was no meeting.

APPROVAL OF AUDITED CLAIMS:

Deputy Supervisor Donahue 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	792 -815	\$ 14,748.32
HIGHWAY	780 - 791	\$ 81,162.46
LIGHTING	767	\$ 719.11
SEWER	768 - 771	\$ 4,209.36
WATER	771 -779	\$ 3,220/37
	<u>TOTAL</u>	<u>\$ 104,095.62</u>

Highway Fund – Pulling Voucher #788. Waiting for a revised bill.

The motion was duly seconded by Councilperson Bensley. Members present voted to pass the resolution. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds Nye, Bensley, Conklin, Donahue,

Absent: None

Nays: None

Abstained: None

Declared adopted.

(Resolution appended)

RECOGNITION OF MINUTES

- Town Board Minutes – September 19, 2023

COMMUNICATIONS AND ANNOUNCEMENTS:

- Columbus Day – TOB Municipal Buildings will be closed Monday, October 9, 2023 in observance of the holiday.
- Councilmembers Donahue and Conklin attended the Broome County association of Towns and villages meeting. The speaker was present to ask Municipalities to approve a resolution to ask NYS to audit the voter rolls.

OFFICIALS AND COMMITTEE REPORTS:

Planning Board

- The next meeting will be held on Tuesday, October 24, 2023 at 6:30 p.m.

Zoning Board of Appeals

- There will be a joint meeting with the Planning Board on October 24, 2023 at 6:30 p.m.

Youth Commission

- No Updates

Code Enforcement/Buildings & Grounds

- Update on 220 Park Avenue and 1978 Montrose Ave. – No response from the homeowners at both properties. Attorney Middleton will file the necessary paperwork and once paperwork is filed a court date will be set.
- Cadden Property – Attorney Middleton explained that there are no liens other than the Town of Binghamton liens on the property. In 1998, there was a \$153.88 judgement. In 2017, there was a \$4,250.00 judgement. The estate is currently open.
- The TOB girls' softball DWI tournament contacted Mr. Pappas regarding reserving the Jackson Park fields for the July 11-13, 2023 tournament. The Board made a motion to tentatively approve the request. Mr. Pappas will check with Chris Streno to make sure that the field is available.
- Clean up went well. It was mentioned that some help unloading items would be useful in the future to help the person collecting the electronics.

Highway Department

- Currently in the process of flushing hydrants. Branch and brush pick up dates have been set.
- Leaf pick up will begin next week. Mowing has been finished. Maintenance has been started on leaf remover.
- The NYSDEC will be completing a ground water investigation of the TOB's landfill. Parsons, the company doing the work for the DEC, will be taking samples of the water over the next few months.
- The trailer has been deemed as no good. There is an estimate of \$3,000 to repair, or \$15,000 to replace. Superintendent Leighton will check into option of fixing.
- It was mentioned that Morgan Road and Gardner Road needs new signs to properly direct vehicles as to which road is which at the split. Mark Leighton will go through South Mountain checking various road signs as it was mentioned that the roads are only marked at one end.
- There needs to be a Board resolution for the weight limit on Noyes and Foland roads for large trucks to be deterred from using these road as a travel route.

TOB Volunteer Fire Co.

- Chief Darin Lewis attended the meeting to address the Board regarding the new 2024 Fire Department Budget. The request for an increase in their annual budget is being reviewed by the Town Board members. There were questions in regards to this matter.

SUPERVISOR REPORT: No report.

UNFINISHED BUSINESS:

- A public hearing was set for Thursday November 9, 2023 at 4:01 p.m. for the Repealing and Replacing of Local Law No.1 of 1981, NYS Uniform Fire Prevention and Building Code. This will repeal the Local Law and code from 1981, and update the current code.

Councilperson Conklin made a motion to pass a Resolution to set a Public Hearing at the next Town board Work Session Meeting on Thursday November 9, 2023 at 4:01 p.m. There was discussion regarding 2 corrections needed. The motion was duly seconded by Deputy Supervisor Donahue. All those present voted in favor. A roll call vote resulted in the following:

Ayes: Rounds, Nye, Donahue, Conklin, Bensley.

Absent: None

Nays: None

Abstained: None
Motion carried.

(Resolution Appended)

NEW BUSINESS:

- The Town Board set a date for a special Budget Meeting – Tuesday October 10,2023 at 10:00 a.m.
- The Town Board set a Public Hearing for the Approval of the 2024 Town Budget. The Public Hearing will be at the Town Board Work Session Meeting on Thursday November 9, 2023 at 4:02 p.m.

Deputy Supervisor Donahue made a motion to pass a Resolution to set a Public Hearing at the Town board Work Session Meeting on Thursday November 9, 2023 at 4:02 p.m. for approval of the 2024 Town Budget. The motion was duly seconded by councilperson Conklin. All those present voted in favor. A roll call vote resulted in the following:

Ayes: Rounds, Nye, Donahue, Conklin, Bensley.

Absent: None

Nays: None

Abstained: None

Motion carried.

(Resolution Appended)

- A Resolution was adopted by the Town Board regarding THE AUDIT OF ELECTIONS on Tuesday October 3,2023 at a regularly scheduled Town Board Work Session. Whereas the Town Board of the Town of Binghamton finds that open, fair and accurate elections are fundamental to the democratic process in New York.

Councilperson Nye made a motion to adopt a Resolution regarding THE AUDIT OF ELECTIONS, the motion was duly seconded by Councilperson Bensley. All those present voted in favor. A roll call vote resulted in the following:

Ayes: Rounds, Nye, Donahue, Conklin, Bensley.

Absent: None

Nays: None

Abstained: None

Motion carried.

(Resolution Adopted)

NEW BUSINESS: (Continued)

- Code enforcement officer Nick Pappas presented 3 quotes for labor only to set the trusses and install the metal roof on the garage addition at the Town hall. The Lowest quote was awarded to Raymond in the amount of \$4,876.08

Councilperson Nye made a motion to adopt a Resolution to accept the Quote from Raymond in the amount of \$4,876.08 for labor only. The motion was duly seconded by Councilperson Conklin. All those present voted in favor. A roll call vote resulted in the following:

Ayes: Rounds, Nye, Donahue, Conklin, Bensley.

Absent: None

Nays: None

Abstained: None

Motion carried.

(Resolution Adopted)

ADJOURNMENT:

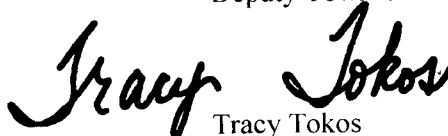
- A motion was made by Councilperson Bensley to adjourn the meeting at 6:05p.m. and was duly seconded by Councilperson Nye.

LOOKING AHEAD: Town Board Regular Meeting – Tuesday, October 17,2023 @6:00p.m.
Town Board Work Session – Thursday, November 9, 2023 @ 4:00p.m.

Respectfully Transcribed and Submitted



Paula J. Edwards
Deputy Town Clerk



Tracy Tokos
Town Clerk