

**TOWN OF BINGHAMTON
TOWN BOARD**

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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, JANUARY 16 AT 6:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

The meeting was called to order at 6:03 p.m. by Supervisor Rounds.

ROLL CALL:

| | | | |
|-------------------------------|---------|---------------------------|---------|
| E. Rounds, Supervisor | Present | D. Nye, Councilperson | Absent |
| M. Donahue, Councilperson | Present | V. Conklin, Councilperson | Present |
| M. Bensley, Deputy Supervisor | Present | 3 guests | Present |

OTHERS PRESENT:

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

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:

(Abstract #3 – 2024)

| | | | |
|----------|-------------------|-----------|-------------------|
| Lighting | Claim No. | \$ | |
| Sewer | Claim No. 14 - 18 | \$ | 123,869.32 |
| Water | Claim No. 18 - 20 | \$ | 4,750.88 |
| Highway | Claim No. 22 - 23 | \$ | 16,360.91 |
| General | Claim No. 33 - 43 | \$ | 9,407.65 |
| | TOTAL | \$ | 155,046.72 |

(Abstract #4 -2023)

| | | | |
|----------|-----------------------|-----------|------------------|
| General | Claim No. 1121 – 1133 | \$ | 8,811.20 |
| Highway | Claim No. 1115 – 1120 | \$ | 1,318.34 |
| Lighting | Claim No. 1113 | \$ | 40.00 |
| Water | Claim No. 1114 | \$ | 2.00 |
| | TOTAL | \$ | 10,171.54 |

A motion was made by Councilperson Donahue to approve the audited claims. Councilperson Conklin duly seconded the motion.. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

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

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

RECOGNITION OF MINUTES:

Work session minutes – January 2, 2024 correction to the Meeting for the ZBA and the Planning Board. – The meeting is Tuesday, January 23, 2024.

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comments at 6:04 p.m.

There being no presentations, the floor was declared closed at 6:04 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS

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OFFICIALS AND COMMITTEE REPORTS:

Planning Board

Meeting to be held January 23, 2024 at 6:30 p.m. - Legal Corner to be held at 6:30 p.m.

Zoning Board of Appeals

Meeting to be held January 23, 2024 at 6:30 p.m. – Attorney Middleton will discuss zoning and codes in the Town of Binghamton.

Youth Commission

We are now in the second half of basketball season which will run through mid to late February. Softball and Lacrosse registration forms will be distributed at the end of basketball season. Lacrosse registration will now include 3rd and 4th grades. Football helmets have been sent out for reconditioning and this will certify the them for the next two years.

Code Enforcement/ Building and Grounds –

Code officer Pappas has spoken to Mr. Smith in regards to the tear down of 330 Park Avenue. Mr. Smith informed Mr. Pappas that he will be coming in to get a tear down permit for that location. The pre-arranged 30 day contract deadline for the tear down is Monday, January 22, 2024. Mr. Pappas will follow up on this matter with Mr. Smith.

Code officer Soboleski has procured 2 quotes for the best option R value spray insulation for the garage ceiling that will completely air seal the area, and is waiting on a third quote. Presently, there is already foam walls in the garage. Councilperson Donahue questioned if the spray foam is fireproof. The present quotes are \$19,000 from Foam-It of Binghamton, and a lower quote of \$10,000 is from the Reeves Company in Owego. Mr. Soboleski stated that the R value may be able to be dropped if run through the RESCHECK program. He has reached out to Griffith Engineering to make sure he was in the program correctly. Involvement with the RESCHECK program may lower the R value and bring the cost of the fireproof foam down. Mr. Soboleski will email the Town Board members when the 3rd quote has arrived. And a decision will be made at that time on which quote to go with.

Highway Department

The Town of Binghamton Drug Policy has been updated and is available for review. Attorney Middleton can send electronic copies out if needed. The updates were straight forward and comply with the CFR Federal Regulations Provisions for the Operation of Equipment. Supervisor Rounds had received an email from Highway Superintendent Leighton regarding the purchase of tires for some of the highway vehicles, but due to him not attending the meeting with information for the entire board, she will request that Superintendent Leighton forward the email to the Town Board for later discussion.

There was a short discussion on the purchase of two trucks for the highway department. Money has been previously allotted in the budget for this purchase.

Deputy Supervisor Bensley made a motion to authorize bids for 2 – 2023 or newer, each to be a 1 1/2 ton truck with plow, wing and 9ft dump body. Bids to be available for inspection, January 22, 2024 and due back by February 20, 2024 by 12:00p.m. Bids will be opened on February 20, 2024 at 12:01p.m. Councilperson Conklin duly seconded the motion. All those present voted in favor of the motion. Motion carried. A roll call vote resulted in the following:

Ayes: Rounds, Bensley, Donahue, Conklin

Absent: Nye

Nays: None

Abstained: None

Declared adopted.

(Resolution Appended)

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

Town Clerk’s Monthly Report for December 2024
DCO Monthly Report for December 2024
Code Enforcement Officer’s Monthly Report for December 2024

TOB Volunteer Fire Co.

There have been 10 calls in the past month. – including 2 house fires, 2 mutual aid, 2 EMS, 2 CO/Hazardous condition, 1 wire down, and 1 brush fire call. The previous date for the Public Hearing has been canceled. Councilperson Conklin made a resolution to set the Public Hearing for the Fireman’s Contract to be February 6, 2024. Councilperson Donahue duly seconded the motion. All those present voted in favor of the motion. A roll call vote resulted in the following:

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

Absent: Nye

Declared adopted
(Resolution Appended)

Supervisor Report

Supervisor Rounds reported that since the addition of the extension on the Ingraham Road tower, the cell phone service has greatly improved over what it had been. Calls are not dropping as fast as they had and people can actually make cell calls out of their homes instead of having to go outside and walk around to find a connection. Going forward, Supervisor Rounds mentioned that she believes that AT&T is a better carrier for the southern part of the Town. More discussion on this will be presented in the Spring once the leaves have come out-to see if this updated service is affected by foliage.

UNFINISHED BUSINESS:

CDL Update: Supervisor Rounds met with Bob Firmstone and two Union members from the highway department. The town policy is that the employee pay up front for the cost of training for and receiving a CDL license, sign a 3 year contract with the town, and over the 3 years, the town would refund the entire cost of the CDL training and licensing to the employee. Deputy Highway Superintendent Tom Hanna found a CDL program through SAGE, for \$1620.00. Original proposal to employee Austin Mooney, was that he was given the option to pay \$810.00 upfront if the town will cover the other \$810.00, with a 2 year contract, no funds to be returned to Mooney at the end of his two year contract, OR, pay the full amount upfront and be repaid by the town at the end of his contract. Supervisor Rounds and the Town Council will await his decision. Whatever Austin decides to do will be the CDL policy for the Town.

Due to a sewer issue on a property on Cynthia drive, Supervisor Rounds met with Attorney Middleton, Councilperson Mike Donahue, and Highway Superintendent Mark Leighton to weigh the town options. Attorney Middleton stated that 3 different options were received in an

email, extending from the terminus on Cynthia Drive, extending from the elbow on Cynthia drive, and eminent domain, none which make financial sense for the town at this point. Attorney Middleton stated that a septic system will be allowed.

NEW BUSINESS

VOICE OF THE PUBLIC:

Supervisor Rounds opened the floor to the public for comment at 6:31p.m.

Justin Fisher – owner of 3250 Cynthia Drive, discussed the sewer issue. Mr. Fisher stated that he was given a permit to install sewer lines from his new home build on Cynthia Drive to the street. This permit was given in error by the town. He is now expressing concern because the cost to put the line to the street was approximately \$15,000. The cost of the sewer permit was \$250 and has already been refunded to Mr. Fisher. Supervisor Rounds inquired if Mr. Fisher had a chance to speak to the owner of the neighboring property-Mr. Kachmarik regarding running a sewer line on his property. Mr. Kachmarik has concerns about where the line would be located on his property. Mr. Fisher will speak with him again. Councilperson Donahue informed Mr. Fisher that the cost to run 450 feet of line to the sewer main would be approximately \$80,000. A water line was installed in the same trench as the sewer line at the time. Supervisor Rounds informed Mr. Fisher that for one house, it's not feasible for the town to install a single sewer line at that cost. Joining into the consolidated water district was discussed, and Councilperson Donahue informed Mr. Fisher that the cost to connect to the water district would be billed on his taxes. Mr. Fisher thanked the board for allowing him to speak during this public hearing and will let the Supervisor and Council know what the outcome of another conversation with Mr. Kachmarik is.

John Rasmussen and Diana Rasmussen – 3249 Cynthia Drive informed the Council that 10 years ago, he attended a Planning Board Meeting where he learned a lot about the slopes and conditions of the property in question (3250 Cynthia Drive). He stated that 2 years ago, he spoke to the Council about going to the Planning board as this property is divided into 3rds, now 4. He feels this matter needs to be addressed by the Planning board. He expressed his concern for Mr. Fisher who purchased the property, being known that it is not in the water or sewer district, and was not told as such. Rasmussen stated that if Mr. Fisher/ Town had gone through the planning board, that these arrangements could have been made before the build of the house had started. Deputy Supervisor Bensley informed Mr. Rasmussen that it's the developer of the property who goes to the planning board, not the town/property owner. Mrs. Rasmussen stated that they had had this problem with the Kaufmans and not enough water supply. Supervisor Rounds informed Mrs. Rasmussen that the situation with Kaufman was different as they wanted to build a development. Mrs. Rasmussen stated that there needs to be better communication with residents. Supervisor Rounds informed the Rasmussens that this error was an honest mistake, and that it is not the town who goes to the Planning Board and that no one is going to the Planning Board for a subdivision, or the two independent houses. Mrs. Rasmussen informed Supervisor Rounds that there are 3 houses going up, that logs have been put across the Hawthorne Creek and that the road is a mess, and the road is eroding. Code Enforcement Officer Nick Pappas informed Mrs. Rasmussen that there is a sluice pipe at that location on Hawthorne Creek and the property owners can put a driveway on their property whether they are building or not. Supervisor Rounds

stressed to Mrs. Rasmussen that any deed restrictions are not the Town's responsibility to enforce. Code Enforcement Officer Soboleski informed Mr. Rasmussen that unless there is more than one acre that is developed the town can't enforce the SWPPP, and that the highway can't enforce any debris brought into the road. Supervisor Rounds stated that the Stanton's have enough acreage to build 3 houses, but presently only building two. Supervisor Rounds asked what the Rasmussens are complaining about and Mr. Rasmussen responded that he is complaining about silt being deposited into the water supply. Mrs. Rasmussen expressed her frustration even though she was informed by Attorney Middleton that the town is limited by law, how much can be regulated on other people's properties.

Supervisor Rounds declared the floor closed at 7:06p.m.

ADJOURNMENT:

A motion was made by Deputy Supervisor Bensley to adjourn the meeting at 7:08 p.m. and was duly seconded by Councilperson Conklin. 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, February 6, 2024 @ 4:00 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

The Next Town Board Meeting will be held on Tuesday, February 20, 2024 @ 6:00 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Transcribed by,

Paula J. Edwards
Deputy Town Clerk

Respectfully submitted,

Tracy Tokos
Town Clerk

