

**TOWN OF BINGHAMTON  
TOWN BOARD  
March 18, 2025**

Page 2	Pledge of allegiance Roll call Public Hearing
Page 3	Public Hearing (Continued) Approval of Audited Claims
Page 4	Recognition of Minutes Voice of the Public Communications and announcements Officials and Committee Reports
Page 5	Officials and Committee Reports (Continued) Unfinished Business
Page 6	New Business Voice of the Public Adjournment Looking ahead

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, March 18, 2025 AT 6:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.**

**CALL TO ORDER: 6:00 p.m.**  
**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

E. Rounds, Supervisor	Present
M. Bensley, Dep. Supervisor	Present
D. Nye, Councilperson	Absent (Present Via zoom for observation only)
M. Donahue, Councilperson	Present
V. Conklin, Councilperson	Present

**OTHERS PRESENT:**

Tracy Tokos, Town Clerk	Ray Mastin, Planning Board
Gina Middleton, Town Attorney	David West, Planning Board
M. Leighton, Highway Superintendent	Bill McGowan, Planning Board
Zack Soboleski, Code Enforcement, Buildings & Grounds	Kim Edwards, Resident
K. Olds, TOB Volunteer Fire Company	Jonathan Gaffney, Resident
	Debra Cook, Resident

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. An executive session will be held today as an Attorney/Client Privilege.

**6:01 P.M. PUBLIC HEARING:** The Town Board of the Town of Binghamton, Broome County, New York has approved a resolution calling for a public hearing to consider public comments on the proposed Local Law #2 of 2025 entitled "A Local Law Re-Zoning of Tax Map Number 177.01-1-30.111, Tax Map Number 177.01-1-46, Tax Map Number 177.01-1-29, Tax Map Number 161.18-1-19, Tax Map Number 161.17-1-6, Tax Map Number 161.17-1-5, Tax Map Number 161.18-1-27.1, Tax Map Number 161.70-1-40 and Tax Map Number 161.70-1-39 From The Residential One-Family (R1) District To The Industrial District (I)." The public hearing will be held at the Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, March 18, 2025 at 6:01 P.M., at which time all persons interested in the subject matter thereof will be heard.

Supervisor Rounds started the Public Hearing noting that she has spoken with several residents who were unable to attend for numerous reasons, she read a list of 5 resident letters that were returned as undeliverable, and she also gave Attorney Middleton a few letters to read aloud from other residents whom were unable to attend but wanted to voice their opinion on the rezoning. She stated that she did assure all the residents that she spoke to and to any in the audience that their taxes will not be affected if the area is rezoned Commercial.

The floor was then opened to residents in the audience-

Kim Edwards – 2255 Pierce Creek Rd. Spoke regarding the water that runs over her driveway when it rains. She feels that any disturbing of the ground causes issues. She

worries of what will become of the area if more commercial businesses come in and make changes.

Kevin Olds – 674 Progy Rd. Spoke regarding the possibility of decline in future sales of homes that are now located in a commercial zone.

Jonathan Gaffney – 150 Powers Rd. – Mr. Gaffney spoke regarding his building and that he does not feel that his building nor future building, if allowed, poses any threat and that he is surrounded by commercial properties. He believes that he received a permit and he will search his records for it.

The Public Hearing was mainly to get the public's opinion.  
There were no other speakers.

Public Hearing Closed 6:35 P.M.

Resolution passed to approve an additional extension to the time period provided to the Town of Binghamton Planning Board pursuant to Town of Binghamton Town Code § 240-67 for the provision of a recommendation on Rezoning Local Law #2 of 2025 to April 14, 2025.

#### APPROVAL OF AUDITED CLAIMS:

##### ABSTRACT # 9

There was some discussion of the Highway Credit card bill interest charge and late charge due to payment being due before the Board approves payment.

Councilperson Conklin made a motion to adopt a Resolution to approve the following claims as audited:

General	Claim No. 187 - 209	\$ 28,927.81
Highway	Claim No. 176 - 186	\$ 21,153.28
Lighting	Claim No. 173	\$ 33.31
Sewer	Claim No. 174	\$ 1,241.74
Water	Claim No. 174 - 175	\$ 1,302.69
<b>TOTAL</b>		<b>\$ 52,658.83</b>

The motion was duly seconded by Councilperson Donahue. Most present voted in favor of the motion. A roll call vote resulted in the following:

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

Declared adopted.

Motion carried.

### **RECOGNITION OF MINUTES:**

- Work Session Minutes of March 4, 2025 - Approved.

### **VOICE OF THE PUBLIC:**

- Supervisor Rounds opened the floor at 6:42 p.m. No one was present to speak. Floor closed.

### **COMMUNICATIONS AND ANNOUNCEMENTS:**

- The Broome County Associations of Towns next meeting will be Thursday April 24, 2025 at Tony's in Endicott this month's speaker will be the President of The New York State Associations of Towns.

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

**Planning Board – Zoning Board of Appeals** - There will be a joint meeting on April 28, 2025.

#### **Youth Commission –**

- Basketball season has completed. Baseball and Softball registrations continue through this week. Open Gyms and more team specific practices will begin as soon as Monday.
- Youth Lacrosse is going to be privately run and is no longer a town program. The previously purchased equipment is in the process of being inventoried and the town will be reimbursed for it.

#### **Code Enforcement/Buildings and Grounds –**

- 1958 Montrose Ave. – Progress is going slow, there is a pending code case. The resident is having some financial restrictions. If the resident does not comply with the orders the next step is going to Supreme Court.

#### **Highway -**

- Road maintenance is progress, Sweeping, shoulder work, picking up debris from the wind, and winter clean up.
- Plowing equipment in process of being cleaned up, repaired and put away.
- Brush and branch pick up will be starting on Monday April 7 – May 2, 2025 no need to call for pick up. Leave on the curb and they will be around regularly to pick up.
- Next hydrant flushing dates will be May 6, 7 and 8<sup>th</sup>.
- More discussion on the new Volvo plow truck. Mark will have more information at the Work Session April 1<sup>st</sup>.

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

- Town Clerk's Monthly Report for February 2025
- DCO Monthly Report for February 2025

- Code Enforcement Officer's Monthly Report for February 2025

#### **TOB Volunteer Fire Co: -**

- The Fire Company responded to a total of 13 calls – 1 Stand by for the City of Binghamton Funeral, 3 fires, 3 EMS, 1 MVA, 1 water, and 1 Co2, 2 tree down, and 1 brush fire.

#### **Supervisor: -**

- Supervisor Rounds read a report regarding the Broome County Humane Society Dog shelter inspection. The Municipal shelter inspection passed with flying colors.
- The Community Center will be ready for rental May 1, 2025
- The Senior Commission will be using the Community Center for meeting and gatherings at certain times when necessary.

#### **Senior Commission: -**

- There was a presentation by the NYS Blue Bird Association on Tuesday March 18<sup>th</sup>. There were 12 people in attendance, it was a very informative.
- Wednesday March 26<sup>th</sup> the seniors will be making Blue Bird houses; materials will be provided. Dennis See has cut all the wood and houses will just need to be assembled.
- Thursday March 27<sup>th</sup> there will be a stitchers meeting. Crotchets, knitting, sewing etc.
- In April there will be a Ukrainian egg making. Dates to be announced.

PLEASE NOTE! Most activities take place at the Town Hall from 2p.m.- 4p.m. unless otherwise noted!

#### **UNFINISHED BUSINESS:**

- John Watson from Atlas Solar, LLC joined the Board Meeting via Zoom. He updated the board on the Progress he is making on the Solar project. Assuring them that he is very close to closing on the Project financing with the bank. He gave other details on the project i.e. panels, Geo tech, site layout, setting of the panels, etc. They plan to be applying for the building permit very soon. They answered questions from the Board and will be sending information of the components break down to show that a Majority of the materials are made in America.
- Town Board to approve the Town of Binghamton Health Reimbursement Arrangement (HRA) Rollover Policy.

A motion was made by Deputy Supervisor Bensley to adopt the Town of Binghamton Health Reimbursement arrangement (HRA) Rollover Policy. The motion was duly seconded by Councilperson Donahue. All other present voted in favor of the motion. Motion carried. A discussion regarding where the forfeited monies will go and it was determined that the monies will go back into the fund balance of that Department.

- Update Clothing/boot Allowance policy – New shoe store plus has our Tax-exempt certificate on file. You must ask them for an itemized copy of your purchase receipt to give to Nadine or Sandra. If you shop on line or in any other store you must submit a receipt to Sandra for reimbursement. you can get a Tax-Exempt form from Sandra to take with you to present to the store for Tax exemption. And 1 pair of boots must be purchased annually.

A motion was made by Councilperson Conklin to adopt the Town of Binghamton Clothing/Boot allowance Policy. The motion was duly seconded by Councilperson Donahue all others present voted in favor of the motion. Motion carried.

**NEW BUSINESS** – A motion was made to adopt a Resolution Approving Issuance of Tax-Exempt Note for the Town of Binghamton Volunteer Fire Company, Inc.

**(The Resolution is attached at the end of the Minutes)**

**VOICE OF THE PUBLIC**- Supervisor Rounds opened the floor at 7:48 P.M. No one present chose to speak. The floor closed at 7:48 P.M.

### **ADJOURNMENT-**

A motion was made by Councilperson Conklin at 7:49 P.M. to go into Attorney/Client Privilege session. Councilperson Donahue duly seconded the motion. All those present voted in favor of the motion. Motion carried.

A motion was made by Councilperson Donahue at 8:15 P.M. to reenter the Board Meeting, Deputy Supervisor Bensley duly seconded the motion. All present voted in favor. Motion carried.

A motion was made by Councilperson Conklin at 8:18 P.M. to adjourn the meeting. Deputy Supervisor Bensley duly seconded the motion. All those present voted in favor of the motion. Motion carried.

### **LOOKING AHEAD**

*The next meeting of the Town of Binghamton Town Board will be a Work Session to be held on Tuesday April 1, 2025 @ 4:00 P.M., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.*

*The next regular Town Board Meeting will be held on Tuesday April 18, 2025 @ 6:00 P.M.*

Respectfully Recorded, Transcribed and submitted by,



Tracy Tokos,  
Town Clerk



APPROVING ISSUANCE OF TAX EXEMPT NOTE  
FOR THE TOWN OF BINGHAMTON VOLUNTEER FIRE COMPANY, INC.

A regular meeting of the Town Board of the Town of Binghamton, Broome County, New York, was convened in public session at the Town's offices located at 279 Park Street, Binghamton, New York, on March 18, 2025, at 6 o'clock p.m., local time.

The meeting was called to order by Supervisor Rounds, and upon roll being called, the following were:

PRESENT:

<u>✓</u>	Supervisor <u>Rounds</u>
<u>✓</u>	Member <u>Bensley</u>
<u>✓</u>	Member <u>Donahue</u>
<u>✓</u>	Member <u>Conklin</u>

ABSENT: Member Dean Nye

The following resolution was offered by Bensley and seconded by Conklin, to wit:

RESOLUTION APPROVING ISSUANCE OF A TAX EXEMPT NOTE BY THE TOWN OF BINGHAMTON VOLUNTEER FIRE COMPANY, INC. TO THE BANK OF GREENE COUNTY IN THE MAXIMUM PRINCIPAL AMOUNT OF ONE MILLION ONE HUNDRED TWENTY THOUSAND (\$1,120,000) DOLLARS TO FINANCE THE ACQUISITION OF A SQUAD FIRE TRUCK.

WHEREAS, the Town of Binghamton Volunteer Fire Company, Inc. (the "Fire Company"), a New York not-for-profit corporation, provides firefighting services within the jurisdiction of the Town of Binghamton, New York, for the portion of the Town of Binghamton described in the service agreement dated January 1, 2025, between the Town of Binghamton (the "Town") and the Town of Binghamton Volunteer Fire Company; and

WHEREAS, the Town of Binghamton Volunteer Fire Company is seeking to obtain a loan from The Bank of Greene County by the issuance of one or more notes on a tax exempt basis in an aggregate amount not to exceed One Million One Hundred Twenty Thousand (\$1,120,000.00) Dollars (the "Note") to finance the acquisition of a squad fire truck for the Town of Binghamton Volunteer Fire Company, to be issued as an obligation the interest on which will be excluded from gross income for federal income tax purposes pursuant to Section 150(e) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Note will not be excluded from gross income for federal income tax purposes unless the issuance of the Note by the Town of Binghamton Volunteer Fire Company shall be approved by the Town Board after the President or Vice President of the Town of Binghamton Volunteer Fire Company has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, that on March 3, 2025, the President of the Town of Binghamton Volunteer Fire Company held a public hearing to consider the approval of the Note, after public notice given in accordance with the Code, and a transcript or summary report has been made available to each member of the Town Board prior to this meeting; and

WHEREAS, the members of the Town of Binghamton Volunteer Fire Company provide firefighting services within the Fire Protection District within the Town pursuant to a written contract for services entered into pursuant to Section 18 of the Town Law; and the Fire Protection District served by the Fire Company is not serviced by any other fire company or department; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

For the sole purpose of qualifying the interest payable on the Note for exclusion from gross income pursuant to the provisions of Section 150(e) of the Code, the Town Board hereby approves the issuance of the Note by the Town of Binghamton Volunteer Fire Company in a principal amount estimated not to exceed One Million One Hundred Twenty Thousand (\$1,120,000.00) Dollars, provided that the Note shall be an obligation of the Town of Binghamton Volunteer Fire Company and not of the Town.

THE NOTE SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR THE TOWN OF BINGHAMTON, NEW YORK, AND NEITHER THE STATE OF NEW YORK NOR THE TOWN OF BINGHAMTON, NEW YORK, SHALL BE LIABLE THEREON.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

<u>Conklin</u>	VOTING: <u>aye</u>	<del>naye</del>
<u>Donahue</u>	VOTING: <u>aye</u>	<del>naye</del>
<u>Bensley</u>	VOTING: <u>aye</u>	<del>naye</del>
<u>Rounds</u>	VOTING: <u>aye</u>	<del>naye</del>

The Resolution was thereupon declared duly adopted.



## CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

He/She is the duly qualified and acting Town Clerk of the Town of Binghamton, Broome County, New York (hereinafter the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

Attached hereto is a true and correct copy of a Resolution duly adopted at a meeting of the Town Board of the Town of Binghamton, held on the 18<sup>th</sup> day of March, 2025, and entitled

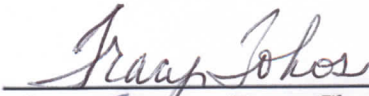
RESOLUTION APPROVING ISSUANCE OF A TAX EXEMPT NOTE BY THE TOWN OF BINGHAMTON VOLUNTEER FIRE COMPANY, INC. TO THE BANK OF GREENE COUNTY IN THE MAXIMUM PRINCIPAL AMOUNT OF ONE MILLION ONE HUNDRED TWENTY THOUSAND (\$1,120,000.00) DOLLARS TO FINANCE THE ACQUISITION OF A SQUAD FIRE TRUCK.

Said meeting was duly convened and held and said Resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (a majority of the Town Board) voted in the proper manner for the adoption of the Resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

The seal appearing below constitutes the official seal of the Town, and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set his/her hand this 18<sup>th</sup> day of March 2025.



  
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Tracy Tokas, Town Clerk