

TOWN OF BINGHAMTON
TOWN BOARD
July 10, 2018

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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, JULY 10, 2018, 7:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

The meeting was called to order at 7:03 p.m. by Supervisor Whitesell.

PLEDGE OF ALLEGIANCE

ROLL CALL:

T. Whitesell, Supervisor	Present	N. Yezzi, Deputy Supervisor	Absent
N. Cline, Councilperson	Present	E. Rounds, Councilperson	Present
V. Xlander, Councilperson	Present		

OTHERS PRESENT:

V. Conklin, Town Clerk	N. Pappas, Building Administrator
R. Pope, Deputy Town Attorney	5 Guests
M. Donahue, Highway Superintendent	

Supervisor Whitesell made the following statement: 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.

PUBLIC HEARING: 7:05 p.m. – Thoma Development Grant Program - Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. Supervisor Whitesell read the Notice of Public Hearing and Agenda provided by Thoma Development for the record. Supervisor Whitesell stated that the purpose of the Public Hearing is for the Board to see if there are any questions to the Town submitting an application for the CDBG 2018 grant monies. The Town did submit an application in 2017, which was unsuccessful. The Town did meet with the administrators of the grant and Thoma Development and had questions answered regarding the grant denial.

James Cadden – Hawleyton Road – Mr. Cadden asked if the Town has ever gotten one of these grants. Supervisor Whitesell replied that the Town has not received one of these grants. Mr. Cadden asked for clarification on the wording of “participation by low and moderate income persons”. Supervisor Whitesell stated that that is determined by the survey that has been sent out to Town residents, and that Thoma is coordinating the survey results to be added to the application. Mr. Cadden asked if we know at this point what is considered low income and what is considered moderate income. Councilpersons Rounds and Cline met with Rich Cunningham from Thoma Development for the exit interview where they learned that the Town, in their last application, lacked substandard housing and severe substandard housing applicants. In the first application the Town had quite a few moderate incomes, but not enough lower incomes. Consequently, Board Members have encouraged more residents who have substandard and severely substandard incomes to fill out a survey. Supervisor Whitesell explained that last year there was a mailer from a contractor that went out to residents that was in a similar envelope that was mailed containing the survey from Thoma Development. This year the Town supplied

Town of Binghamton envelopes to Thoma Development for the mailing of the survey to residents so that residents would know the survey came from the Town versus another entity. Mr. Cadden asked if there are parts of the Town that don't qualify because they are urban, like other grants. The Board responded, other grants, yes, but this grant is urban and rural. Supervisor Whitesell stated that, for example, the Town of Colesville, for several years, has been successful receiving these grant funds. Councilperson Xlander stated that this program is part of a program from the US Department of Housing and Urban Development, which does not mean that the grant only applies to urban areas. Mr. Cadden asked if the Town has funding from the Department of Ags and Markets. Supervisor Whitesell replied, no, we do not. Mr. Cadden asked if it's been lost in the mail. Supervisor Whitesell responded that he has not seen anything in however many years from the Department of Ags and Markets.

Glenn Glida – 868 Hawleyton Road – Mr. Gilda voiced his support of the grant program. Mr. Gilda asked about the timeline of the grant process. Supervisor Whitesell responded that mid-September is when the application is due, and typically, the Town hears back sometime in January. Mr. Gilda said that, essentially if the grant was available, would it be something that would be available for 2019? Supervisor Whitesell responded, correct. Councilperson Rounds stated that after the grant is set up, there has to be an administrator in place that administers the grant. The grant can be from \$300,000 to \$500,000, and that each applicant can receive up to a maximum of \$25,000. Supervisor Whitesell stated that the Town has to receive the grant, and then set up an administrator. The administrator can be the Town of Binghamton or can be outsourced, and would be paid through the grant as well. Mr. Gilda then asked if the administrator is the one that decides how the money is distributed. Supervisor Whitesell responded, correct. Councilperson Rounds stated 18% of the grant monies can go to administration fees.

The public hearing was declared closed at 7:18 p.m.

(Public Hearing Notices and Agenda Appended)

A motion was made by Councilperson Cline authorizing the Town Board to continue with the 2018 CDBG Program application, and the motion was duly seconded by Councilperson Rounds. All those present voted in favor of the motion. Motion carried.

APPROVAL OF AUDITED CLAIMS:

Councilperson Xlander made the motion to approve the following claims as audited:

Lighting	Claim No. 554	\$ 786.98
Sewer	Claim No. 555	\$ 1,926.00
Water	Claim No. 556-561	\$ 1,042.67
Highway Fund	Claim No. 562-582, 607	\$ 177,289.91
General Fund	Claim No. 583-606	\$ 10,694.56

The motion was duly seconded by Councilperson Rounds. All those present voted in favor of the motion. Motion carried.

APPROVAL OF MINUTES:

Councilperson Rounds made the motion to approve the minutes of the regular Town Board meeting held on June 19, 2018 as submitted, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

VOICE OF THE PUBLIC:

Supervisor Whitesell opened the floor to the public at 7:20 p.m.

There being no presentations to be brought before the Board, the floor was declared closed.

COMMUNICATIONS AND ANNOUNCEMENTS:

TOB Volunteer Fire Company Annual Chicken BBQ – Saturday, August 18, 2018, Hawleyton Methodist Church, Hawleyton Road

Binghamton Township Historical Society – Remembering When Annual Luncheon – Saturday, September 15, 2018 – Museum Opens at 11:00 a.m. – Covered Dish Luncheon at Noon.

OFFICIALS AND COMMITTEE REPORTS:

Planning Board – The next regularly scheduled quarterly meeting will be held on Tuesday, July 24, 2018 at 7:00 p.m. at the TOB Town Hall.

Zoning Board of Appeals – The Fetten case will be reheard on Wednesday, July 25, 2018 at 7:00 p.m. at the TOB Town Hall.

Youth Commission – A meeting was held on Monday, July 2, 2018. Football signups have started. Chris Streno is the Commissioner for the football league. The home games will be played at SV High School. There will be a concession stand. Practice will be at Jackson Park. The Jordan Godabout Tournament began earlier today at Jackson Park.

Supervisor Whitesell reported that the DWI Tournament was held at Jackson Park over the weekend beginning at 7:45 a.m. each morning. The VFW manned the concession stand. There were a lot of positive comments about how the fields were maintained.

Code Enforcement – Violations – Several swimming pool building permits have been issued recently. There were several complaints about fireworks over the Fourth of July holiday period, including the weekend. The playground has been mulched.

Highway Department – Blacktopping has been completed, except for Maria Boulevard because NYSEG is still working in that vicinity. Mowing has been taking place. Oiling and stoning of some streets will begin on Thursday. Highway Superintendent Donahue spoke with Town Engineer John Martin regarding the chlorine issue in the Parkwood Subdivision. Mr. Martin wrote a letter to the DEC requesting a waiver regarding the amount of chlorine that can be output.

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

Town Clerk's Monthly Report for June 2018

Office of Code Enforcement Monthly Report for June 2018

DCO Monthly Report for June 2018

SUPERVISOR'S REPORT:

Broome County Association of Towns - Monthly Meeting – The next monthly meeting will be held in September.

UNFINISHED BUSINESS:

Code Enforcement – Building Permit Language – Update – Mr. Pappas received copies of building permits from other municipalities. Deputy Town Attorney Pope and Mr. Pappas will meet to work on this matter.

2339 Oswego Street – Dangerous and Unsafe Building – Update – Town Attorney Pope sent an e-mail to the Board advising them that Mr. Harrington has met with Mr. Gent, and Mr. Gent is willing to provide stamped plans on what should and can happen. If a letter is provided by Mr. Gent with the stamped plans explaining why the stamped plans are late, the Board will probably be open to hear the conversation as long as the matter is moving in that direction. Once Mr. Gent has been retained by Mr. Harrington, the stamped plans may be forthcoming. If not, the matter will be pursued by the Town in August.

Solar Energy – Templates/Boilerplates – Deputy Town Attorney Pope will provide additional templates/boilerplates for review.

Appointment of Becky Smith as Water/Sewer Consultant – Councilperson Xlander made a motion to appoint Becky Smith as Water/Sewer Consultant at the rate of \$15.10 per hour through December 31, 2018, and the motion was duly seconded by Councilperson Rounds. All those present voted in favor of the motion. Motion carried. After discussion, Councilperson Xlander agreed to amend the motion to reflect the change in title from Water/Sewer Consultant to Temporary Part-Time Billing Clerk at the rate of \$15.10 per hour through December 31, 2018, and the motion was duly seconded by Councilperson Rounds. All those present voted in favor of the motion. Motion carried.

(Resolution Appended)

Margory Street – Update – Councilperson Rounds spoke with Margaret Scarinzi from the Broome County Land Bank and was informed that October, 2018 is the deadline for clear title of the property. After speaking with Town Attorney Pope and Deputy Town Attorney Pope, the deadline cannot be met. The Broome County Land Bank will put the property at the top of their list for 2019. There is an 80% chance that the Broome County Land Bank will receive the funds from the Attorney General's Office in 2019. There are several options: Have the Deed quieted and the property demolished in 2019; selling the property with the defective Deed with an attached development agreement; reach out to the Broome County Attorney's Office for

assistance in resolving the Deed issues as the issues were caused by Broome County, or the Town demolishing the property.

Pond at Town Park – Update – The issue of algae bloom on Jackson Pond has been researched and confirmed as algae bloom.

There was no further unfinished business.

NEW BUSINESS:

Town Clerk – Approval of Appointment of Deputy Town Clerk Paula Edwards – Councilperson Cline made a motion to approve the appointment of Paula Edwards as Deputy Town Clerk at the rate of \$15.00 per hour, 10 to 15 hours per week, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried. After discussion, Councilperson Cline agreed to amend the motion to reflect the start date of July 9, 2018 for Paula Edwards as Deputy Town Clerk, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

(Resolution Appended)

Highway Department – Smoke Testing, July 12, 2018 – Parkwood Subdivision – Highway Superintendent Donahue confirmed that there will be smoke testing on July 12, 2018 for the Parkwood Subdivision.

2945 Hance Road Property – Logging Timber Harvesting – Boundary Dispute – Wagner Lumber contacted the Town to report that a neighbor of the Hance Road property is questioning the Town's property lines. The Town will research the survey for 2945 Hance Road and have the survey verified and/or certified. The Town will reach out to the resident to discuss the matter.

There was no further new business.

VOICE OF THE PUBLIC:

Supervisor Whitesell opened the floor to the public at 8:12 p.m.

James Cadden – Hawleyton Road – Mr. Cadden asked if the property on Margory Street can be included in this month's Broome County property auction as many similar properties up for auction by Broome County also have Deed issues. He further stated, if so, the property would be taken out of the Town's hands, and the problem would go away for the Town with no tax dollars spent. Supervisor Whitesell explained that the last time Broome County did that with this property, they neglected to let the Town know that there was an issue with the title. Councilperson Rounds asked Mr. Cadden if the County lets people know about the Deed issues. Mr. Cadden replied, that it's even sometimes written in the brochure you get of all the properties listed. He knows someone that bought two properties and there were problems. The County issues them paperwork, they are paying the taxes, and the County is happy they are getting tax dollars, which nobody is getting tax dollars now, are they? Supervisor Whitesell replied, no. Deputy Town Attorney Pope explained that this property did not come with a title issue, and that

during the tax foreclosure process is when the title issue happened. She went on to explain that when a tax foreclosure is done, you have to send a certified mail notice to any interested parties. On the Deed that the County used, all of the interested parties were not on the Deed, so they all did not receive notice. The title issue happened at the tax foreclosure, which the County did. It wasn't before that. Before that the property was okay. That's where the problem started. Mr. Cadden stated, the Town should throw it back to the County. Deputy Town Attorney Pope stated that that is the reason why the Town is going to talk to the County Attorney. Mr. Cadden stated, the County created the problem, let them solve the problem. Supervisor Whitesell and Deputy Town Attorney Pope stated, that is why we, the Town, are going to talk to the County. Mr. Cadden replied, the Town is talking about not doing anything until the next meeting, which is August; the auction sale is this month. Councilperson Rounds replied, right, but we wouldn't make it in time for that. Mr. Cadden replied, Matt won't have any problem auctioning it off. He will get his commission. Councilperson Rounds stated, we would have to get the County to agree to take it back and they are not going to take it back. Mr. Cadden stated that the County takes properties back, and that at almost every sale there you will find that there are repeated properties because they get them back. If the people that buy them don't make a payment or a check bounces or something, then the County ends up with them. So, you will see sometimes the same property at auction two or three times. Councilperson Xlander replied, they have auctions a couple of times a year, right, Jim? So, if we start to pursue it and we can't make it happen for this one, then six months from now when they have another one. Mr. Cadden replied, in the meantime, there is more legal expense for the Town of Binghamton taxpayers. Councilperson Rounds stated, there are so many options, but we definitely need, and, obviously, we are hoping that maybe Town Attorney Pope can make some headway with the County. This has been a thorn in our side for a long time. Councilperson Cline stated, it might not be a bad idea if it goes back on the auction block; somebody picks it up, somebody could do exactly what has been done, nothing gets done and the house stays there. Maybe not, maybe they will tear it down, but that is our biggest concern, getting that property back on the tax rolls. Sure, if they buy it, they would be paying taxes, but they would be paying taxes on a lot more if they rehab the property. Mr. Cadden replied, thank you.


There being no further presentations to be brought before the board, the floor was declared closed.

ADJOURNMENT:

Councilperson Cline made the motion to adjourn the meeting at 8:13 p.m., and the motion was duly seconded by Councilperson Xlander. 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 to be held on Tuesday, August 14, 2018, 7:00 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Vickie A. Conklin".

Vickie A. Conklin
Town Clerk

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 Hall, 279 Park Avenue, Binghamton, New York, on the 10th day of July, 2018 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Timothy Whitesell
Councilperson Norman Cline
Councilperson Rounds
Councilperson Xlander

ABSENT: Councilperson Nancy Yezzi

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

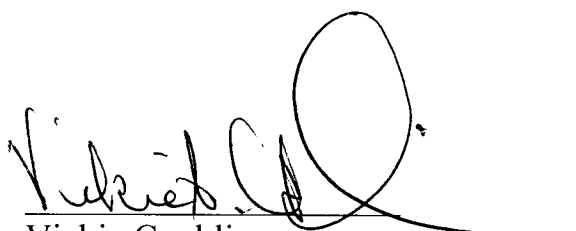
A vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSTENTIONS: None

The Resolution was then declared adopted.



Vickie Conklin,
Town Clerk

RESOLUTION:

WHEREAS, the Town Board having received and considered the recommendation to appoint Becky Smith as Water/Sewer Consultant at the rate of \$15.10 per hour through December 31, 2018; and

WHEREAS, Councilperson Xlander made a motion to appoint Becky Smith as Water/Sewer Consultant at a rate of \$15.10 per hour, the motion was duly seconded by Councilperson Rounds, all those present voted in favor of the motion and the motion was carried; and

WHEREAS, upon further discussion, Councilperson Xlander amended the motion to reflect the change in title from Water/Sewer Consultant to Temporary Part-Time Billing Clerk at the rate of \$15.10 per hour through December 31, 2018, the motion was duly seconded by Councilperson Rounds, all those present voted in favor of the amended motion and the motion was carried.

NOW, THEREFORE, be it

RESOLVED, that Becky Smith be and hereby is appointed as Temporary Part-Time Billing Clerk at the rate of \$15.10 per hour through December 31, 2018.

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 Hall, 279 Park Avenue, Binghamton, New York, on the 10th day of July, 2018 at 7:00 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Timothy Whitesell
Councilperson Norman Cline
Councilperson Rounds
Councilperson Xlander

ABSENT: Councilperson Nancy Yezzi

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

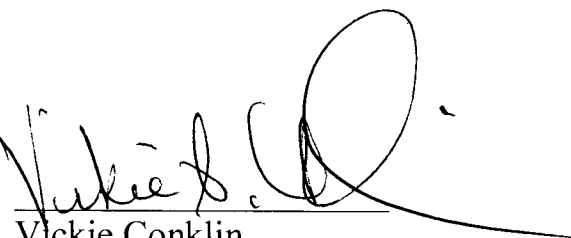
A vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSTENTIONS: None

The Resolution was then declared adopted.



Vickie Conklin,
Town Clerk

RESOLUTION:

WHEREAS, the Town Board having received and considered the recommendation to appoint Paula Edwards as Deputy Town Clerk at the rate of \$15.00 for 10 to 15 hours per week; and

WHEREAS, Councilperson Cline made a motion to approve the appointment of Paula Edwards as Deputy Town Clerk at the rate of \$15.00 for 10 to 15 hours per week, the motion was duly seconded by Councilperson Xlander, all those present voted in favor of the motion and the motion was carried; and

WHEREAS, upon further discussion, Councilperson Cline agreed to amend the motion to reflect the start date of July 9, 2018 for Paula Edwards as Deputy Town Clerk at the rate of \$15.00 for 10 to 15 hours per week, the motion was duly seconded by Councilperson Xlander, all those present voted in favor of the motion and the motion was carried.

NOW, THEREFORE, be it

RESOLVED, that Paula Edwards be and hereby is appointed as Deputy Town Clerk at the rate of \$15.00 per her for 10 to 15 hours per week effective July 9, 2018.

NOTICE OF PUBLIC HEARING TOWN OF BINGHAMTON

PLEASE TAKE NOTICE that the Town Board of the Town of Binghamton, Broome County, New York has approved a resolution calling for a public hearing to consider input on a Grant Program through Thoma Development for the Town of Binghamton. The public hearing would be held at Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, July 10, 2018 at 7:01 P.M., at which time all persons interested in the subject matter thereof will be heard. The purpose of the public hearing shall be to receive public input on this issue and to evaluate and consider approval of the foregoing.

Please take further notice that any information concerning the proposed Thoma Development Grant Program for the Town of Binghamton which is the subject matter of the public hearing is available for inspection at the Town Hall in the Town Clerk's office Monday through Friday 9:00 A.M. through 4:00 P.M.

Dated: May 16, 2018

Vickie Conklin, Town Clerk

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF BINGHAMTON

PLEASE TAKE NOTICE that the Town Board of the Town of Binghamton, Broome County, New York has approved a resolution calling for a public hearing to consider input on a Grant Program through Thoma Development for the Town of Binghamton. The public hearing would be held at Town Hall, 279 Park Avenue, Binghamton, New York on Tuesday, July 10, 2018 at 7:01 P.M., at which time all persons interested in the subject matter thereof will be heard. The purpose of the public hearing shall be to receive public input on this issue and to evaluate and consider approval of the foregoing.

Please take further notice that any information concerning the proposed Thoma Development Grant Program for the Town of Binghamton which is the subject matter of the public hearing is available for inspection at the Town Hall in the Town Clerk's office Monday through Friday 9:00 A.M. through 4:00 P.M.

Dated: May 16, 2018

Vickie Conklin, Town Clerk

6/20 & 7/4

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Affidavit of Publication

To: TOWN OF BINGHAMTON
ATTN: V. CONKLIN, TOWN CLERK
279 PARK AVENUE
BINGHAMTON, NY 13903

Re: Legal notice #59211

State of NEW YORK }

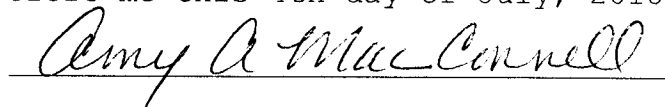
} SS:

County of BROOME }

I, DONALD EINSTEIN, being duly sworn, depose and say: that I am the Publisher of The Country Courier, a weekly newspaper of general circulation published in CONKLIN, County of BROOME, State of NEW YORK; that a notice, of which the annexed is a printed copy, has been duly and regularly published in The Country Courier once each week for 2 weeks; and that the dates of publication were as follows: 06/20/18 and 07/04/18.


DONALD EINSTEIN

Sworn to before me this 4th day of July, 2018



AMY A. MACCONNELL

Notary Public - State of New York

No. 01MA6171678

Qualified in Broome County

My Commission Expires July 30, 2019

LEGAL NOTICE
Notice of Public Hearing

The Town of Binghamton will hold a public hearing on Tuesday, July 10, 2018 at 7:01 pm at the Town Hall, 279 Park Avenue, Binghamton, NY for the purpose of hearing public comments on the Town's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2018 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make funds available to eligible local governments for the 2018 program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The location of the hearing is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact the Town of Binghamton at 607-772-0357, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted to Timothy Whitesell, Supervisor, 279 Park Ave, Binghamton, NY 13903 until 7/10/18.

Signed: Timothy Whitesell, Town Supervisor

6/26/18

000298045-01

PRESS & SUN-BULLETIN

RECEIVED

State of New York
City of Binghamton
County of Broome, SS:

AUG 13 2018

TOWN OF BINGHAMTON
VICKIE A. CONKLIN
TOWN CLERK

DDavis being duly sworn, deposes and says she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton, New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga, State of New York and Susquehanna County, State of Pennsylvania PRESS & SUN BULLETIN

A notice of which the annexed is a printed copy, was published on the following dates:

06/26/18

DDavis

Subscribed and sworn to before me this 9 day of August, 2018

Kathleen A Gibson
Notary Public



Town of Binghamton
1st Public Hearing
2018 Community Development Block Grant

1. Open Hearing - Read Notice
2. First of two public hearings
 - a. Purpose is to allow public input and comment into potential CDBG projects, and to discuss past performance, housing, and other community development needs.
 - b. Second public hearing will be held during grant implementation if funded
3. CDBG Program info:
 - Eligible activities include housing, economic development, public facilities, public infrastructure and technical assistance.
 - CDBG applications for funding for public infrastructure, public facilities, microenterprise assistance, and planning are submitted under the NYS Consolidated Funding process. Housing, including housing rehabilitation, homeownership, and new construction are submitted in a separate housing round due in September.
 - All activities must primarily benefit low-to- moderate-income persons.
4. Anybody having questions either written or verbal or questions, we will take those at this time. If there are any written comments or questions the Town is required to respond in writing within 15 days. More information on the program is available on the Informational handout that Thoma provided. Any additional questions that the Town receives and cannot be answered can be referred to Thoma at 607-753-1433.