

**TOWN OF BINGHAMTON**  
**TOWN BOARD**  
**May 15, 2018**

Page	2	Approval of Audited Claims Approval of Minutes
Page	3	Approval of Minutes (Continued) Voice of the Public Communications and Announcements Spring Branch & Brush Pick-Up – May 7-29, 2018 Rabies Clinic – May 23, 2018, 6:00-7:00 p.m. Memorial Day – The TOB Municipal Buildings will be closed Monday, May 23, 2018 in Observance of Memorial Day Memorial Day Parade and Service – Monday, May 28, 2018 at 10:00 a.m. Tire Drop Off – June 6, 7 & 8, 2018 from 7:30 a.m. to 3:00 p.m. at the Old Town Landfill on Hance Road  Officials and Committee Reports Planning Board Zoning Board of Appeals Youth Commission
Page	4	Officials and Committee Reports (Continued) Code Enforcement Highway Receipt of Reports Supervisor’s Report Broome County Association of Towns - Monthly Meeting Unfinished Business TOB Hance Road Property – Logging Timber Harvesting – Bids
Page	5	Unfinished Business (Continued) Thoma Development – Update & Correction of Public Hearing Date Youth Commission – Background Checks - Update Code Enforcement – Building Permit Language Audit – Justice Court - Update Proposed Changes to Employee Handbook, Section 708 – Medical Insurance for Retirees – Update 2339 Oswego Street – Dangerous and Unsafe Building - Update Family Leave Act – Resolution to Opt Out
Page	6	Unfinished Business (Continued) MEGA CCA – Update Solar Energy – Update Highway Department – Set Public Hearing for Sewer Rate Increase  New Business Building Maintenance Department – Doug Gardner Dawn Blair – Resignation Voice of the Public
Page	7	Executive Session

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, MAY 15, 2018, 7:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.**

The meeting was called to order at 7:09 p.m. by Supervisor Whitesell.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**OTHERS PRESENT:**

V. Conklin, Town Clerk	N. Pappas, Building Administrator
A. Pope, Town Attorney	6 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.

**APPROVAL OF AUDITED CLAIMS:**

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

Lighting	Claim No. 374	\$ 131.21
Sewer	Claim No. 375-376	\$ 1,100.56
Water	Claim No. 376-382	\$ 7,622.27
Highway Fund	Claim No. 383-395	\$ 8,399.13
General Fund	Claim No. 396-426	\$ 13,215.87

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

**APPROVAL OF MINUTES:**

Councilperson Cline made the motion to approve the minutes of the regular Town Board meeting held on April 17, 2018 as submitted, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

Councilperson Yezzi made the motion to approve the minutes of the Work Session held on May 1, 2018 as submitted, and the motion was duly seconded by Councilperson Cline. All those present voted in favor of the motion. Motion carried.

Councilperson Xlander made the motion to approve the minutes of the Informational Meeting held on May 1, 2018 as submitted, and the motion was duly seconded by Councilperson Cline. All those present voted in favor of the motion. Motion carried.

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

Supervisor Whitesell opened the floor to the public at 7:12 p.m.

Darin Lewis – 1206 Hawleyton Road – Mr. Lewis stated that he was asked to attend this evening by some community members to offer some ideas and possible solutions regarding field conditions at Jackson Park. He stated the following possible solutions: more tools are needed to maintain the field such as purchasing squeegee rollers or mop rollers; remove standing water off the fields in the early morning by 9 a.m.; open fields up at 11:00 a.m., then again at 1:00 p.m.; use drying agents; rake fields at 2:30 p.m. to 3:00 p.m.; line fields, etc. A handout with more information and possible solutions was handed to the Board and is available at the Town Clerk's Office for review.

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

### **COMMUNICATIONS AND ANNOUNCEMENTS:**

Spring Branch and Brush Pick-Up – The Spring branch and brush pick-up will be held May 7 through May 29, 2018.

Rabies Clinic – A rabies clinic will be held Wednesday, May 23, 2018 from 6:00-7:00 p.m. at the Town Highway Garage.

Memorial Day – The TOB Municipal Buildings will be closed on Monday, May 28, 2018 in Observance of Memorial Day.

Memorial Day Parade and Service – Monday, May 28, 2018 at 10:00 a.m.

Tire Drop Off – June 6, 7 & 8, 2018 from 7:30 a.m. to 3:00 p.m. at the Old Town Landfill on Hance Road.

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

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

Zoning Board of Appeals – The ad for the open position for a Zoning Board of Appeals member has been posted on the TOB website and The Country Courier. The deadline for applications is May 24, 2018. There is one case that needs to be heard. Councilperson Cline sent a memo out to ZBA members concerning having a quorum and attending meetings/hearings.

Youth Commission – Councilperson Rounds reported that the Youth Commission, the Booster Club and Mr. Pappas will be meeting on Sunday, May 20, 2018 at 7:00 p.m. at the TOB Town

Hall. Councilperson Rounds reported that she has three new names for coaching positions for the Teener League. Background checks have been progressing. The e-mail message for background checks has been re-sent to people still needing a background check performed. Make-up games will be played, including doubleheaders. It is the Town's policy to shut off the lights at 10:00 p.m. at Jackson Park.

Code Enforcement – Violations – Mr. Pappas reported that Margaret Scarinzi from the Land Bank contacted him concerning the Margery Street property. The Land Bank will take possession of the property as soon as the Town turns it over to them. Habitat for Humanity may be interested in the property. There has been no contact from the owner of 2339 Oswego Street.

Highway – The Highway Department has been preparing W. Hamton Road for paving, picking up brush, and the snow equipment has been put away. Supervisor Whitesell stated he received a telephone call from a resident inquiring about Taylor Garbage no longer picking up grass clippings. Highway Superintendent Donahue stated that the Town has a local law that states that garbage haulers have to pick up anything that residents put out at the curb, although there may be an additional charge for some items.

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

Town Clerk's Monthly Report for April 2018  
Office of Code Enforcement Monthly Report for March, 2018 and April, 2018  
DCO Monthly Report for March, 2018 and April, 2018  
Certificate of Final Special Franchise Full Value from the NYS Department of Taxation and Finance Office of Real Property Tax Services (A copy is on file at the Town Clerk's Office for review.)

### **SUPERVISOR'S REPORT:**

Broome County Association of Towns - Monthly Meeting – A monthly meeting will be held on Thursday, May 24, 2018, at My Uncle's Place with Margaret Scarinzi, Executive Director of the Broome County Land Bank, as guest speaker. Supervisor Whitesell is in receipt of the 2018 NYS Town's Priority from the NYS Association of Towns. He is also in receipt of the Annual Report for 2017 from Broome County Sheriff David Harder. Said report is available for review at the Town Clerk's Office. The Town has received the first quarterly sales check in the amount of \$281,604.01. Councilperson Xlander thanked Mr. Pappas for years of pursuing a connection with the Land Bank.

### **UNFINISHED BUSINESS:**

TOB Hance Road Property – Logging Timber Harvesting – Bids – Supervisor Whitesell stated that the bid was received and opened today from The Wagner Companies. There are two proposals. One proposal is for the complete liquidation value in the amount of \$81,056.00, and \$36,000.00 for a management harvest. When asked for his recommendation Highway Superintendent Donahue stated that the \$81,0056.00 would be for one year, \$36,000.00 would be 15 years, and then another 20 years past that. A representative from The Wagner Companies will be invited to attend the June 5, 2018 Work Session for Q&A. An adjacent property owner

has expressed interest in purchasing the property from the Town. The property owner will also be invited to attend the June 5, 2018 Work Session.

Thoma Development – Update and Correction of Public Hearing Date – Letters have been mailed to residents by Thoma Development. Councilperson Rounds made the motion to set a public hearing for the Thoma Development grant for Tuesday, July 10 at 7:01 p.m. and the motion was duly seconded by Councilperson Xlander. A roll call vote resulted in the following:

Ayes: Xlander, Rounds, Yezzi, Cline, Whitesell  
Nays: None

Absent: None

Whereupon, the motion was declared adopted.

(Resolution Appended)

Youth Commission – Background Checks – Update - A discussion was held during Officials and Committee Reports.

Code Enforcement – Building Permit Language – Nick Pappas and Deputy Attorney Pope met last week to discuss the building permit language. Instead of changing the whole form, a carbon copy of the change will be provided and residents will sign same. There will be a report at the next Work Session.

Audit – Justice Court – The audit of the Justice Court was performed on Monday, May 14, 2018. The audit will be finalized and presented at a future date.

Proposed Changes to Employee Handbook, Section 708 – Medical Insurance for Retirees – Update – Supervisor Whitesell had previously provided the document with the change in language to Board Members. Councilperson Cline made the motion to approve the proposed changes to Employee Handbook, Section 708, Medical Insurance For Retirees, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

(Resolution Appended)

2339 Oswego Street – Dangerous and Unsafe Building – Update – Mr. Pappas has not heard from the owner of 2339 Oswego Street, but the deadline was extended to May 17, 2018. Town Attorney Pope stated that he has not heard anything from the owner’s attorney as the owner’s attorney was also served with the Board Order. He also stated that if the Town does the demolition of the property, the Town should keep track of the expenses, which, in turn, can be a lien against the property, or if it is more convenient, the Town can hire a contractor to do the work, pay the contractor, and that becomes a lien on the property.

Family Leave Act – Resolution to Opt Out – Town Attorney Pope stated that in the private sector there is a 50 employee threshold. In the Government sector there is no threshold. Only certain employees who have over 1,200 hours are considered eligible employees. The people that can be cared for that are related to that covered employee are a spouse, son or daughter, and others

family members are very limited in that regard. A legal ward may be covered if the covered employee takes care of the day to day duties and financial responsibilities that a parent may do. It literally has to be equivalent of what a parent would be. The time period for unpaid leave can be expanded out. The position for the employee on unpaid leave must be available upon their return. He will continue researching for the actual authority saying that the Government can opt out. Supervisor Whitesell will reach out to the Association of Towns for their input.

MEGA CCA – Update – Supervisor Whitesell has not heard anything else back from Louise Gava. It will be a couple of months process before they get back to the Town.

Solar Energy – Review – The moratorium has come and gone. Deputy Town Attorney Pope will be researching conflicts, and boiler plate legislations. Town Attorney Pope suggested to have Deputy Town Attorney Pope attend the next work session, take ten minutes and have her go through two or three templates with pluses and minuses to get the discussion going to where the Board needs to go. Supervisor Whitesell stated that at the front end of this the Board decided that their focus was going to be on the bigger industrial farms, excluding the residential so that they can utilize their property as they see fit. Town Attorney Pope stated that even on the residential there should be some minimal zoning in place such as side setbacks. Supervisor Whitesell will provide the Board with a copy of a boilerplate prior to the next Work Session. A public hearing will be held in the future for resident input.

Highway Department – Set Public Hearing for Sewer Rate Increase – Councilperson Rounds made the motion to set the public hearing for June 19, 2018 at 7:01 p.m. to set the increase in sewer rates for the Town of Binghamton, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

(Resolution Appended)

There was no further unfinished business.

#### **NEW BUSINESS:**

Building Maintenance Department – Doug Gardner – More information needs to be researched. This will be discussed at a future meeting.

Dawn Blair – Resignation – A letter of resignation was received from Dawn Blair. Her last day will be May 25, 2018.

There was no further new business.

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

Supervisor Whitesell opened the floor to the public at 8:14 p.m. There being no presentations to be brought before the board, the floor was declared closed.

**EXECUTIVE SESSION:**

Councilperson Rounds made the motion to go into Executive Session at 8:23 p.m. to discuss a personnel and legal matter, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

At 9:09 p.m. Councilperson Xlander made the motion to reconvene, and the motion was duly seconded by Councilperson Cline. All those present voted in favor of the motion. Motion carried.

**ADJOURNMENT:**

Councilperson Cline made the motion to adjourn the meeting at 9:09 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 work session to be held on Tuesday, June 5, 2018, 5:00 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.*

Respectfully submitted,



Vickie A. Conklin  
Town Clerk