

TOWN OF BINGHAMTON
TOWN BOARD WORK SESSION
October 2, 2018

- Page 2 Approval of Audited Claims
 Communications and Announcements
 TOB Fire Department – Fire Prevention Day Open House – Station #3
 (Park Ave.) – Sunday, October 7, 2018 from 2:00 p.m. to 6:00 p.m.
 Columbus Day – TOB Municipal Buildings will be closed on Monday,
 October 8, 2018 in Observance of Columbus Day
 Officials and Committee Reports
 Planning Board
- Page 3 Officials and Committee Reports (Continued)
 Zoning Board of Appeals
 Youth Commission
 Code Enforcement
 Highway Department
 Broome County Sheriff Substation
- Page 4 Supervisor’s Report
 Broome County Association of Towns and Villages – Monthly Meeting
 2019 Tentative Budget
 Unfinished Business
 TOB Hance Road Property – Logging Timber Harvesting – Survey –
 Update
 Thoma Development – Update
 Code Enforcement – Building Permit Application Language
 2339 Oswego Street – Dangerous and Unsafe Building – Update
- Page 5 Unfinished Business (Continued)
 Solar Energy – Templates/Boilerplates
 Replacement of Xerox Machine – Proposal
 Time Warner Franchise Agreement – Update
 Town Hall – Roof Repair – Estimates
 Code Enforcement – Junk Vehicle Code - Update
 New Business
 Highway Department – Old Salt Shed Roof – Repair
- Page 6 New Business (Continued)
 Youth Commission – Reserve Account
 Executive Session

MINUTES OF THE WORK SESSION OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, OCTOBER 2, 2018, 5:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

The meeting was called to order by Deputy Supervisor Yezzi at 5:13 p.m.

ROLL CALL:

T. Whitesell, Supervisor	Present at 5:30 p.m.	N. Yezzi, Deputy Supervisor	Present
N. Cline, Councilperson	Present	E. Rounds, Councilperson	Present
V. Xlander, Councilperson	Present		

OTHERS PRESENT:

V. Conklin, Town Clerk	D. Klinko, The Country Courier
A. Pope, Town Attorney	4 Guests
M. Donahue, Highway Superintendent	

Deputy Supervisor Yezzi 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 Cline made the motion to approve the following claims as audited:

Lighting	Claim No. 815	\$ 778.15
Water	Claim No. 816-820	\$ 93,976.45
Highway Fund	Claim No. 821-833, 855	\$ 7,773.59
General Fund	Claim No. 834-854	\$ 7,116.77

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

COMMUNICATIONS AND ANNOUNCEMENTS:

TOB Fire Prevention Day Open House – Station #3 (Park Ave.) – Sunday, October 7, 2018 from 2:00 p.m. to 6:00 p.m.

Columbus Day – TOB Municipal Buildings will be closed on Monday, October 8, 2018 in Observance of Columbus Day

OFFICIALS AND COMMITTEE REPORTS:

Planning Board - The next regularly scheduled meeting will be held on Tuesday, October 23, 2018 at 7:00 p.m. at the TOB Town Hall.

Zoning Board of Appeals – There was nothing new to report.

Youth Commission – Supervisor Whitesell and Councilperson Rounds met with Craig Kick to discuss the possibility of restructuring the Youth Commission. A meeting will be scheduled with members of the Youth Commission, Supervisor Whitesell and Councilperson Rounds in the near future. The Junior Sabers home games at the SV High School field worked out very well. The Booster Club did very well with the concession stand at the games. Friday, October 5, 2018, is the opening day of the new stadium at SV High School, and will be the first game played under the lights.

Code Enforcement – Town Attorney Pope stated that he met with Mr. Pappas yesterday regarding whether or not Town Code allows residents to live in a travel trailer or camper. He advised that the State Property Maintenance Code prohibits residents from living in a travel trailer or a camper, and that a travel trailer/camper must be equipped with running water, electricity, heat, tub or shower, and kitchen amenities. However, even with all of the requirements, residents cannot use a travel trailer/camper to live in on a permanent basis unless the travel trailer/camper is in a mobile home park. The Town does not have a mobile home park. There is a mobile home park law that has grandfathering for some mobile homes that may still be in the Town. He further stated that the grandfathering is okay, but it does not mean that a resident can currently put a travel trailer/camper on a resident's property and live in it. If there is such a violation in the Town, said violation would fall to Code Enforcement to send a letter to the resident to stop doing so, and if they don't, an appearance ticket will be issued to appear in Town Court. Town Attorney Pope stated that he believes the fine would be \$250 per occurrence, and that there is jail time associated with the violation. Camping for a short period of time is allowed, but long term persistent living in a travel trailer/camper is not allowed. Tiny houses will have to meet code, and be determined whether or not they are considered a structure and meet zoning requirements.

Highway Department – Highway Superintendent Donahue stated that most of the roads have been repaired due to recent flooding. There is one pipe on Peckham Road that was severely damaged and will have to be replaced. The replacement of said pipe will cost approximately \$20,000.00. There has been no word from FEMA about funding from recent storms. Brush pick up has begun. Leaf pick up begins October 22, 2018. Highway Superintendent Donahue has been working with the City on the most recent water bill. He stated that he, Town Attorney Pope, Supervisor Whitesell and Mayor Rich David will meet to discuss the negotiation of the new water contract. He further stated that the water/sewer contract for the Campus Drive area with the Town of Vestal needs to be renegotiated. The Town of Vestal Water Department takes care of the operation and maintenance for the Campus Drive water/sewer district. Ditch cleaning will begin soon. Hydro-seeding has been completed to repair storm damage.

Broome County Sheriff Substation – Supervisor Whitesell stated that he attempted to reach Sheriff Harder by phone to see if the substation at the Town Hall will go forward. Sheriff Harder was not available, so Supervisor Whitesell will reach out again tomorrow. Supervisor Whitesell understands that the Sheriff's Department is interested, but they are waiting for signage. There is an office with a computer available at the Town Hall to be used as the substation.

SUPERVISOR'S REPORT:

Broome County Association of Towns and Villages – Monthly Meeting – The BC AOTV met on Thursday, September 27, 2018, at The Spot Restaurant. City of Binghamton Mayor Rich David was the guest speaker, and spoke about the City of Binghamton-Johnson City Joint Sewage Treatment Plant, and the Broome County Affording Housing Task Force. The next monthly meeting will be held on Thursday, October 25, 2018, location to be determined. The guest speaker will be Jennifer Yonkoski, Executive Director, Binghamton Metropolitan Transportation Study.

2019 Tentative Budget – The 2019 Tentative Budget was distributed to Board Members by Town Clerk Conklin. A motion was made by Councilperson Rounds to file the 2019 Tentative Budget with the Town Clerk's Office, and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

A motion was made by Councilperson Rounds to set the special 2019 Budget Work Session for October 9, 2018 at 5:00 p.m., and the motion was duly seconded by Councilperson Cline. All those present voted in favor of the motion. Motion carried. After discussion, Councilperson Yezzi agreed to amend the motion to change the time for the special 2019 Budget Work Session for October 9, 2018 from 5:00 p.m. to 7:00 p.m., and the motion was duly seconded by Councilperson Xlander. There was further discussion. All those present voted in favor of the motion. Motion carried.

UNFINISHED BUSINESS:

TOB Hance Road Property – Logging Timber Harvesting – Survey - Update – Councilperson Rounds stated that she spoke with Surveyor Ed Ripic, who advised that he will be going to the site tomorrow to go over everything, to mark trees, and that he will have the survey done by Friday of this week or Monday of next week. The survey will be discussed with Mr. Hibbard. Wagner Lumber is ready to begin the work once the survey has been completed.

Thoma Development – Update – Councilperson Rounds spoke with Rich Cunningham of Thoma Development who advised that the deadline for the grant application is the first weekend in November, and that the Town can continue to accept surveys from residents.

Code Enforcement – Building Permit Application Language –Deputy Town Attorney Pope and Mr. Pappas are currently working on the building permit application language.

2339 Oswego Street – Dangerous and Unsafe Building – Update – Town Attorney Pope met with Mr. Pappas yesterday, and finalized the Complaint, including the signing of the verification. The Complaint was filed yesterday afternoon. A copy of said Complaint was mailed to Mr. Harrington's attorney. Mr. Harrington and/or his attorney will have roughly 30 days from the date of service of the Complaint upon Mr. Harrington. Town Attorney Pope asked Mr. Harrington's attorney if he would accept service rather than the Town going through the expense of a process server, but has not heard back from him. Mr. Harrington and/or his attorney will

have up to five days to respond to the Complaint. If Town Attorney Pope does not hear anything, he will send out a process server to have the defendant served within a week to 10 days. The Complaint has two different causes of action. The causes of action in the Complaint are to compel Mr. Harrington to do what the Town Board ordered him to do when the unsafe and dangerous building public hearing was held, or, alternatively, have a Court Order that permits the Town to hire contractors to do the work (demolition, fill, etc.), and those expenses would be charged to the property, and Mr. Harrington individually. There may or may not be a response by the next scheduled regular Board Meeting.

Solar Energy – Templates/Boilerplates – Town Attorney Pope provided the Board with a packet that Deputy Town Attorney Pope put together consisting of a number of different samples, including a wind energy local law. There are some provisions in the wind energy local law that may also apply to solar. It was suggested by Town Attorney Pope to have Deputy Town Attorney Pope attend the next Work Session to walk through the packet, and get some guidance from the Board so that she can start drafting a proposed solar and/or renewable energy local law.

Replacement of Xerox Machine – Proposals – Supervisor Whitesell will be receiving two additional proposals, which he will provide to the Board for their consideration to act upon at the next Town Board meeting.

Time Warner Franchise Agreement – Update – Town Attorney Pope has not heard back from Spectrum. Supervisor Whitesell will contact Spectrum. If Spectrum does not cooperate with Supervisor Whitesell, Town Attorney Pope will draft a letter to send to the Public Service Commission informing them of the issue the Town is having with Spectrum.

Town Hall – Roof Repair – Estimates – There was no update.

Code Enforcement – Junk Vehicle Code – Update – Town Attorney Pope stated that there is a conflict between the Town Code and the State Property Maintenance Code in that the State does not permit any junk vehicles where the Town permits two junk vehicles on a resident's property. Town Attorney Pope and Mr. Pappas will continue their review of the Town Code and State Property Maintenance Code, and will provide additional information to the Board for their consideration at a future meeting.

There was no further unfinished business.

NEW BUSINESS:

Highway Department – Old Salt Shed Roof - Repair – Highway Superintendent Donahue advised that the asphalt shingles on the old salt shed roof are deteriorating and peeling off. He is proposing to replace the asphalt shingle roof with a metal roof, costing approximately \$3,500.00 to \$4,000.00. The work will be done in-house. There are funds in the equipment fund, and the regular contractual highway buildings fund to cover the expenditure. A motion was made by Councilperson Xlander authorizing the replacement of the Town of Binghamton Highway Department's old salt shed roof in an amount not to exceed \$4,000.00, and the motion was duly

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

(Resolution Appended)

Youth Commission – Reserve Account – This item has been moved to the October 16, 2018 regular Board meeting preferred agenda. There was discussion regarding setting up a reserve account for the Youth Commission, their fund balance, budget, expenditures, sports programs, and restructuring. Supervisor Whitesell and Councilperson Rounds will meet with the Youth Commission to discuss the Youth Commission’s 2019 budget.

There was no further new business.

EXECUTIVE SESSION:

Councilperson Xlander made the motion to go into Executive Session at 6:28 p.m. to discuss a legal matter, and the motion was duly seconded by Councilperson Cline. All those present voted in favor of the motion. Motion carried.

Councilperson Cline made the motion to reconvene at 6:36 p.m., and the motion was duly seconded by Councilperson Xlander. All those present voted in favor of the motion. Motion carried.

ADJOURNMENT:

Councilperson Cline made the motion to adjourn the meeting at 6:36 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 special 2019 Town Budget Work Session to be held on Tuesday, October 9, 2018 at 7:00 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,

Vickie A. Conklin



Town Clerk