

TOWN OF BINGHAMTON
TOWN BOARD
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MINUTES OF THE REGULAR MEETING OF THE TOWN OF BINGHAMTON TOWN BOARD HELD ON TUESDAY, SEPTEMBER 18, 2018, 7:00 P.M., TOWN OF BINGHAMTON TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NEW YORK.

The meeting was called to order at 7:05 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	J. Zeck, Tax Collector
M. Donahue, Highway Superintendent	8 Guests

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 – 7:06 p.m. – Proposed Expenditures from the Parks Reserve Fund – Town Clerk Conklin affirmed that the Notice of Public Hearing had been properly posted and published. Supervisor Whitesell stated that the purpose of the Public Hearing is for the Board’s consideration of expenditures from the Parks Reserve Fund for the Parks Department, which is set up for any repairs in need at any of the Town parks. In this particular situation, the Town is looking to undertake a project at Jackson Park dealing with the drainage on all four fields. Supervisor Whitesell advised that the Town applied for a grant from the Hotel/Motel Tax Funds for the Small Community Fund through Broome County, and while the Town is looking to receive those grant monies, the Town feels that the additional funding that has been set aside in the Parks Reserve Fund will help start the project. Supervisor Whitesell announced that the Town received a phone call from the Broome County Executive’s Office last Thursday advising that the Town has been awarded a grant from the Hotel/Motel Tax Funds for the Small Community Fund, which will help supplement the remainder of this project. Those funds will be made available through the Broome County Legislature, who will be taking action at their October, 2018 meeting. Until that time, the Town would like to move forward with starting the project so that it can be completed in a timely fashion. The project will take four to six weeks for the fields to be ready, which will be played on in the next baseball/softball season. Supervisor Whitesell asked that anyone in favor or opposition of the Town’s consideration of removing the Parks Reserve Funds, please address the Board.

James Cadden – Hawleyton Road – Mr. Cadden asked how much money is in the Parks Reserve Fund. Supervisor Whitesell replied that there is approximately a little over \$21,000.00 in the Parks Reserve Fund. Mr. Cadden asked if it will be a bid situation or an in-house project.

Supervisor Whitesell replied, an in-house project. Mr. Cadden asked which department will work on the project. Supervisor Whitesell replied, the Parks Department. Mr. Cadden asked if they have the equipment. Supervisor Whitesell replied, yes. Mr. Cadden asked, what equipment will be used. Supervisor Whitesell replied, backhoes, dump trucks, picks and shovels.

The public hearing was declared closed at 7:08 p.m.

A motion was made by Councilperson Xlander approving the use of funds from the Parks Reserve Fund for a drainage project at Jackson Park, and the motion was duly seconded by Councilperson Yezzi. All those present voted in favor of the motion. Motion carried.

(Public Hearing Notice and Resolution Appended)

APPROVAL OF AUDITED CLAIMS:

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

Lighting	Claim No. 761	\$ 130.04
Sewer	Claim No. 762-767	\$ 2,228.28
Water	Claim No. 767-771	\$ 1,357.53
Highway	Claim No. 772-786	\$ 208,554.14
General Fund	Claim No. 787-814	\$ 10,419.89

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

APPROVAL OF MINUTES:

Councilperson Xlander made the motion to approve the minutes of the regular Town Board meeting held on August 21, 2018 as submitted, and the motion was duly seconded by Councilperson Rounds. All those present voted in favor of the motion. Motion carried.

Councilperson Cline made the motion to approve the minutes of the Work Session held on September 4, 2018 as submitted, and the motion was duly seconded by Councilperson Yezzi. All those present voted in favor of the motion. Motion carried.

VOICE OF THE PUBLIC:

Supervisor Whitesell opened the floor to the public at 7:13 p.m.

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

COMMUNICATIONS AND ANNOUNCEMENTS:

TOB Neighborhood Watch Meeting – Thursday, September 20, 2018, 7:00 p.m. at the TOB Community Center

Free Fishing Day – Saturday, September 22, 2018

VFW Pancake Breakfast – Sunday, September 23, 2018, 8:00 a.m. to 11:00 a.m. at TOB Community Center

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 quarterly meeting will be held on October 23, 2018 at 7:00 p.m. at the TOB Town Hall.

Zoning Board of Appeals – There are no new applications at this time.

Youth Commission – The next meeting is scheduled for Monday, September 24, 2018. The new field at SV High School started to be utilized two weeks ago by the Junior Sabers. Home games will continue to be played at the SV High School field going forward. The official grand opening of the field will be held on October 5, 2018.

Code Enforcement – Violations – Mr. Pappas advised that he spoke with Mr. Harris, the owner of Lone Maple Farm, regarding the concerns of his employees directing traffic. Mr. Harris advised that he spoke with his attorney who advised Mr. Harris that he can continue with the way he has been having traffic directed. Mr. Pappas stated that after speaking with a Broome County Sheriff, he was advised that anyone that controls traffic is required to be trained, and that even the Sheriffs, fire people, etc., are required to be trained to direct traffic. Mr. Pappas advised he made the Sheriff's Department aware of how traffic at Lone Maple Farm is being directed.

Highway Department – Highway Superintendent Donahue stated that he met with NYS Homeland Security concerning the damages done from the storm. There is culvert pipe damage on Peckham Road, which needs to be addressed. Two sewer main breaks on Felters Road have been worked on. Brush pick up starts this week. All of the Highway Department's paving projects are pretty much completed. One new truck came in, and the other new truck is at Burr Trucking being outfitted.

Supervisor Whitesell stated that he received an e-mail from Emergency Services that New York State has qualified for the FEMA threshold, and that it was being sent to the President for his consideration.

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

Town Clerk's Monthly Report for August 2018
Supervisor's Monthly Report for August 2018

SUPERVISOR'S REPORT:

Broome County Association of Towns - Monthly Meeting – The next monthly meeting will be held on September 27, 2018. The guest speaker will be City of Binghamton Mayor Rich David.

2019 Tentative Budget – Supervisor Whitesell, Councilperson Rounds and Assistant Budget Officer Reifler met today to work on the 2019 Tentative Budget. The Town will be under the 2% property tax cap for 2019. The Tentative Budget is due September 30, 2018. However, September 30, 2018 falls on a Sunday this year. Consequently, the Tentative Budget will be delivered to the Town Clerk on Friday, September 28, 2018, and presented to the Town Board members at the October 2, 2018 Work Session.

Flood Update – Supervisor Whitesell is in receipt of a letter from Town of Kirkwood Supervisor Gordon Kniffen thanking the Town for the assistance of the Highway Department with their flood issues.

UNFINISHED BUSINESS:

2945 Hance Road Property – Logging Timber Harvest – Survey – Councilperson Rounds advised that the surveyor did not complete the field work due to an injury. The survey should be completed by this weekend, and the survey should be provided to the Town sometime next week or by the October 2nd Work Session. Councilperson Rounds will contact Matt Karp of Wagner Lumber to update him on the survey.

2339 Oswego Street – Dangerous and Unsafe Building – Update –Town Attorney Pope advised that he provided a draft of the Complaint to the Board members today. He stated that a Resolution is not needed. Town Attorney Pope will send correspondence to Mr. Harrington's attorney with a copy of the Complaint, advising him that the Complaint will be filed within seven to ten days, and to contact Town Attorney Pope if he would like to discuss the matter. If Mr. Harrington's attorney does want to discuss it, and the discussion is productive, he can bring it back to the Work Session. If there is no productive discussion, the next steps are as follows: The Complaint has to be filed to start the lawsuit and personally served on Mr. Harrington.

Booster Club – Audit – Supervisor Whitesell and Deputy Supervisor Yezzi, Audit Committee, met with Jess Clement, the current Treasurer of the Booster Club, last Tuesday. They took samples of the Booster Club's bookkeeping starting with last August 2017, and then went on to October 2017, when the football season was completed. They went through all of the deposits and expenditures finding that everything was accountable. They then looked at January of 2018 to see where they stood, which is a very slow period of time for the Booster Club. The records all matched up, including expenditures and deposits, as well as the accountabilities of the transactions. They then moved on to May of 2018, the beginning of baseball season. Again, everything lined up with their accounting, including expenditures and deposits. They then moved on to the end of the baseball season, which was July of 2018, and found everything accountable. The Audit Committee found that the Booster Club's accounting is impeccable and very easy to track through. The Audit Committee then moved on to reviewing their bank statements, looking at opening and ending balances for each month up to August of 2018, and everything matched to the penny. There was one deposit that was sometime during the football

season that was a withdrawal with no paperwork attached to it, but in reviewing the ledger, it was accountable to pay the referees. The Audit Committee found that the Booster Club is doing an impeccable job with their book work. The deposits are usually done the next day from when the funds are received by the Treasurer. There were some irregularities with the accountabilities with the funds where only one person is counting the funds instead of two people counting the funds. The Audit Committee highly recommended that the Booster Club use a two person system when counting the money. Treasurer Clement assured the Audit Committee that a system will be put in place with two people counting the funds going forward. The audit report will be filed with the Town Clerk's Office upon completion.

A motion was made by Councilperson Xlander to accept and approve the audit of the Booster Club, and the motion was duly seconded by Councilperson Yezzi. All those present voted in favor of the motion. Motion carried.

(Resolution Appended)

Thoma Development – Update – Thoma has not heard from NYS as to when the grant applications are due. Completed surveys are still being accepted by Thoma Development. Councilperson Rounds will be reaching out to Mr. Cunningham.

Replacement of Xerox Machine – Lease – Supervisor Whitesell is in the process of obtaining two more proposals.

Highway Department – Time Warner Franchise Agreement – Update – Town Attorney Pope provided a copy of the Franchise Agreement, which was submitted to Time Warner in 2015. While the Town had an agreement with Dave Whalen and Time Warner as to what the Town was looking for in that Agreement, and what Mr. Whalen agreed to, the various Town locations were not listed in the final Agreement. Highway Superintendent Donahue stated that Spectrum is saying that the Town could claim that the Town as a whole is exempt. Town Attorney Pope replied that the Agreement is more specific than that. Town Attorney Pope will contact Spectrum to discuss the Agreement. There is question whether or not Time Warner signed the Agreement, and turned the executed Agreement in to the Public Service Commission.

There was no further unfinished business.

NEW BUSINESS:

Water/Sewer Billing Clerk – Salary – A motion was made by Councilperson Xlander to approve and set the annual salary of the Water/Sewer Billing Clerk at \$9,900.00 with no other benefits related to said position, and the motion was duly seconded by Councilperson Yezzi. All those present voted in favor of the motion. Motion carried.

(Resolution Appended)

Highway Department – Felters Road – Sewer Main Line – Authorization of Bid – Highway Superintendent Donahue advised that with all of the rain storms that we have been having, there are several locations where pipes are cracking. There were two locations on Felters Road where

pipings has cracked. On Felters Road one location was approximately 25' of pipe, and the other location was approximately 10' of pipe. The pipe itself has a lot of cracks in it, and when all of the water gets into the system, one of the cracks will chip out a piece of the clay tile because most of the pipe in the Town is made of clay tile, not PVC pipe. The pipe will erode, which will cause the pipe to collapse. One location is Felters Road from Cheryl Drive back down to the City line, which is a main sewer trunk. When that breaks, all of Orchard Park will be out of sewer services. On Douglas Drive there is an area where the water is infiltrating into the sewer system, which is overwhelming, running around 1,000 gallons per minute into the sanitary sewer. Another location is on W. Hamton by Hickory, where there is a manhole to manhole that has a sag in it where it is not allowing the sewage to come out of the manhole. There is another location on Cynthia Drive. Highway Superintendent Donahue went around to the various locations with Dave from Clark Patterson's office, and discussed what they could do to rectify the problems. The cost for repair will be approximately \$130,000.00. Highway Superintendent Donahue would like the Town to contract from manhole A to manhole B, doing an overall blanket of so many feet, 500' here, 600' there, etc. Highway Superintendent Donahue would like the Board to authorize bidding to begin the process. The process can be done in cold weather. A motion was made by Councilperson Rounds authorizing bids by footage pricing for sewer line repairs, and the motion was duly seconded by Councilperson Yezzi. All those present voted in favor of the motion. Motion carried.

John Tokos – Riverview Street Property – Sewer District – Mr. Tokos explained that he will be building a house on Montrose Avenue, and on the corner lot of 115 Riverview and Montrose he would like to hook up to water. Mr. Tokos owns lots 111 through 115 on Riverview. At the back of the lot on the paper street, he would like to hook up to sewer. Kimball Street is a paper street. The sewer for the house (the house will be on Montrose) will go down to Kimball Street to the main road to the manhole on Kimball Street. He is proposing that the water line go down the side of Montrose Street, then come down to the back of lots 86 and 87 to the paper street, then go down the paper street to the manhole. He is not proposing to cross any other residents' lots. Lots 84 and 85 do have water and sewer municipal service, and are in the consolidated district. Highway Superintendent Donahue advised that the sanitary ends right at the middle of the intersection of Riverview and Kimball, where there is a manhole, and that there is one manhole on Montrose. Everything to the south side of Riverview is not in the water and sewer district. Supervisor Whitesell advised Mr. Tokos that for the Board to consider this request, he needs to understand that once they do that, he will have to make application and/or the Town Board will have to approve him entering into the Consolidated District, and that he will be assuming the taxes on any parcels the municipal water runs in front of, or any parcels that the municipal sewer will be run on. Hence, he will be paying the operation and maintenance tax on any of the parcels that need to be touched in order to run the water and/or sewer lines from the new home. Supervisor Whitesell advised that the Town will have to give property owners who live on the paper street adjacent the ability to purchase the paper street. Town Attorney Pope advised Mr. Tokos to speak with his attorney, see if the Deeds that he purchased picked up any interest in the paper street. He also advised that the Town does not own the paper street, but does have an interest in it. A developer, 40 years ago, had interest in developing the land, but that did not come to fruition. Mr. Tokos can have a private septic, and hook up to only municipal water.

Town Hall – Roof Repairs – Mr. Pappas and John Tokos met regarding the Town Hall roof repair. Mr. Pappas advised that the old section of the Town Hall roof needs to be repaired, and that the price for the repair should not exceed \$3,000.00. Mr. Pappas will provide the Board with two to three quotes for the repair of the roof.

There was no further new business.

VOICE OF THE PUBLIC:

Supervisor Whitesell opened the floor to the public at 8:10 p.m.

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

ADJOURNMENT:

Councilperson Cline made the motion to adjourn the meeting at 8:11 p.m., and the motion was duly seconded by Councilperson Rounds. 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, October 2, 2018, 5:00 p.m., at the Town of Binghamton Town Hall, 279 Park Avenue, Binghamton, NY.

Respectfully submitted,



Vickie A. Conklin
Town Clerk