

**May 10, 2021– REGULAR MEETING**

**The Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 6:00 PM on Monday, May 10, 2021 via Zoom teleconference due to the COVID-19 pandemic.**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/82166425245?pwd=S3RHdHUwbVICQ3J4djAwdzlhHdHFmdz09>

Meeting ID: 821 6642 5245

Passcode: 602101

Dial by your location

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**The members of the Town Board present via Zoom were:**

**Michael A. Marinaccio, Supervisor**

**Stephen M. Gardner, Councilman**

**Sharon M. Exley, Councilwoman**

**Danny F. Morabito, Councilman**

**Thomas J. Burns, Councilman**

**Also in attendance via Zoom:**

**Nathan D. VanWhy, Esq., Town Attorney**

**Susan M. Cerretani, Town Clerk**

**Code Enforcement Officer Stephen Rafferty, Public Works Commissioner**

**Joel Kie, Zoning Board Chair Jeanne Compton, Planning Board Chair**

**Jerry Ford, Town Engineer Ron Lake, Administrative Assistant Beverly**

**Wike.**

**CHAIR**

**SUPERVISOR’S REPORT**

**May 2021 Supervisor’s Report**

1. This meeting is being held remotely via **ZOOM** virtual meeting software. The public has the ability to view or listen to this meeting live via the **ZOOM** app, web browser and/or by telephone. This meeting is being recorded and will be transcribed at a later date.

Also, at this time, anyone who is not an officer of the town, will be muted until I ask for comments from the public. Please state your name when you are called upon and recognized by me. Please avoid any background noise while you are speaking.

**Supervisor’s Report**

1. Please take notice that we continue to maintain strict measures in place relating to anyone visiting the Town Hall to conduct business. That includes all town staff and elected and appointed officials. We now have a RING System installed at both entrance doors to the building. You will be asked what sort of business that you need to conduct. You must wear a face mask, or you will not be allowed to enter the town hall, you must use hand sanitizer on your hands which will be provided at both

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### SUPERVISOR’S REPORT CONTINUED:

entrances and at the Town Clerk’s Counter and the Old Front St. entrance. You must sign in prior to conducting any town business. Additional procedures are listed on our town website. The Town State of Emergency remains in place until further notice. Our town continues to operate under a State of Emergency due to the epidemic.

2. In regards to the **Employers Emergency Health Plan** that we voted on last month, the plan stays with the town and is made available to anyone who may want to review it. It will also be posted on our web site. Another requirement is to make this document part of our Town Policy Handbook so every staff and elected official will get a copy to place in the handbook. The plan is not required to go to county or state authorities.
3. At the request from the **Chenango Valley School District** Superintendent Dr. David Gill, I sent in a video congratulating the school district on their 100<sup>th</sup> Birthday celebration.
4. Attended a webinar to discuss the internal control framework for cash disbursements, including steps for assessing risks and implementing safeguards. This webinar was put on by the **NYS Audit & Control**. Steve Gardner also attended.
5. 22 Fuller St. will be demolished on May 14 starting around 7 AM. **Gorick Construction** has the contract. In addition, two people have expressed interest in the property. One of them wants to build a home there.
6. We received a message from Marian Pechmann Cooper requesting that the town return a plaque that was posted in the former **Sunrise Terrace Community Center** that honored the service of her parents who lived on Rosedale Dr. We offered to place the plaque on one of our walls here at the town hall, but they prefer to have the plaque back.
7. Please be aware that there were black bear sightings in Sunrise Terrace and near the Town Hall.
8. Planning Board meeting on May 24<sup>th</sup> at 6 pm via Zoom.

### CODE VIOLATIONS

1. 879 Upper Front St., Mirabito, tree fallen and laying on the back of the building
2. 14 Linda Dr., harboring chickens
3. 20 N. Broad, toilet thrown outside in the yard
4. 50 Pulaski, couch at curb and not picked up
5. 47 Adams St., large amounts of garbage on front porch. This is a repeat offense.
6. 30 Pulaski, TV placed at curb and not picked up.

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**SUPERVISOR’S REPORT CONTINUED:**

7. 700 Old Front Street, Potholes in parking area and walking and driving lanes.
8. 842 Front St, potholes in driveway and parking lot

**BUILDING PERMITS**

1. 263 L. Stella, new roof
2. 135 Adams Dr., new front porch
3. 314 Ferndale, decking
4. 206 Bevier St., fence
5. 517 Glenwood Rd., storage shed
6. 9 Bellaire, shed
7. 25 Sunrise Dr., shed
8. 7 JT Blvd, replace
9. 31 Hickory, above ground pool and shed
10. 31 Hickory, fence
11. 29 Pleasant Ct., erect lean-to
12. 27 Pleasant Ct., fence
13. 19 Rosedale, fence
14. 2 W. Lincoln, gazebo
15. 27 Pleasant Ct., new roof
16. 311 L. Stella, install vinyl siding

**DOG CONTROL MONTHLY REPORT**

**TOWN:** No report

**VILLAGE:** No report

**NYSEG UTILITY SHUTOFF NOTICES**

There were no **NYSEG** notices sent out to any of our residents this month

Our next Town Board Meeting is scheduled for June 7, 2021 at 5:30 PM, via **Zoom**.

**PUBLIC COMMENTS:**

None being heard.

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**COMMITTEE REPORTS**

• **PUBLIC WORKS**

- Public Works Commissioner Kie reported that he was present when Town Clerk Cerretani opened the bid for the 2-F600 trucks today at 1 pm. Deputy Clerk O’Neil was present as a witness. The Town Clerk received one bid from **Ferrario Ford Auto Group**. The bid total was \$96,588.80 which translates to \$48,294.40 per vehicle. Expected delivery 22-24 weeks.

• **FINANCE**

- **SUPERVISOR REPORT**

Councilman Gardner made a motion to accept the **March 2021 Monthly Financial Report** for the **Town Supervisor** in the amount of **\$1,641,172.50** seconded by Councilman Morabito. All in favor.

- **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilman Gardner made a motion to accept the **April 2021 Monthly Financial Report** for the **Town Clerk** in the amount of **\$1,154.20** seconded by Councilman Morabito. All in favor.

- **JUSTICE COURT REPORT**

Councilman Gardner made a motion to accept the **March 2021 Monthly Financial Report** for the **Town Court** in the amount of **\$44,253.50** seconded by Councilwoman Exley. State \$39,213.50 Town \$4,590.00. All in favor.

- **ABSTRACTS FOR APPROVAL**

On Motion from Councilman Gardner, seconded by Councilman Burns to approve **abstract #5** dated **May 10, 2021** in the amount of **\$182,274.56**.

Vote Ayes- 5, Nays-0, Absent-0.

Supervisor Marinaccio voting Aye  
Councilman Gardner voting Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

Unanimously passed and noted as duly adopted.

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Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$182,274.56.

Voucher #5 for May 10, 2021 in the amount of \$182,274.56:

<u>General Fund</u>	<u>\$56,892.22</u>
<u>Part Town</u>	<u>\$28.00</u>
<u>Highway</u>	<u>\$19,751.52</u>
<u>Fire Districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$3,187.95</u>
<u>Sewer Operating Dist.</u>	<u>\$43,334.89</u>
<u>Water Operating Dist.</u>	<u>\$59,079.98</u>

- **PERSONNEL**
  - Councilman Gardner reported that there are retirements in the works.
- **PLANNING**
  - Chairman Ford reported that the Planning Board is still waiting for the site plan for the old **St. Ann’s School conversion** project
  - The Planning Board is waiting for preliminary review for proposed solar energy project at 154 Glenwood Rd.

Chairman Ford asked if there would be a discussion on the tax exemptions for energy projects. A lengthy discussion then took place with Attorney VanWhy explaining all the particulars of the RPTL tax exemption.

If the Town chooses to “opt out” of [NYS RPTL 487](#) which provides an automatic exemption for solar, wind and other renewable energy projects, the developer would pay full taxes with no **PILOT** agreement. This will be filed with the State, a one-time occurrence.

If the Town “opts in” (does not act – leaves exemption in place) then any time we receive notification from a solar/energy/wind developer that they are intending to place a project within the town, we have 60 days to notify them of our intent to require a **PILOT** agreement. Every time there is a development, this process would take place.

**The Agency (IDA)** is actively working towards adoption of “uniform exemption criteria” related to solar, wind and other renewable energy projects. Once this is finalized, they will share this policy with us to help coordinate some of our decisions in regards to future renewable energy projects.

Within the discussion, Supervisor Marinaccio took a straw poll to see where the councilmembers stand on the tax exemption issue. All members tentatively indicated that each would vote to opt out of **RPTL 487**.

- Councilwoman Exley and Councilman Morabito agreed that solar farms are ‘For Profit’ organizations and should be required to pay taxes.
- Attorney VanWhy stressed that timing is crucial with a potential project pending. The Assessor should expect a letter from the developer asking if we require a **PILOT** agreement. There is a 60-day notification period to inform the developer of the **PILOT**.

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Regarding the **Cannabis Law**, Attorney VanWhy stated that the Town may opt out of allowing retail dispensaries and/or on-site consumption. If the Town Board chooses to prohibit entirely the retail sale and/or onsite consumption of marijuana products, it is subject to permissive referendum and must be done by December 31<sup>st</sup>, 2021.

The resolution approving the prohibition permissive referendum notice publication is 30 days, then we would have to schedule an election after that. Attorney VanWhy recommended that the Town Board act by September to give us adequate time to hold an election.

On a motion by Councilman Morabito seconded by Councilman Gardner to schedule a Public Hearing regarding a Local law entitled “**A Local Law to Opt-Out of Section 487 of the New York State Real Property Tax Law**” for the June 7, 2021 work session. All in favor.

**APPROVAL OF MINUTES**

On a motion by Councilman Burns seconded by Councilwoman Exley to approve the **April 5, 2021 Work Session Minutes, the April 12, 2021 Regular Meeting Minutes, and the April 22, 2021 Special Meeting Minutes**. All in favor. Vote Ayes –5, Nays – 0, Absent-0.

Supervisor Marinaccio voting Aye  
Councilman Gardner voting Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

All in favor

**ATTORNEY**

**RESOLUTION 2021-14**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

**RESOLUTION: AUTHORIZING PUBLIC WORKS COMMISSIONER KIE TO OBTAIN A PROFESSIONAL APPRAISAL OF THE PROPERTY LOCATED AT 541 OLD FRONT STREET, TAX MAP # 144.41-1-2.0 AT A COST OF \$975.00.**

The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes –5, Nays – 0, Absent-0.

Supervisor Marinaccio voting Aye  
Councilman Gardner voting Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

All in favor

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**RESOLUTION 2021-15**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

**RESOLUTION: ACCEPTING THE BID FROM FERRARIO AUTO GROUP FOR THE PURCHASE OF 2 F600 VEHICLES AT A COST OF \$96,588.80.**

The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes –5, Nays – 0, Absent-0.

Supervisor Marinaccio voting Aye  
Councilman Gardner voting Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

All in favor

**80 SUNSET DRIVE LITIGATION**

Attorney VanWhy reported that he is working with Keith O’Hara who is a litigation chair in his office to get the paperwork together to file an action against Mr. Florance. Mr. VanWhy has repeatedly emailed Mr. Florance’s attorney Rick Miller who has forwarded everything to his client for review. The last proposal was for Mr. Florance to pay for the survey to explore re-routing the pipe and defining a future potential easement area at the time we need to or can move the pipe. Mr. Florance has not responded. Mr. VanWhy stated that we are now at the point where we are ready to move forward with the lawsuit that the Town previously authorized.

**SPECTRUM CONTRACT**

Attorney VanWhy stated that the **Spectrum Contract** is still at a standstill. They have not yet approved it on their end.

He also reported that the **FCC** adopted a rule stating that we cannot get free internet in a franchise agreement because cable and internet are unrelated. We can still require them to provide us free cable service.

**PUBLIC WORKS**

- Highway Superintendent Kie reported that Dan Miller will be working on some fire hydrants in Chenango Shores area and will be replacing a leaky valve. Residents may experience some water discoloration.
- **Municipal Cleanup Day** is scheduled for this Saturday May 15th from 8 am to 3 pm. at the Town Garage.

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**CODE**

Code Enforcement Officer Rafferty received a request last week requiring a zoning change and a site plan review and variances regarding two properties located on Downs Ave. for the development of a Dunkin Donuts drive-thru only establishment. There was a previous interest in this same proposal that was addressed in 2015 but the **County**, **NYSDOT**, and **Broome County Public Works** had serious traffic concerns with the plan. In the meantime, the current owner relocated to the state of Maine and is interested in selling the property. There is a new prospective owner and a new **Dunkin Donuts** representative who would like to re-visit the proposal and development of the properties

Mr. Rafferty stated that the first step is to go to Town Board for a Zoning change. Then concurrently, the site plan and zoning can be sent to the County and review agencies at the same time.

The zoning is now (R 2) residential 2-family. They will be requesting a re-zoning change of the lots in the surrounding area that are now R-2. Mr. Rafferty would recommend the lots be changed to (C-2) Commercial 2. The last time this was presented, three of the surrounding residents were against it.

**ZONING**

Zoning Board Chair Jeanne Compton has scheduled a Zoning Board meeting for June 15th at 6 pm to address the Prospect Street sign variance issue. The meeting is scheduled to take place via **Zoom**.

**PUBLIC COMMENTS**

None.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:24 PM.

Respectfully submitted,

Susan M. Cerretani, RMC  
Town Clerk