

October 11, 2022- 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 Tuesday, October 11, 2022, in the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom. This meeting was changed to Tuesday because the Columbus Day Holiday falls on the normally scheduled meeting date of the second Monday of the month.

Join Zoom Meeting

<https://us02web.zoom.us/j/87093156137?pwd=ZWM2ZjhlakVHWIM5SUpDVm9VYWpiZz09>

Meeting ID: 870 9315 6137

Passcode: 437075

Phone: 1-646-876-9923

The members of the Town Board present were:

Michael A. Marinaccio, Supervisor

Stephen M. Gardner, Councilperson

Sharon M. Exley, Councilperson

Danny F. Morabito, Councilperson

Thomas J. Burns, Councilperson

Also in attendance:

Nathan D. VanWhy, Esq., Attorney for the Town

Wendi Evans, Deputy Town Clerk

Public Works Commissioner Joel Kie, Code Enforcement Officer

Stephen Rafferty (via Zoom), Zoning Board Chair Jeanne

Compton, Administrative Assistant Darrell Dennison, and Deputy Code Officer Kyle Doyle.

BROOME COUNTY EXECUTIVE BUDGET ADDRESS THAT WAS SCHEDULED FOR THIS EVENING HAS BEEN CANCELLED

SUPERVISOR'S MONTHLY REPORT

October 2022

The **Broome County Festival of Lights** today announced the acquisition of the **Tall Pines Players Club Forest of Lights**, along with big plans for the **2022 Festival of Lights**, including out-of-vehicle activities, expanding the event from a drive-thru lights show to an entire holiday experience, for the whole family to enjoy.

The **Broome County Festival of Lights**, now in its third year, has acquired the inventory of holiday lights and displays from the **Tall Pines Players Club Forest of Lights** – bringing one of the biggest holiday lights shows in Pennsylvania to Otsiningo Park, now serving Pennsylvania and Upstate New York.

The **Broome County Festival of Lights** is also expanding to include out-of-vehicle experiences, including visits and photos with Santa Claus and food and beverage vendors. And the classic holiday fireworks display will be back to light up the skies over Broome County for three nights.

October 11, 2022- REGULAR MEETING

SUPERVISOR'S REPORT CONTINUED:

1. **Town of Dickinson Fiscal Stress Report** from the **NYS Comptroller's office** indicates a level of ten total points which gives us a No-Designation score. That means that our town is doing extremely well in all categories of budgeting, spending, loans, etc.
2. **NYS Sales Tax** revenues continue to rise. The latest figures show around a 12% increase from last year. The sales tax that we receive helps us to fund our highway department activities and our general fund.
3. The **NYS Department of Transportation** will be installing a solar powered emergency cell phone station at the all-purpose trail that is on the new Front Street bridge. We have not received agreements for this device, but Joel and I did talk to a **DOT** representative. It also looks like once the bridge project comes to a conclusion, we will then be responsible for maintaining the trail as well as the new wooden fencing that is being installed at both ends of the bridge. This is an issue that will be discussed with the department. I am looking at this as another unfunded mandate by the state just like highway lighting is a mandate.
4. I am working with Steve as the **AOTV Treasurer** and Linda Jackson as **AOTV President**, in the final stages of development of scholarship funding for **SUNY Broome** students studying political science and criminal justice courses. This will be a \$500 scholarship awarded every year with a 5-year commitment by the **AOTV**.

Code Violations/Appearance Tickets

1. 7 N. Louisa, deck being built, no building permit
2. 74 Old State Rd., trash and debris in front yard
3. 4 JT Blvd., shed roof, exterior, doors needing repair
4. 606 Old. Front St., property maintenance, issues, appliances in driveway. The backyard is also an extreme mess littered with debris and garbage.
5. Appearance Ticket issued to 48 Pulaski Street, rubbish, garbage accumulated around property
6. Appearance ticket issued to owner of 50 Pulaski Street, accumulation of rubbish and garbage
7. 68 Sowden Street, large amount of debris and appliances at curb and yard
8. 160 Bigelow Street, tall weeds, grass
9. Appearance issued to 36 Pulaski Street, numerous violations, property currently condemned
10. Appearance ticket issued to 32 Terrace Drive., sanitation code violation
11. Appearance ticket issued to 26 Adams St., bags of garbage and various debris around property
12. Appearance ticket issued to Church Manna, Prospect Street, chunks of granite blocking sidewalk
13. 155 Glenwood Rd., no permit for roof installation
14. 119 Glenwood Rd., trash piled on back porch
15. 33 N. Broad Street, high grass/weeds, trash can full of garbage on front porch, plywood stacked on front porch

October 11, 2022- REGULAR MEETING

SUPERVISOR’S REPORT CONTINUED:

Code Violations/Appearance Tickets continued:

16. 4 N. Broad Street, mattress in front driveway
17. 11 N. Broad Street, trash and debris in front of house and side of property

Supervisor Marinaccio stated that all of these violations are unacceptable and show, in many cases, a total disregard to the neighbors and as a community as a whole. “I know I can speak for all the board members and other staff that we are frustrated and disgusted in how various properties are maintained. I would like to see penalties placed against these property owners and tenants that meet legalities.”

Building Permits

1. 11 Stearns Rd., new roof
2. 603 Old Front St., new garage

TOWN: Total of eight calls addressed all for reminders to renew dog licenses

VILLAGE: Total of nine calls addressed. All for reminders to renew dog licenses

NYSEG UTILITY SHUTOFF NOTICES:

No notices received

NEXT TOWN BOARD MEETING

Our next Town Board meeting is scheduled for Monday November 7, 5:30 PM work session.

PUBLIC COMMENTS

No public comments

COMMITTEE REPORTS

• **PUBLIC WORKS**

Councilperson Exley reported there was a water break on **Thomas Road** earlier this week. The **City of Binghamton** spent twenty thousand dollars installing a new shutoff valve.

• **FINANCE**

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **September 2022 Monthly Financial Report** for the **Town Clerk in the amount of \$1,534.00.00**. On a motion by Councilperson Gardner seconded by Councilperson Morabito. All in favor.

October 11, 2022- REGULAR MEETING

- **JUSTICE COURT REPORT**
Councilperson Gardner made a motion to accept the **July 2022 Monthly Financial Report** for the **Town Court** in the amount of **\$23,316.00** seconded by Councilperson Exley. \$15,671 State, \$7,695 Town, \$50 credit from the County. All in favor.
We are still waiting for the May and September reports from the court.

- **SUPERVISOR’S REPORT**
Councilperson Gardner made a motion to accept the **October 2022 Monthly Financial Report** (ending balance) for the **Town Supervisor in the amount of \$2,215,529.01** seconded by Councilperson Exley. All in favor.

- **ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Burns to approve **abstract # 10**, dated **October 11, 2022**, in the amount of **\$373,037.70**. Vote Ayes-5, Nays-0, Absent-0.

Supervisor Marinaccio voting Aye
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$373,037.70.

Voucher #10 for October 11, 2022, in the amount of \$ 373,037.70

<u>General Fund</u>	<u>\$54,035.16</u>
<u>Part Town</u>	<u>\$3,000.00</u>
<u>Highway</u>	<u>\$34,321.52</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$3,306.32</u>
<u>Sewer Operating Dist.</u>	<u>\$265,260.30</u>
<u>Water Operating Dist.</u>	<u>\$13,114.40</u>

- **PERSONNEL**
 - Councilperson Gardner had nothing to report.

- **PLANNING**
 - Councilperson Morabito reported that he attended the Planning Board meeting addressing the proposed Solar Farm. He stated that a lot of questions were asked of the developer and a lot of concerns were brought up. Supervisor Marinaccio and Councilman Morabito are concerned about the number of trees that the developer plans to take down. The Supervisor stated that **MS4** will come into play. Councilman Morabito said it was made well known to them that it will not be a tax-free zone. Attorney VanWhy stated that there is a formula that determines how much they will have to pay in taxes.

October 11, 2022- REGULAR MEETING

APPROVAL OF MINUTES

On a motion by Councilperson Morabito seconded by Councilperson Burns to approve the **September 12, 2022, Work Session Meeting Minutes/Regular Meeting Minutes**. All in favor.

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

Supervisor Marinaccio voting Aye
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito Aye
Councilperson Burns voting Aye

All in favor.

ATTORNEY

2023 BUDGET

RESOLUTION 2022 - 40

The following Resolution was offered by Councilperson Morabito, who moved its adoption, seconded by Councilperson Exley to wit:

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

RESOLUTION: SCHEDULING A PUBLIC HEARING FOR THE TOWN OF DICKINSON 2023 BUDGET NOVEMBER 7, 2022 AT 5:30 PM.

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
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

All in favor.

October 11, 2022- REGULAR MEETING

AMENDING CHAPTER 528 “VEHICLES AND TRAFFIC”

RESOLUTION 2022 – 41

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

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

RESOLUTION: SCHEDULING A PUBLIC HEARING AMENDING CHAPTER 528 OF THE TOWN CODE ENTITLED “VEHICLES AND TRAFFIC” TO PROHIBIT PARKING NEAR FIRE HYDRANTS ON NOVEMBER 7, 2022 AT 5:35 PM.

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
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito Aye
Councilperson Burns voting Aye

All in favor.

Attorney VanWhy reported that he has had contact from Mr. Maciak’s attorney regarding the property next door to the Highway Garage and a contract has been worked out. We will add a discussion to the November work session, and a vote for approval at the November Town Board meeting, and then arrange for closing on the property.

Mr. VanWhy initiated a discussion of seeking penalties for code violations. Currently, after receiving several notices of violations and an appearance ticket, many of the code offenders will appear in court stating that they have corrected the problem and are now in compliance.

Attorney VanWhy stated that the Town typically has sought compliance, not penalties, and we withdraw after compliance. A harsher, more aggressive stance would be to seek a penalty. We would say to the violator: thank you for complying, but you did not comply on time. It is a policy decision.

Mr. VanWhy posed the question - do we push it off and let the violators go scott free or do we put more teeth in it? We may have to end up going to a trial which results in more time involved. Mr. VanWhy is more than willing to seek penalties if we want to be more aggressive. Supervisor Marinaccio stated it is very frustrating in that he receives a lot of phone calls from neighbors regarding code violations. It was noted that fifty percent are repeat offenders. Mr. Kie stated that the repeat offenders are smart, and they tend to comply just before they come in to court.

Attorney VanWhy would like to know internally, when we are in court, if they are first time offenders or repeat offenders.

Something to consider would be to impose a minimum fine for the first offense and impose penalties on repeat offenders.

October 11, 2022- REGULAR MEETING

PUBLIC WORKS

- Public Works Commissioner Kie reported that final yard waste pickup will be Veterans Day.

PLANNING/ZONING

- Nothing to report.

CODE

- Kyle Doyle reported that 40 Sunset Drive has been torn down after having had a fire. The Assessor will be notified.
- 156 Bigelow Street is vacant, and the water is off.

Councilman Burns asked about the status of the 36 Pulaski property. Attorney VanWhy responded that the property owner Mr. B will be served appropriately once he is located. We are expecting a court date in early November.

Mr. Rafferty replied to Councilman Morabito's question regarding the zoning of the solar farm stating that it is R-1 with the issuance of the Special Permit from the Planning Board. Councilperson Morabito is very concerned about the environmental aspect of the solar farm that they will be destroying 18 acres of trees that will never be replaced. Mr. Kie commented that there is an environmental tradeoff. Mr. VanWhy noted that the Chairman of the Planning Board Jerry Ford is very thorough, and he is sure that Mr. Ford is asking a lot of questions regarding the effects of the project such as soil degradation, animals living there, and potential runoff. Mr. VanWhy stated there are many things to consider. Effectively, if the Town has concerns about the extent of this then our solar zoning law allows the town to hire an expert and we can charge the cost back to the developer because this is a significant clearing of land, and we would like an engineer to weigh in whether this is appropriate or environmentally justified. Mr. Rafferty stated that the developer has \$7500 in an escrow account.

The meeting was adjourned on motion of Councilperson Gardner and seconded by Councilperson Burns at 6:48 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk

WE/smc