

## September 12, 2022– WORK SESSION & REGULAR MEETING

The Work Session and Regular Meetings of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, September 12, 2022, in the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.

This is the third of the regular meetings of the summer schedule of July, August and September combining our Work Session with the Regular Meeting on the second Monday of those months with a start time of 5:30 P.M.

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 attending:

Nathan D. VanWhy, Esq., Town Attorney  
Susan M. Cerretani, Town Clerk  
Public Works Commissioner Joel Kie, Code Enforcement Officer Steve Rafferty, Town Engineer Ron Lake, Administrative Assistant Beverly Wike, and one member of the public.

Supervisor Marinaccio informed the board that they will be going into Executive Session at the end of the meeting to discuss potential litigation. He invited Administrative Assistant Wike, Public Works Commissioner Kie, Attorney VanWhy and the Town Board members to be included in the session.

### SUPERVISOR'S MONTHLY REPORT

#### September 2022 Town Board Meeting

1. The garbage garage was finally cleaned out at 156 Bigelow St., but the property has various maintenance violations and other issues that need to be addressed.
2. I will need to keep the town's registration for **SAM Grant** management up to date by registering again. This is an annual action that needs to be taken to ensure any grant payments to the town.
3. I received a letter from the **NYS Department of Environmental Conservation** indicating that our town has adequately resolve all issues that were noted during inspection thanks to Joel and Ron's efforts in addressing them.
4. In case you have not had a chance to read this, there is an article in the May/June **Talk of The Town** magazine regarding roundabouts and how well they work in reducing accidents, reduce vehicle speed, increase traffic flow, etc.
5. I have reviewed the July to August charges on our town credit card and found no issues.
6. Joel and I met with the **Emergency Services** representatives to go over a draft of the **Town Disaster Plan**. We still have to input more information, but we are on our way to have an official plan soon.

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### SUPERVISOR'S MONTHLY REPORT CONTINUED:

#### Code Violations/Appearance Tickets

1. 62 Sowden, storm door, TV left at curb and not picked up
2. 367 Prospect, burning cardboard in burn pit
3. 68 Sowden, large amount of debris, appliances at curb and in yard
4. Stop Work Order issued to 116 Rosedale, building deck with no permit
5. 48 Pulaski, garbage around front and side of the house
6. 31 Pulaski, tall weeds, and grass
7. 49 Adams St., debris, and garbage on front porch
8. 160 Bigelow, tall weeds and grass
9. 47 Pulaski, structure has visible holes
10. 2 True St. carport installed without a permit
11. 50 Pulaski, garbage along the side of the residence
12. 210 Bevier St., two unregistered vehicles in driveway,
13. 440 Ferndale, downspouts connected to sanitary system
14. 20 N. Broad, house repairs permit expired
15. 63 Adams St., appliances, various cardboard and junk alongside of house
16. 478 Glenwood, Tall weeds and grass
17. 29 Sunset, back of yard not mowed. Limbs and branches in yard not picked up
18. 380 Prospect St., tires stored openly in backyard
19. 68 Sowden St., large amount of debris, appliances at curb
20. 367 Prospect St., burning cardboard in burn pit
21. 62 Sowden St., storm door, TV at curb not picked up
22. Appearance ticket issued for 478 Glenwood Rd, failed to address tall weeds and grass violation
23. Appearance Ticket issued to 33 N. Broome, failed to address tall weeds and grass violations, various debris on property
24. Appearance Ticket issued to 80 Sunset dr., failed to address violation of materials stored near fire hydrant
25. 316 Glenwood Rd., parking commercial vehicle on property (VOA)
26. 380 Prospect St., chickens in cages in back yard
27. 339 Prospect St., various debris and garbage in front yard

#### Building Permits

1. 44 Rogers Mountain Way, first floor garage, second floor bedrooms (2)
2. 11 Bellaire, install fence
3. 20 Broad, repairs
4. 12 Lawson Court, roof tear off
5. 346 Prospect St., Church of Holy Trinity, install budget fence
6. 40 Sunset, demolition of home that was damaged by fire
7. 45 Upper Taft, new deck
8. 13 Rosedale, new shed
9. 910 Front St., (GHS), new sign

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**SUPERVISOR’S MONTHLY REPORT CONTINUED:**

- 10. 116 Rossdale, extend deck
- 11. 21 Pleasant Ct., rebuild new porch
- 12. 2 True St., build carport
- 13. 930 Upper Front St., install fence

**DOG CONTROL REPORTS**

TOWN: Total of five calls addressed. Overdue dog licensing on several dogs , German shepherd off leash, dog being sent back to family in Georgia.

VILLAGE: Total of five calls addressed. Two stray pit bulls found and reported by **Port Dick Police Department**, overdue dog licensing on several dogs.

**New York State Agriculture and Markets** inspection report returned a satisfactory rating.

**NYSEG UTILITY SHUTOFF NOTICES:**

No notices received

**Next Town Board Meeting**

Today’s meeting is the last one for the summer schedule. Our next Town Board meeting is scheduled for Monday October 3, 5:30 PM work session.

**PUBLIC COMMENTS**

None being heard

**COMMITTEE REPORTS**

**PUBLIC WORKS**

Nothing to report

- **FINANCE**

**TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **August 2022 Monthly Financial Report** for the **Town Clerk in the amount of \$1,664.80**. On a motion by Councilperson Gardner seconded by Councilperson Morabito. All in favor.

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**ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Burns to approve **abstract # 9**, dated **September 12, 2022**, in the amount of **\$490,299.17**.

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 Aye

Unanimously passed and noted as duly adopted.

**Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$490,299.17.**

**Voucher #9 for August 2022:**

<b><u>General Fund</u></b>	<b><u>\$69,344.77</u></b>
<b><u>Part Town</u></b>	<b><u>\$794.00</u></b>
<b><u>Highway</u></b>	<b><u>\$388,857.56</u></b>
<b><u>Fire districts</u></b>	<b><u>\$0.00</u></b>
<b><u>Light Districts</u></b>	<b><u>\$3,037.19</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$5,841.55</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$22,424.10</u></b>

**TOWN COURT MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the Financial Report for the **Town of Dickinson Court** for the month of **June 2022** in the amount of **\$22,978.00**.

**STATE: \$15,783.00 TOWN: \$7,215.00 Credit of \$20.00 from the County**

On a motion of Councilperson Gardner and seconded by Councilperson Exley. All in favor.

**SUPERVISOR MONTHLY REPORT**

Councilperson Gardner made a motion to approve the **July 2022 Supervisor monthly report** in the amount of \$2,215,529.01 seconded by Councilperson Morabito. All in favor.

**PERSONNEL**

Nothing to report at this time.

**PLANNING**

Nothing to report at this time.

**September 12, 2022 – WORK SESSION & REGULAR MEETING**

**APPROVAL OF MINUTES**

On a motion by Councilperson Exley seconded by Councilperson Gardner to approve the **Work Session and Regular Meeting Minutes of August 08, 2022**. 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.

**ATTORNEY**

**BROOME COUNTY RADIO SYSTEM MEMORANDUM OF UNDERSTANDING**

**RESOLUTION 2022-36**

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

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

**RESOLUTION: APPROVING BROOME COUNTY RADIO SYSTEM  
MEMORANDUM OF UNDERSTANDING.**

The County purchased the system, and the Town must maintain it for a period of 10 years. The County supplies the radios. We will receive eight radios and will be assigned a channel.

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.

**RESOLUTION 2022-37**

The following Resolution was offered by Councilperson Gardner, 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: ADOPTING THE UPDATE OF THE NEW YORK STATE  
SEXUAL HARASSMENT POLICY**

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.

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**UPDATE ON 36 PULASKI STREET**

Attorney VanWhy reported that hopefully the litigation team will be filing and serving the lawsuit on the 36 Pulaski Street property next week.

**LOCAL LAW REPEALING AND REPLACING CHAPTER §410 OF THE TOWN CODE ENTITLED “NUISANCES”**

Attorney VanWhy gave an overview of the proposal to potentially repeal and replace the current law regarding nuisances. Mr. VanWhy proposed that the town make changes to the lock down law that would give us a stronger law with a little more leverage with these potential properties. There is some review that Attorney VanWhy, Joel Kie, Steve Rafferty, and Supervisor Marinaccio need to go over. The goal is to go through and identify all the code violations correctly and note any particular concerns that the town may have.

Attorney VanWhy noted that he, Joel Kie, Steve Rafferty, and Supervisor Marinaccio will be working on a draft and hopes that within the next few months they will have a final draft for the board to consider.

**RESOLUTION 2022-38**

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

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

**RESOLUTION: AUTHORIZING THE PUBLIC WORKS COMMISSIONER JOEL KIE TO HIRE A NEW EMPLOYEE WITH A START DATE OF 09/12/2022. SCOTT ZAINO, LABORER, \$22.50/HR., 12 WEEKS PROBATIONARY PERIOD.**

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.

**AMENDING TOWN PARKING LAW REGARDING PARKING TOO CLOSE TO A FIRE HYDRANT**

Attorney VanWhy introduced a potential Local Law that is being worked on to make it a violation under our vehicle and traffic law for parking under fifty feet from a fire hydrant. This amendment to the Town Code would make the obstruction of a fire hydrant a town code violation and would give us the ability to enforce it. It also allows us to do it on our short form parking ticket violation notice. When a parking ticket is issued, Joel, our Town Constable, will take down the license plate number, put a sticker on it, and write a ticket. The court will get a copy of the ticket, look up the registered owner of the vehicle, and mail out the notice to the offender.

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Currently, the obstruction of a fire hydrant is a violation under our Town water code where a normal full notice of violation must be done, and an information complaint must be issued. Under the State vehicle and traffic law the only people that can issue a parking ticket for parking too close to a fire hydrant are police officers.

**RESOLUTION 2022-39**

Attorney VanWhy explained that this is the Chenango Fire Company’s tax-exempt financing that ratifies the Supervisor’s signature on a certificate that was provided that there was no issue from the town when it comes to their tax-exempt borrowing. This does not obligate the town to pay back the loan that the Fire Company is taking out. The Fire Company had a Public Hearing, and no one showed up.

The following Resolution was offered by Councilperson Gardner, 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: APPROVAL OF BORROWING BY THE ELECTED REPRESENTATIVE OF POLITICAL SUBDIVISION CONTRACTING FOR FIREFIGHTING SERVICES.**

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.

Councilman Morabito asked about the status of the property next door to the Town garage. Attorney VanWhy replied that the dispute between the partners has been resolved and the new owner, Mike Maciak, who is one of the previous owners, is on board and ready to move forward. His attorney has not reached out to Attorney VanWhy as of yet.

**COMMITTEE REPORTS:**

**PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT**

- Public Works Commissioner Kie stated that the American Rescue Fund allocations need to be amended. The Town Hall had to be adjusted because the material prices increased from the original estimate that we obtained last fall.  
New totals:  
    spent: \$286,571.00      received: \$356,000.00      dollars left: \$69,249.00
- Supervisor Marinaccio reported that there was a meeting with our auditor/advisor Mike Giovinazzo to make sure that how the money has been held and spent are all done correctly. At budget time there will be some adjustments to Joel’s budget.
- Public Works Commissioner Kie reported that all of the town was swept with the new street sweeper. The auction closed on the old street sweeper netting approximately \$16,000.
- The leaf box is on the new truck.

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**PLANNING BOARD**

Planning Board meeting scheduled for Monday, September 27<sup>th</sup>.

**ZONING BOARD**

Nothing to report

Attorney VanWhy received a notice from a solar developer with a question about taxes. Mr. VanWhy responded with a letter stating that the Town opted out of the RPTL-487 and the property is one hundred percent taxable.

Attorney VanWhy stated that New York State adopted a new valuation methodology for solar and wind specifically, and it is going to be based off the actual megawatts that are generated.

Code Enforcement Officer Rafferty stated that he expects the estimate for the decommissioning will be put on the Planning Board Meeting agenda scheduled for September 26th.

Mr. Kie reported that Starbuck's should be open by October.

**CODE ENFORCEMENT**

Nothing to report

The meeting was adjourned into Executive Session on a motion of Councilperson Morabito and seconded by Councilperson Burns at 6:18 PM to discuss potential litigation.

A motion was made to adjourn from executive session back into regular session on a motion of Councilperson Morabito and seconded by Councilperson Burns at 6:34 PM.

The meeting was adjourned on motion of Councilman Gardner and seconded by Councilman Burns at 6:35 PM.

Respectfully submitted,

**Susan M. Cerretani RMC**

Town Clerk