

August 21, 2023 – WORK SESSION & REGULAR MEETING

The Work Session and Regular Meetings of the Town of Dickinson Town Board were called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, August 21, 2023, in the Town Hall, 531 Old Front Street, Binghamton, New York.

This is the second of the regular meetings which begins 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
Thomas J. Burns, Councilperson
Danny F. Morabito, Councilperson**

Also attending:

**Nathan D. VanWhy, Esq., Town Attorney
Wendi Evans, Town Clerk
Public Works Commissioner Joel Kie,
Town Engineer, Ron Lake
Code Enforcement Officer, Kyle Doyle
Nine residents/guests**

August 2023, Supervisor's Report

1. I reviewed the credit card monthly charges and found no issues.
2. On July 14, 2023 I had a phone conversation with Nancy Williams, Commissioner of the Department of Social Services. Ms. Williams stated that there are no Level 3 Sex Offenders in either hotel on Old Front St. She also stated that there is a program being developed that will allow DSS to send clients to a temporary shelter instead of the hotels.
3. I once again stated that the folks that are staying at our hotels pose a major concern to our residents who live in Sunrise Terrace and other areas of town. There have been many instances of damage to our park including nuisance issues such as alcohol and drugs being used there. There have also been several issues with hotel people roaming around the neighborhood causing great concerns. We have had several issues with individuals drinking alcohol at our park during early morning hours, mostly on a Sunday. Reports have been made to our Sheriff's Department. I had a discussion with Sheriff Akshar, and he stated that there is a possibility of a Level 3 Sex Offender being housed at the jail if he or she is arrested for some other crime. Otherwise, Level 3 offenders, once found guilty of a sex related crime are sent to a state prison. The Sheriff also stated that they do not send anyone who is released from jail to the hotels or any other facility. I asked for a copy of all police records that were generated from calls to the hotels and he agreed to do that.

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4. The person who has been camping out at the bus shelter on Front St. was removed by the sheriff on Monday, Aug. 7. Several legal issues were part of the reason for removing him. Our hope is that he does not come back.
5. The bus shelter homeless person is back. The sheriff is aware.
6. We received a 2nd quarter check from the Traffic Diversion program for \$33,504.58.
7. We received our 2nd quarter sales revenue for the amount of \$296,602.65. Total so far is \$575,278.51.
8. It has been reported to me that the individuals who are usually soliciting money at Front St. near Aldis, have been seen in our park. They did not camp there but we need to review our park policies to assure that camping and loitering is prevented.
9. On Friday, July 28, early evening, there were many emergency vehicles and sheriff patrol cars at the Econo Lodge. It turns out that one of the hotel occupants went into labor then gave birth to her baby. Mother and baby are doing well. They were transported to a hospital for further care.
10. The Annual Savor the Summer event at Achieve will take place on August 31. Fireworks will not take place in the nearby BAGSAI fields but instead will take place at Otsningo Park around 9 PM. ACHIEVE still needs to apply for a permit through our town code enforcement officer.
11. I attended the Annual NY Association of Towns Retreat last week which was held in Lake Canandaigua. During our business meeting we discussed a candidate to replace Executive Director Gerry Geist. A formal interview by the search committee of the candidate will take soon. Our goal is to appoint Gerry’s replacement in October or November of this year. Gerry will retire by the end of April of next year.
12. The budget process for 2024 has begun. Notices will be sent out soon for our preliminary budget meeting.

Code Violations/Appearance Tickets

Violations	
Property	Type
650 Old Front St	Operating a Flea Market w/o Permit
68 Sowden St	Trash & Debris
156 Bigelow St	Tall Weeds & Grass
41 N Broome St	Tall Weeds & Grass
31 Pulaski St	Tall Weeds & Grass
33 Pulaski St	Tall Weeds & Grass

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40 Sunset Dr	Tall Weeds & Grass
63 Adams St	Trash & Debris
27 Jameson St	Walls & Roof Framing Violations
700 Old Front St	Trash & Debris
15 N Broad St	Pool installed with expired permit/no electrical inspection/pool alarm
29 N Louisa St	Pool installed with no permit/no electrical inspection/pool alarm
290 Lower Stella Ireland Rd	Fence Installed without Permit
61 Old State Rd	Siding work without permit
20 N Broad St	Roof, Sanitation, Windows, Exterior Structure Protective Treatment
220 Lower Stella Ireland Rd	Operating a business in a residential district / Roof with no permit
11 N Broome St	Tall Weeds & Grass
22 N Louisa St	Tall Weeds & Grass
288 Lower Stella Ireland Rd	Tall Weeds & Grass
701 Old Front St	Trash & Debris
606 Old Front St	Tall Weeds & Grass
557 Old Front St	Tall Weeds & Grass
27 Terrace Dr	Tall Weeds & Grass
362 Prospect St	Several Fire and Property Maintenance Violations
33 Stearns Rd	Tall Weeds & Grass
83 Sunset Dr	Tall Weeds & Grass
10 Lower Taft Ave	Trash & Debris
9 Clifton Ave	Dumping grass clipping along town right of way
Permits Issued	
Property	Type
20 Jameson Rd	Fence
14 N Moeller St	Extension for Remodel
9 N Louisa St	Porch Steps
159 Rosedale Dr	Fence
61 Old State Rd	Siding
15 N Broad St	Pool
10 Deyo Hill Rd	Fence
290 Lower Stella Ireland Rd	Fence
290 Lower Stella Ireland Rd	Deck
3 Maiden Ln	Garage
220 Lower Stella Ireland Rd	Roof
220 Lower Stella Ireland Rd	Large Window Replacement

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15 Forest Hills Blvd	Roof
1 Witman Ln	Metal Carport
29 Pleasant Court Dr	Deck
Appearance Tickets	
Property	Type
Fire Inspections	
Property	Type
362 Prospect St	
367 Prospect St	

Dog Control Officer Reports:

TOWN: Nothing to report

Village: Nothing to report

NYSEG Utility Shutoff Notices:

No notices received.

Next Town Board Meeting

Our summer schedule board meeting is scheduled for September 11, **combined 5:30 PM work session and regular board meeting. This will be the last summer schedule meeting. We will go back to holding our regular work sessions and regular town board meetings starting in October.**

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PUBLIC COMMENTS

A resident was concerned with the water that has been running down Terrace Dr. Mike explained that the house on the top corner house of Terrace has a pond and a water line break so he has temporary piping to have the water go down the street.

COMMITTEE REPORTS

• PUBLIC WORKS

- Councilperson Morabito explained that Sunrise Dr is completed with the exception of the final paving. Waiting on the contractors to give us a date that they can complete that. They believe it will be able to be done in 1 day. 95% of the project is complete. Overall, very pleased with the work of the contractors and the highway crew. The residents will be contacted before the final paving begins.
- Councilperson Exley explained that they have been working on the budget and they almost have it completed.

• PERSONNEL

- No discussion

• PLANNING

- Chairman of the Planning Board explained they are on hold with the Solar situation until the Town Board makes their decision. They are currently working on the update of the Comprehensive Plan.

• FINANCE

SUPERVISOR'S MONTHLY FINANCIAL REPORT

Councilperson Gardner made a motion to approve the **July 2023 Supervisor monthly report in the amount of \$2,785,500.84**. On a motion by Councilperson Gardner seconded by Councilperson Morabito. All in favor.

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 **July 2023** in the amount of **\$31,119.00**. **STATE: \$23,121.00 COUNTY \$280 TOWN: \$7,718**. On a motion of Councilperson Gardner and seconded by Councilperson Burns. All in favor.

TOWN CLERK MONTHLY FINANCIAL REPORT

Councilperson Gardner made a motion to accept the **July 2023 Monthly Financial Report** for the **Town Clerk in the amount of \$1,484.00**. On a motion by Councilperson Gardner seconded by Councilperson Exley. All in favor.

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ABSTRACTS FOR APPROVAL

On Motion from Councilperson Gardner, seconded by Councilperson Morabito to approve **abstract # 8**, dated **August 21, 2023**, in the amount of **\$842,085.67** 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 \$842,085.67.

Voucher #8 for August 2023 in the amount of \$842,085.67.

<u>General Fund</u>	<u>\$99,058.40</u>
<u>Part Town</u>	<u>\$839.68</u>
<u>Highway</u>	<u>\$6310.28</u>
<u>Highway Project HP23</u>	<u>\$324,671.72</u>
<u>Light Districts</u>	<u>\$5690.52</u>
<u>Sewer Operating Dist.</u>	<u>\$261,423.38</u>
<u>Sewer Laterals HS23-</u>	<u>\$9357.53</u>
<u>Water Operating Dist.</u>	<u>\$134,734.16</u>

APPROVAL OF MINUTES

On a motion by Councilperson Gardner seconded by Councilperson Exley to approve the **Work Session and Regular Meeting Minutes of July 10, 2023**. 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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ATTORNEY

Solar Ordinance Discussion:

Attorney VanWhy explained that the solar committee has given some recommendations for the board to consider. The committee was tasked by the town board back in January to review potential options for addressing a second look at how the town handles commercial scale solar development and specifically zoning regulations concerning them. The solar committee met over several months and they have produced 4 options (see below) of their recommendations for consideration by the town board in a 3-page document that every town board member has received. The options were reviewed at the meeting and at that time the board was given the opportunity to give any preliminary thoughts and recommended since it was the first evening that the board had seen the document that they receive it, read it, listen to the public, digest it. Over the next couple weeks, perhaps schedule an attorney/client session with the attorney to ask any legal questions they might have about what the options might be and give his advice to them in that session as that would prepare the board for potentially a robust discussion by the town board at the September meeting and then possibly in the October meeting we can have direction in what path we would like to take so a local law can be prepared, potentially a Public Hearing in October with potentially an adoption in November or December. With the 4 options given he explained that they do not have to follow them. There may be other options that can be reviewed or considered but the ones given capture the typical options presented. The town board commented on how the committee did a great job & appreciate their efforts.

The options were as follows:

Option 1 – Prohibit installation/operation of Commercial Solar Farm Development in ALL residential zoning district Town-wide.

Option 2 – Prohibit CSFD in R-1 and R-2 residential zoning districts Town-wide but permit such development in R-M residential zoning districts.

Option 3 – Permit CSFD only in distinct geographic districts designated “Solar Overlay Zones.”

Option 4 – Permit CSFD only in a Floating Overlay Zone created AFTER prospective solar site submittal/approval.

Resident Hans VanHouten explained that a lot of the options are in the NYSERDA solar model manual he requested be forwarded to the Town Board to review to help understand the options being presented.

A guest questioned if there was anything more specific on the setbacks or were they just going to look at the model law and go with that. The response was they had pretty much

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only looked at the model law at this time. The guest was mostly concerned with that and also the timing of when that would be discussed. Attorney VanWhy explained that it was too early to tell what will be decided whether the board will follow exactly the monolog or exactly what they will make changes to. The setbacks will be brought up when the Town Board decides on what they are interested in. The solar committee has accomplished what they needed to do for now unless the Town Board needs them to intervene. The moratorium was figured on taking close to a year and the Town is on track with that.

A resident that is a member of the Solar Committee recommended that the Town Board review as much as they are able to of the NYSERDA document that lays out the various options that other communities in New York State that have dealt with these same situations. There are examples in there of what they decided on and also diagrams that help make it more clear.

A representative from a solar developer commented and she explained how she has reviewed many town ordinances and Broome County has a solar planning document that suggests that you should not unreasonably restrict the development of solar so she would like to have the Town Board keep that in mind as they are putting their laws in place.

The Town Board will have to carefully, thoroughly and review all options before any decisions are made. An attorney client session meeting will be scheduled in the near future.

The moratorium currently expires in December. At that time, if the town is in a position where they would like to adopt a new law or keep the current law then they will appeal the moratorium at that time. If they have not made a decision at that point, then it will need to be extended for a period of time. Everyone involved is wanting to complete this in a timely manner.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

Commissioner Kie commented that Sunrise Dr is about completed. The yard/waste truck is having some mechanical issues so if it becomes a problem, they will look into temporarily borrowing one if needed.

PLANNING & ZONING BOARD

There is a Public Hearing on September 5th regarding 25 N. Broad St.

CODE ENFORCEMENT

Code Enforcer Doyle has noticed certain permits that we are not charging a fee for. Garage sales, dumping, fireworks, and driveways. He recommended the fee for those should be \$25.00. With some discussion Attorney VanWhy gave a recommendation and Code Enforcer Doyle is going to put a more detailed list and explanation of each item to present to the board to help better understand the reason for each fee what the fee will entail and will be discussed further.

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The meeting was adjourned on a motion of Councilperson Morabito and seconded by Councilperson Burns at 6:58 PM. All in favor.

Respectfully submitted,

Wendi Evans
Town Clerk