

July 10, 2017 – WORK SESSION & REGULAR MEETING

The Work Session and Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio promptly at 5:34 PM on Monday, July 10, 2017 in the Town Hall, 531 Old Front Street, Binghamton, New York.

This is the first 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, Councilman
Sharon M. Exley, Councilwoman
Thomas J. Burns, Councilman

Also attending:

Oliver N. Blaise III, Esq., Town Attorney
Susan M. Cerretani, Town Clerk
Public Works Commissioner Joel Kie, Code Enforcement Officer Steve Rafferty, Town Historian and Planning Board Chairman David Wasser, Town Engineer Ron Lake, Administrative Assistant Beverly Wike, Zoning Board Chair Jeanne Compton, Broome County Clerk Rick Blythe, MEGA representative Danielle McMullen and 5 members of the general public.

Absent: Danny F. Morabito, Councilman

Supervisor Marinaccio welcomed Broome County Clerk Rick Blythe.

Supervisor Marinaccio opened the Public Hearing portion of the meeting at 5:35 PM.

PUBLIC HEARING #1: ADOPTING A LOCAL LAW REGULATING SOLAR ENERGY SYSTEMS

Attorney Blaise stated that the Town has been working on the Solar Energy Local Law for about a year. The board adopted a moratorium last September so that the town would have a chance to conduct a study. The Town submitted the proposed Local Law to the County and the County made some constructive comments. Mr. Blaise made the recommendation that the board adopt the Local Law this evening and then we can work on updating the law to incorporate the County's suggestions.

Supervisor Marinaccio thanked the members of the Solar Committee who worked on this for a year for their hard work and research.

PUBLIC COMMENTS:

Hearing none from the floor the public hearing was closed at 5:37 pm.

July 10, 2017 – WORK SESSION & REGULAR MEETING

MEGA PRESENTATION - DANIELLE MCMULLEN

Supervisor Marinaccio introduced Danielle McMullen, Client Relationship manager for **Energy Next, MEGA (CCA) Community Choice Aggregation**. Danielle previously addressed the board on October 3, 2016 and was invited back to explain the particulars of the program and to answer questions.

Community choice aggregation (CCA) is a community energy program through **MEGA** that enables local governments to aggregate electricity demand within their jurisdictions in order to procure alternative energy supplies while maintaining the existing electricity provider for transmission and distribution services. **CCA Community Choice Aggregation** is a new residential bulk electricity purchasing program that allows cities, towns and villages to pool the electricity accounts of residents within their municipal boundaries. The bulk purchasing of electricity increases a consumer's individual buying power which will result in lower electricity rates for residents. **CCA** also helps residents from predatory marketers. Consumers who do not wish to participate in the program can opt-out, remaining with the utility.

Ms. McMullen explained that there is a **7 step process**:

1. Choose **MEGA** as **CCA** administrator
 - The contract with **CCA** is typically for three years
2. Education and outreach plan – The implementation Plan and Data Protection Plan must be approved by the State.
 - At least 60 days of public education in multiple ways
3. Adopt a Local Law to authorize **CCE**
4. Competitive bid for energy supply
5. Select low bid supplier
6. Citizens can opt out
 - If citizens are currently with **NYSEG** for their energy supply. Must opt-out if they do not want to be in the bulk purchase. 30 days to opt-out from the time they receive the letter explaining the benefits, rates, etc. Only residents who are purchasing energy supply from **NYSEG** will receive a letter.
7. Savings begin

COMMENTS:

Attorney Blaise asked Ms. McMullen whether **MEGA** provides a sample Local Law to the municipality. Ms. McMullen replied that draft documents will be provided to the town.

A speaker asked the question: What are the projected savings based on experience?

Ms. McMullen replied that she doesn't have data; the program is new. She would expect a (conservative) single digit savings projection.

July 10, 2017 – WORK SESSION & REGULAR MEETING

A speaker asked the question: If you opt out can you opt back in?

Ms. McMullen stated that they are still working on that and didn't have an answer at this time.

Supervisor Marinaccio commented that he was told that there is an average of \$100/yr savings; \$8.00/month for the average user.

Councilman Gardner asked the question: Who is monitoring the low bid rate and how often do you go back to the suppliers?

Ms. McMullen's response was that it depends on the length of the contract. Ms. McMullen explained that certain times of the year are better for looking at rates; specifically spring and fall.

Councilman Burns asked what other municipalities in the region are interested in the program?

Ms. McMullen replied that the Town of Horseheads and Town of Union are now at Step 3 in the process. There are several municipalities in this area that are in the exploration phase: City of Elmira, Town and Village of Owego, Village of Newark Valley, Town of Spencer, City of Hornell, Town of Binghamton, and the Town of Maine.

Supervisor Marinaccio opened the second Public Hearing portion of the meeting at 5:52 PM.

PUBLIC HEARING #2: ADOPTING A LOCAL LAW REGARDING FENCES

Attorney Blaise gave an overview of the proposed fence law. Currently there is not an existing fence law and the board agrees that it is time to put it a fence law in place.

The Fence Law will regulate height, placement and other issues. We have a permitting requirement to allow tracking and compliance.

Supervisor Marinaccio stated that existing fences will be grandfathered in and barbed wire fences have to come down

PUBLIC COMMENTS:

Hearing none from the floor the public hearing was closed at 5:57 pm.

July 10, 2017 – WORK SESSION & REGULAR MEETING

Supervisor Marinaccio gave his report for the month of July. His report will be placed on file.

SUPERVISOR'S MONTHLY REPORT July, 2017

1. Supervisor Marinaccio attended the County Executive's quarterly supervisors and mayors meeting held on Thursday June 29. Discussion focused on shared services. Much of that was on the shared cost of the communication towers that are being erected around the county by emergency services that will benefit the entire county. Each municipality will be charged a certain percentage of the cost. The Supervisor will have more on that when details are presented. It was also announced that there was no benefit to the county to allow towns into their self insured health insurance program though at this time the state does not allow that to happen. Supervisor Marinaccio turned in to the County all of the shared services and operations that our town is currently involved in or has been involved in over the years. It was a very extensive list.
2. Supervisor Marinaccio reported that it was announced at the **BMTS** meeting that the **Prospect Mountain Project** is approximately 30% complete.
3. Supervisor Marinaccio read a portion of a letter he received from a Linda Dr. resident that was very complimentary of the Highway Department's snow removal performance and the letter also gave praise for the **Garbage District** dissolution transition.
4. Supervisor Marinaccio received a letter from Assemblyman Crouch regarding the **hotel occupancy tax**. Mr. Crouch informed the Supervisor that although it was turned down last year, it automatically will come up again next year. Assemblyman Crouch encouraged Supervisor Marinaccio to write a letter to the Governor.

Code Violations Report:

1. 478 Glenwood Rd, tall weeds and grass, house not visible
2. 33 N. Broad St., shed falling in, siding missing from house

Dog Control Report

Town of Dickinson Dog Control Officer Starley has turned in the June Dog Control report for both the village and the town. Aggressive dog running loose, aggressive pit bulls, stray dogs, etc.

July 10, 2017 – WORK SESSION & REGULAR MEETING

SUPERVISOR'S REPORT CONT'D

- NYSEG Warning Letter:

No warning letters issued by NYSEG this month.

PUBLIC COMMENTS

none

COMMITTEE REPORTS

- **PUBLIC WORKS**

- Public Works Commissioner Kie presented a vacant properties list to Supervisor Marinaccio.
- Commissioner Kie reported that his department has been cleaning up damage from the recent storm and stated that there was a great deal of brush pickup last week.
- Councilman Gardner and Public Works Commissioner Kie met with **NYSERDA** and **Clean Energy Communities Coordinator** Terry Carroll. The Town would like to put some things in place that would make us eligible for a grant offered through **NYSERDA**. The Town has to complete 4 out of 10 tasks in order to be eligible for the grant. Three of the tasks are of little or no cost to the Town:
 - Unified solar permit
 - Benchmarking at the Town Hall, garage buildings identifying savings over years and years to come. An energy usage chart for the last two years will be available for the public to view –Town Clerk Cerretani will publish it on the website.
 - Code enforcement training. Energy efficiency codes
 - The Town could install an **Electric Vehicle Charging Station** to be made available for use by the public and by a town electric vehicle to be purchased in the future. This project would cost approximately \$15,000. However, the town might be able to get the charging station for free and only have to pay for the installation of it. Total cost around \$6,000.

The Town has to complete 4 out of 10 tasks. These 4 tasks will make us eligible for a \$100,000 grant through **NYSERDA**.

- What would the Town do with \$100,000?
 - Some of the considerations would be to add additional charging stations at **SUNY Broome**. The town would also look to improve efficient use of electricity such as changing the lights in the town buildings, adding insulation on the second floor of the Town Hall and replacing lighting in some areas of town. We might consider making a matching grant for residents who want to do something to reduce their power usage, have a light bulb drive, and install **LED** lighting.

July 10, 2017 – WORK SESSION & REGULAR MEETING

- Councilman Gardner would like to ask the board to approve a resolution tonight – benchmarking requirements for a more energy efficient town.
- Terry Carroll from **NYSERDA** commented that the town records are in great shape thanks to the efforts of Administrative Assistant Wike and Public Works Commissioner Kie, which enabled him to evaluate and enter the energy usage data quickly and efficiently.
- Supervisor Marinaccio commented that he talked with David Liegikis of **SUNY Broome** and said he is interested in the electric vehicle charging station and will talk to his administration in the near future about it.

● **FINANCE**

TOWN COURT MONTHLY FINANCIAL REPORT

Councilwoman Exley made a motion to accept the Financial Report(s) for the **Town of Dickinson Court** for the month May in the amount of **\$38,318.00**. On a motion of Councilwoman Exley and seconded by Councilman Gardner.

Town portion: \$6,265.00
State portion: \$31,333.00
County portion: \$680.00
Total: \$38,318.00
All in favor.

TOWN CLERK MONTHLY FINANCIAL REPORT

Councilwoman Exley made a motion to accept the **June Monthly Financial Report** for the **Town Clerk in the amount of \$1,514.51**. On a motion by Councilwoman Exley seconded by Councilman Burns. All in favor.

Town Clerk's Report

June 2017 in the amount of \$1,514.51:

<u>NYSDOH</u>	<u>\$22.50</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$60.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,432.01</u>

ABSTRACTS FOR APPROVAL

On Motion from Councilwoman Exley, seconded by Councilman Burns to approve **abstract # 7**, dated **July 10, 2017** in the amount of **\$139,184.88**. Vote Ayes- 4, Nays-0, Absent-1.

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

Unanimously passed and noted as duly adopted.

July 10, 2017 – WORK SESSION & REGULAR MEETING

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$139,184.88.

Voucher #7 for July 2017 in the amount of \$139,184.88:

<u>General Fund</u>	<u>\$63,471.59</u>
<u>Part Town</u>	<u>\$0.00</u>
<u>Highway</u>	<u>\$12,182.47</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$237.81</u>
<u>Sewer Operating Dist.</u>	<u>\$3,120.63</u>
<u>Water Operating Dist.</u>	<u>\$60,172.38</u>

- **PERSONNEL**
 - Nothing to report

- **PLANNING**
 - Planning Board Chair Wasser reported that the Prospect Street project was approved for the bottom floor office space.
 - Mr. Wasser stated that there will be no Planning Board meeting in July because there is nothing on the agenda.

APPROVAL OF MINUTES

On a motion by Councilman Exley seconded by Councilman Gardner to approve the **Work Session June 5, 2017 and Regular Meeting Minutes of June 12, 2017**. All in favor.
Vote-4 Ayes, Nays-0, Absent-1.

July 10, 2017– WORK SESSION & REGULAR MEETING

ATTORNEY

LOCAL LAW #1-2017 REGULATING SOLAR ENERGY

RESOLUTION 2017-15

The following Resolution was offered by Councilman Burns, who moved its adoption, seconded by Councilman Gardner to wit:
BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

RESOLUTION ADOPTING LOCAL LAW #1-2017 ENTITLED SOLAR ENERGY SYSTEMS LOCAL LAW

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 – 4, Nays – 0, Absent -1.

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

All in favor. Copy on file. Local Law to be submitted to the Department of State for filing.

Councilman Gardner stated that by putting the unified solar permit in our solar law the town will be eligible for a \$2,500 grant.

LOCAL LAW #2-2017 REGARDING FENCES

RESOLUTION 2017-16

The following Resolution was offered by Councilwoman Exley, who moved its adoption, seconded by Councilman Gardner to wit:
BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

RESOLUTION ADOPTING LOCAL LAW #2 REGARDING FENCES.

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 -1.

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

All in favor: Copy on file. Local Law to be submitted to the Department of State for filing.

July 10, 2017 – WORK SESSION & REGULAR MEETING

RESOLUTION 2017-17

ESTABLISHING BENCHMARKING REQUIREMENTS

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 ESTABLISHING BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS.

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 – 4, Nays – 0, Absent -1.

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

All in favor. Copy on file.

RESOLUTION 2017-18

MEGA

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

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

RESOLUTION ADOPTING THE COMMUNITY CHOICE AGGREGATION ADMINISTRATION AGREEMENT FOR THE MEGA PROGRAM AND AUTHORIZING THE SUPERVISOR TO EXECUTE ANY DOCUMENTS RELATED THERETO.

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 – 4, Nays – 0, Absent -1.

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

All in favor. Copy on file.

July 10, 2017 – WORK SESSION & REGULAR MEETING

LOT SIZE FOR RURAL AREAS

Attorney Blaise stated that no further discussion was required as the **County Health Department** had advised that minimum lot sizes for lots without public water and sewer depend on a variety of factors, including the size of the home or building, number of occupants, and intended use.

KNOX BOX

It was noted that it is not a physical key; it is a key code that is used in the **Knox Box** program. Knox Box was carried over for discussion.

PROPERTY NUISANCE LAW

Attorney Blaise stated that the validity and enforceability of municipal property nuisance laws has recently been questioned and challenged in the courts and declared unconstitutional. Mr. Blaise stated that his office is looking at ways to comply with the court standard.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

- Nothing to report at this time

PLANNING & ZONING BOARD

Chairperson Compton reported that the zoning board is still waiting on **Microtel**. The ZBA has received a variance request for a garage replacement and 2 more variance requests just came in.

CODE ENFORCEMENT

none

PUBLIC COMMENTS

None

July 10, 2017 – WORK SESSION & REGULAR MEETING

The meeting was adjourned to executive session on motion of Councilman Morabito and seconded by Councilman Burns at 6:37 PM.

Executive session was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:07 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk