

## August 19, 2019 – 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 at 5:30 PM on Monday, August 19, 2019 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. This meeting date was changed from August 12th to August 19th by resolution by the Town Board, publicized in the Binghamton Press, published on the Town of Dickinson website and posted on the Town of Dickinson signboard.

The members of the Town Board present were:

Michael A. Marinaccio, Supervisor  
Stephen M. Gardner, Councilman  
Sharon M. Exley, Councilwoman  
Danny F. Morabito, Councilman  
Thomas J. Burns, Councilman

Also attending:

Oliver N. Blaise III, Esq., Town Attorney  
Angelo Catalano, Esq.  
Susan Cerretani, Town Clerk  
Public Works Commissioner Joel Kie, Town Engineer Ron Lake,  
Administrative Assistant Beverly Wike, Zoning Board Chair Jeanne  
Compton, Planning Board Chair David Wasser and 2 members of the  
general public.

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

### SUPERVISOR'S MONTHLY REPORT

August 2019

1. The Battery/Energy Storage committee continues to meet and doing a great job in researching this type of project. I have kept the Prospect Terrace Fire Department Chief, Jason Delanoy up to date in what this project consists of. I have made recent contact with Bob Pass from **NYSEG** and he is coordinating our tour to do a site visit in Ithaca in the near future. Steve Gardner, Joel Kie, Steve Rafferty, Jim Love, Dave Wasser are the committee members.
2. We completed the preliminary applications and other paperwork we received regarding the \$1 million-dollar grant for our large water line project. Our contact person in the **NYS Department of Health**, Lori Ahmad, continues to be very helpful. Her department oversees the project and she recently indicated that our applications have been forwarded to their engineers for their approval and then on to State Audit for their approval. We cannot start this project until all approvals are complete. We have asked for a project completion extension date.

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### SUPERVISORS REPORT CONTINUED:

3. Regarding the \$23,500 grant cover the costs of cement for sidewalk replacement, all approvals have been made and we need to submit our invoices to the Health Department.
4. The Maria Zobniw Memorial was a complete success and very well attended. Rain began an hour prior to the event but the **Prospect Terrace Fire Department** made room in their facility and we were able to hold the event there. Many thanks to the fire department and Mark DeMaria who assisted us in moving the event to their facility.
5. Comments and updates from Loise Gava/**MEGA**
6. I participated in the Annual Legislative Breakfast sponsored by the **Greater Binghamton Chamber of Commerce** on August 1<sup>st</sup>. Very well attended. Each elected official was assigned a table with a group of 6-8 professional business leaders. I addressed their various concerns and talked about our town and what we are challenged with and our accomplishments.
7. The **Annual Children's Home Ice Cream Social** will take place on Tuesday, August 13, from 5 PM to 8 PM.
8. The 2020 Budget planning begins this month. We will begin with our various departments sending in their budget needs then we will begin to meet and go over the entire budget to develop a preliminary 2020 budget.
9. I will be meeting with the new **Vice President of Academic Affairs for SUNY Broome**, Dr. Penny Haines, on September 4, 1 pm at the town hall. This is just a get acquainted meeting.
10. I will be meeting with Charter representative Lauren Kelley on August 27 at the Town Hall to discuss the renewal of another 10-year agreement on our franchise agreement.
11. We received our 2<sup>nd</sup> quarter sales tax distribution for \$257,241 for a total distribution to date of \$475,720.
12. I am receipt of a letter dated July 21, from Habitat for Humanity Executive. Director Amy Winans, informing the town that that they have purchased lots at 4 and 6 Linda Dr., with the intention to build a single-family home on each lot. They hope to clear the lots this fall or early 2020. The homes will be similar to the home built last year. Homes will be built at the **BOCES** Complex.

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**SUPERVISORS REPORT CONTINUED:**

13. I was informed by Robin Alpaugh, **Director of Operations for Senator Akshar**, that our \$50K Grant which we are having been working on for 4 years is in the final approval stage and waiting for the Majority sign off.
14. The established **Equalization rate** for the Town of Dickinson is 71.47.
15. A very nice article was posted in the **Sacred heart Ukrainian Church** bulletin recognizing our town for the **Maria Zobniw Memorial** that took place on July 22.
16. I received a letter from **NYS Audit & Control** regarding the **AIM Funding** payments. Due to the elimination of **Aid & Incentives for Municipalities** by the governor and legislature, the Comptroller is now required to withhold county revenues and make payments to the municipalities that are affected by the **AIM** elimination
17. Sue Cerretani, Bev Wike, Steve Gardner and I attended the **Train the Trainer** seminar regarding **Discrimination and Harassment policies** which was held at the Town of Chenango Town Hall on July 16. All town staff are required to go through the training process, and we will schedule a date and time here at the town hall for the training. The training is mandatory.
18. Just a reminder that **ACHIEVE** will be holding their **Annual Savor the Summer** event at their Cutler Pond location on Thursday, August 22, from 6pm to 9 pm. There will once again be fireworks towards the end of the event. Required permits and notifications have been completed. The **Broome County Dog Shelter** has been made aware. I will ask Joel if he could place the event on the Sunrise Terrace information board to alert the Terrace residents.
19. The **NYS Department of Transportation** sent out post cards to various residents regarding the Aug. 20, 2019 Open House at 5:30 pm and 6:00 PM presentation on the construction of the multi-use path and the replacing of the Front Street bridge and intersection reconfiguration at Front and Old Front Street. I encourage everyone to attend.
20. In regard to 18 Pleasant Court that has been left vacant for over 2 years, I once again called Nation Star who is a group of attorneys that work on bank defaults, etc., and I was informed that the settlement of this property could take at least 3 months before it goes to auction and or sale.

**Code Violations Report:**

1. 44 Adams St., property maintenance code violation, bed at curb, not picked up

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**SUPERVISORS REPORT CONTINUED:**

2. 63 Adams St., Zoning/Ordinance Violation, TV at curb, not picked up
3. 38 Fellows Ave., Zoning/Ordinance Violation, large amounts of garbage, construction debris
4. 206 Bevier St., Appearance Ticket issued, no building permit for swimming pool
5. 39 Pulaski, violation of Property Maintenance Code, large amounts of various items around the building
6. 51 Pulaski, Zoning/Ordinance violation, no permit for swimming pool, no fencing around the pool
7. 60 Sowden St., violation of Property Maintenance Code, tall weeds and grass
8. Appearance Ticket issued to 557 Old Front St., violation of Property Maintenance Code, tall weeds and grass
9. There was another incident at the EconoLodge on Old Front St. Code Officer Rafferty can discuss the incident.

**Dog Control Reports**

The June and July Dog Control reports have been submitted. A total of 4 calls were addressed. Stray dogs, dog bite, dog defecating on neighbor's property.

**NYSEG Warning Letter:** No NYSEG warnings issued

**Next Meeting:** Our next Board meeting will be on Monday, September 9, 5:30, Work Session and regular meeting. This is our last summer schedule meeting.

**PUBLIC COMMENTS:**

A resident reported that his neighbor on the corner of North Broad St. and Ely Street has been setting off fireworks every weekend. The resident complained that the fireworks are very loud and a nuisance to the whole block. The resident has called the Sheriff's Department several times. Supervisor Marinaccio stated that he will mention it to the Sheriff's Department and encouraged the resident to have all the affected residents call the Sheriff's Department. The only issue that would be a Town code violation would be a possible violation of the noise ordinance.

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**COMMITTEE REPORTS**

- **PUBLIC WORKS**
  - Councilman Gardner had nothing to report.
  
- **FINANCE**

**SUPERVISOR’S MONTHLY FINANCIAL REPORT**

Councilman Morabito made a motion to approve the **June and July 2019 Supervisor monthly reports** seconded by Councilman Gardner. All in favor.

**TOWN COURT MONTHLY FINANCIAL REPORT**

Councilman Morabito made a motion to accept the Financial Report for the **Town of Dickinson Court** for the month of **June 2019** in the amount of **\$46,909**. On a motion of Councilman Morabito and seconded by Councilwoman Exley. All in favor.

Town portion: \$7,835  
State portion: \$38,528  
County portion: \$470  
Other: \$76.00  
Total: \$46,909

**TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilwoman Morabito made a motion to accept the **July 2019 Monthly Financial Report** for the **Town Clerk in the amount of \$1,602.25**. On a motion by Councilman Morabito seconded by Councilman Burns. All in favor.

<b>July 2019 in the amount of \$1,602.25:</b>	
<b><u>NYSDOH</u></b>	<b><u>\$22.50</u></b>
<b><u>NYS Ag &amp; Markets spay/Neuter program</u></b>	<b><u>\$66.00</u></b>
<b><u>Supervisor Town of Dickinson</u></b>	<b><u>\$1,602.25</u></b>

**ABSTRACTS FOR APPROVAL**

On Motion from Councilman Morabito, seconded by Councilman Burns to approve **abstract # 8**, dated **August 12, 2019** in the amount of **\$565,014.74**. 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 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 \$565,014.74.**

**Voucher #8 for August 2019 in the amount of \$:565,014.74.**

<b><u>General Fund</u></b>	<b><u>\$107,269.31</u></b>
<b><u>Part Town</u></b>	<b><u>\$0.00</u></b>
<b><u>Highway</u></b>	<b><u>\$107,040.12</u></b>
<b><u>Fire districts</u></b>	<b><u>\$0.00</u></b>
<b><u>Light Districts</u></b>	<b><u>\$7,514.45</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$213,205.31</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$129,985.55</u></b>

- **PERSONNEL**
  - Councilwoman Exley had nothing new to report.
- **PLANNING**
  - Chairman Wasser reported that there will be a Planning Board meeting Wednesday, August 21<sup>st</sup> at 6 PM. There will be a Public Hearing on the Comprehensive Plan update. A formal vote will be taken, then the Planning Board will pass it on to the Town Board.

**APPROVAL OF MINUTES**

On a motion by Councilman Gardner seconded by Councilman Morabito to approve the **Work Session and Regular Meeting Minutes of July 08, 2019**. 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 Aye

**ATTORNEY**

**HARSH PAYMENT AGREEMENT**

Attorney Blaise informed Clerk Cerretani that Attorney Catalano has the revised form that the Broome County Clerk’s Office needs in order to file the agreement between the Town of Dickinson and Mr. and Mrs. Harsh regarding their unpaid sewer balance. The form will have to be signed by the Harshes and notarized.

**BATTERY ENERGY STORAGE**

Attorney Catalano has prepared the draft local law; however, the committee is waiting for the site visit which is now in the hands of **NYSEG**. Supervisor Marinaccio will follow up.

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**NORTH ELY STREET DEED TRANSFER**

Mr. Armstrong’s attorney has the paperwork in hand and is responsible for delaying the closing process. Attorney Blaise has requested that this gets wrapped up soon as possible as there is a timeline that needs to be adhered to for **CHIPS** funding in order to provide monetary resources for winter plowing. Attorney Blaise will once again follow up with Mr. Armstrong’s attorney.

**REVIEW DRAFT OF REPEAT OFFENDERS FOR GARBAGE/SOLID WASTE CODE VIOLATIONS**

Attorney Catalano has a draft of repeat offenders for garbage/solid waste code violations prepared. He will provide a copy to the Town Clerk to be circulated to the board members.

**RESOLUTION 2019-19**

The following Resolution was offered by Councilman Morabito, 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: AUTHORIZING COUGHLIN & GERHART TO HANDLE A LITIGATION MATTER REGARDING A TAX ASSESSMENT CHALLENGE FOR THE FAIRFIELD INN OUTSIDE THE RETAINER AT THE HOURLY RATE OF \$200.00.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

All in favor.

**USE OF FORCE POLICY**

The **Use of Force Policy** resolution was temporarily placed on hold until the policy is presented to the board for their review. Public Works Commissioner/Town Constable Kie has completed the online training. The certificate is on file with the Department of Criminal Justice and a copy will be placed in Mr. Kie’s file. Attorney Catalano will prepare the resolution.

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**2019 BROOME COUNTY MITIGATION PLAN UPDATE**

**RESOLUTION 2019-20**

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: ADOPTING THE 2019 BROOME COUNTY HAZARD MITIGATION PLAN UPDATE.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

All in favor. Copy to be supplied to Beth Lucas, **Broome County Planning Department Senior Planner** and **FEMA**. Resolution on file.

**COMMITTEE REPORTS:**

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

- Public Works Commissioner Kie reported that his crew repaired a complex and challenging water break Saturday on the corner of Sunset Ave.
- Mr. Kie stated that he received the paperwork on the **NYSERDA** Grant. Mr. Kie stated that he forwarded the agreement to the attorneys for their review. Mr. Kie asked the board to authorize the signing of the agreement.

**RESOLUTION 2019-21**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilman Morabito 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 SIGN AGREEMENT WITH NYSERDA.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

All in favor. Agreement on file.



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**PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT CONT'D**

- Public Works Commissioner Kie reported that he has been waiting for the **New York State DOT** to conduct the soil sampling at the **Sunrise Terrace Community Center** building, but it keeps getting delayed and Mr. Kie keeps getting excuses. Mr. Kie got a quote of \$5,250 from **Keystone Associates** for two sample borings and a report. The Board members agreed that the Town needs to move forward to determine whether the building needs to come down or whether it is repairable.

**RESOLUTION 2019-22**

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

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

**RESOLUTION AUTHORIZING KEYSTONE ASSOCIATES TO PERFORM TWO (2) SAMPLE BORE DRILLINGS AND REPORT AT THE SUNRISE TERRACE COMMUNITY CENTER BUILDING.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye

All in favor. Agreement on file.

Public Works Commissioner Kie reported that David Plestis will be retiring from the Highway Department due to medical reasons. In the meantime, Mr. Kie stated he will be using summer help until the end of September and hopefully a replacement will be found by the next board meeting.

Mr. Kie reported that the top of a big tree was blown off in the cemetery.

**PLANNING & ZONING BOARD**

- There will be a Zoning Board variance hearing on September 10<sup>th</sup>.

**CODE ENFORCEMENT**

- Mr. Rafferty reported that there was a Meth incident at the Econolodge which resulted in a medical emergency.
- Supervisor Marinaccio stated that the walk bridge fencing has been cut. He reported this to the Sheriff's office. He also stated that drug activity has been ramping up at the Econolodge hotel. Supervisor Marinaccio was contacted by a concerned resident. Mr. Marinaccio told her that when she sees suspicious activity to contact the Sheriff's Department. He stressed "If you see something-say something."

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Public Works Commissioner Kie addressed the issue of accessory buildings and how they have the potential to affect the integrity and character of a neighborhood. Currently there is a property owner on Elaine Drive in Sunrise Terrace who has applied for a building permit for a very large unattached garage. The dimensions are within code in height (up to 22 feet) and the total square footage of structures do not exceed 30% of the lot size, however; the proposed building overshadows the primary structure and does not fit into the neighborhood.

There is a second property on Sunrise Drive in Sunrise Terrace where a very large accessory storage structure is being built on proposed large accessory structures.

Supervisor Marinaccio would like to look into changing the building code to require approval of the zoning board.

Attorney Catalano distributed a draft of **Inspection fees for repeat offenders** for the Board members to review.

**PUBLIC COMMENTS**

A resident questioned why the attorney fee outside the retainer agreement is required for the **Tax Assessment Challenge** and whether it is typical. Attorney Blaise responded that it is required because it is specialized litigation that takes place in Supreme Court and that it is a common practice.

The meeting was adjourned into Executive Session on a motion of Councilman Morabito and seconded by Councilman Burns at 6:35 PM.

The Executive Session was adjourned on a motion of Councilman Morabito and seconded by Councilman Burns at 6:50.

Respectfully submitted,

**Susan M. Cerretani**

Town Clerk