

## June 3, 2019 Work Session

The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, June 3, 2019 in the Town Hall, 531 Old Front St., Binghamton, NY.

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., Attorney for the Town  
Susan Cerretani, Town Clerk

Also in attendance:

Public Works Commissioner Joel Kie, Code Enforcement Officer Stephen Rafferty, Historian and Planning Board Chair David Wasser, Angelo Catalano, Esq., Zoning Board Chair Jeanne Compton and one member of the general public.

### CHAIR

## SUPERVISOR'S WORK SESSION REPORT JUNE 3, 2019

### SMALL CITIES GRANT

The **Broome County Legislature** authorized that the Town of Dickinson receive \$30,000 from the **Small Cities Grant Fund** and to be used towards the **Sunrise Terrace Community Center**. I recently signed an agreement and acknowledgment of the grant and sent it to the County Attorney.

### BATTERY ENERGY STORAGE PROJECT

Supervisor Marinaccio reported that a meeting was held regarding the proposed battery energy storage project along with Terry Carroll of **CCE**. The site would be located on a 20-acre site and less than 2 acres of that area would be used for storage. This location is the only Tier 3 size facility proposed in the state. There was a discussion regarding several issues associated with this proposed project:

- Access
- **PILOT**
- **ADA**
- Taxation/assessment
- Town ordinance/current laws
- Safety training
- **Community Host Agreement**
- Funding for equipment
- Zoning
- Schedule Information meeting

## **June 3, 2019 Work Session**

### **MEGA CCA**

Our Town Clerk has been receiving many calls from residents inquiring about the recent letter mailed to them by **MEGA**. Some residents wanted to know if the letter was legitimate. Some wanted to know why they did not receive a letter. And many other questions. Most not receiving a letter was due to the resident receiving supply from a company other than **NYSEG**, customers on a day-night rate or time use rate, and customers who are accessing utility assistance programs such as **HEAP**.

### **AUGUST MEETING DATE CHANGE**

I want to thank our board members and others to agree to reschedule our August 12 Board meeting to August 19. We will vote on this by resolution next week.

### **ATTORNEY**

### **NORTH ELY STREET SPUR DEED**

Attorney Blaise encouraged Public Works Commissioner Kie contact Mr. Armstrong to schedule a closing for the North Ely Street Spur property. The deed and transfer papers are prepared and ready to go.

### **ADOPTING NORTH ELY STREE SPUR AS A TOWN STREET**

Attorney Blaise stated that once we have the closing, we will proceed with adopting the North Ely Street Spur as a Town street.

### **BATTERY ENERGY STORAGE LAW**

Attorney Blaise stated that we need to adopt a Local Law regarding **Battery Energy Storage**. He has looked at the New York State draft model law. Attorney Blaise recommended that we put a committee together and make modifications to the draft local law as we did with in the past with the solar law. We also need to investigate a **Host Community Agreement** and discuss specialized fire equipment and highway equipment needed etc. Attorney Blaise also recommended that we think about adding an extra layer of oversight for R-1/R-2 by requiring a special permit.

Supervisor Marinaccio stated that he would like to see the members that composed the Solar Committee consider working together on this and form a committee.

### **AUGUST MEETING DATE CHANGE**

Attorney Blaise stated that we will have a resolution at next week's meeting formally changing the August Town Board meeting date from August 12<sup>th</sup> to August 19<sup>th</sup>.

## June 3, 2019 Work Session

### LOCAL LAW REGARDING REPEAT OFFENDER FEES FOR GARBAGE

Attorney Catalano stated he is looking into the possibility of drafting a Local Law to put a procedure and mechanism in place in order to enforce fees for repeat offenders for garbage/solid waste code violations. Currently, offenders are issued a citation with 30 days to rectify the problem. Many times, these repeat offenders clean up their garbage on the 29<sup>th</sup> day, having no penalty or fine, and then the cycle repeats itself. Attorney Catalano noted that Johnson City charges an inspection fee for repeat offenders who have received more than one solid waste code violation notice within a 12-month period. There is an automatic fee associated with the repeat inspection - increasing with each subsequent offense. 25% penalty if not paid within 30 days assessed to Owner/Tenant.

Attorney Catalano would like to have an appeal procedure, a mini hearing, built into the law as there needs to be a mechanism for a fair hearing. Some of the issues that need to be worked out are:

1. Appeal would go in front of an ad hoc committee possibly composed of town board members to assess whether the notice of violation is fair.
2. If Administrative fee is not paid is it permissible to assess against taxes?
3. How to enforce?
4. How to collect fees?

Supervisor Marinaccio will contact Village of Johnson City Mayor Deemie to discuss how they enforce the fines and penalties.

### CODE

Nothing to report.

### PUBLIC WORKS

- Public Works Commissioner Kie reported that street paving will begin once school is out.
- Mr. Kie will have a report on the Clifton Avenue sewer issue by next week's meeting.
- Mr. Kie reported that someone has been dumping yard waste in the Phelps Street area.
- Mr. Kie reported that **Sunrise Terrace Community Center** soil testing was scheduled for last Friday but was cancelled due to personnel issues. It will be re-scheduled.
- Supervisor Marinaccio mentioned that outstanding **STA Community Center** keys are to be returned to Town Clerk Cerretani. No one is to go in and out of the building unaccompanied. Councilman Burns suggested "No Trespassing" signs should be posted.

### ZONING

Chairman Compton reported that a meeting is scheduled for tomorrow, June 4<sup>th</sup> at 6 PM regarding a variance request for a deck extension.

**June 3, 2019 Work Session**

On motion by Supervisor Marinaccio, the work session was adjourned into **Executive Session** by a motion from Councilman Morabito and seconded by Councilman Burns at 6:23 PM to discuss a possible litigation matter.

Executive session adjourned at 6:40 PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk