

**August 09, 2021 – 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 09, 2021, in the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.**

**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, Councilman  
Sharon M. Exley, Councilwoman  
Danny F. Morabito, Councilman  
Thomas J. Burns, Councilman**

**Also attending:**

**Nathan D. VanWhy, Esq., Town Attorney  
Susan Cerretani, Town Clerk  
Public Works Commissioner Kie, Town Engineer Lake, Zoning Board  
Chair Compton, Code Enforcement Officer Rafferty, one member of the public.**

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

**August 2021, Supervisor's Report**

**For those persons who want to attend our meetings in-person, we only ask that if you have not received the COVID vaccines, that you wear a mask when entering our Town Hall. All town staff and officials have been vaccinated. We will also practice safe distance space with the seating in the board room for those attending our Town, Zoning, Planning and all other in person meetings. In the event that there is an uptick in COVID cases throughout the County, we will take appropriate action to keep our staff and residents safe.**

Please join me in a moment of silence for the passing of former Town of Dickinson Supervisor Don Moran who passed away July 13<sup>th</sup>.

1. I have met with several residents from the Chenango Shores neighborhood who incurred damage from the storm that we had on Sunday, July 11. Some residents had a great deal of damage and loss of property. I also received many 5 calls from residents who wanted to talk to me regarding the flash flooding issues. I returned the calls and addressed their questions.
2. Joel and I met with a group of residents who live in Sunrise Terrace who have been experiencing a great deal of storm water runoff which is flooding their yards, basements, and other flood related issues. I believe that this was a productive meeting and Joel is taking a serious look at adding some storm drains around the Rosedale/Ferndale area so that we can reduce the amount of water stemming from property drainage into the roads.

## August 09, 2021 – WORK SESSION & REGULAR MEETING

### SUPERVISORS REPORT CONTINUED:

3. We may also look at doing and study to see if there are other steps, we can take to address drainage issues due to the topography and other sources that affect the neighborhood. Some of the stimulus money can be used to for this.
4. I had a very long conversation with the local representative of Senator Schumer regarding the flooding issues that affect our town and the **American Rescue Plan** that was drastically reduced for our town due to inaccurate formulas. She will research why we had such a large reduction in funding. She explained how the emergency disaster funding works in times of flooding and other events which I am familiar with, but it was good to hear more about this.
5. We recently received our first **American Rescue** check for a total of \$178,143.94 which is half of the amount we will be receiving. The other half will come sometime next year. Sharon will give a quick update regarding our Highway Committee meeting that we had with Joel to discuss possible items to invest this money in. We also have an updated use of these funds which focus on infrastructure.
6. Joel and I attended a meeting on July 23 at the State Office Building with Senator Akshar, Town of Chenango officials, Army Corp of Engineers, Senator Schumer representative, Assemblyman Joe Angelino, Soil & Water Representatives, Town of Fenton rep, Town of Binghamton representative, Broome County representative, and many more officials to discuss the issues in the Town of Chenango that contributed to flooding in their town as well as ours. The meeting lasted a little over 2 hours. The Chenango issues are complicated since a great deal of remedial work that needs to take place is on private properties as well as state and town right ways. Remedial costs could be as high as \$10 M. Chenango is seeking help from the county, state, and federal governments for grant assistance. The threshold for New York State regarding disaster accumulated costs is \$30M. For Broome County it is \$780K. These figures are based on population. The county is now requesting damage estimates to public infrastructure for all municipalities. The only costs we incurred were over time for our staff which was just under \$600 for the entire crew. During the meeting we also acknowledge the great response we received from our local volunteer fire departments. The hope is that with everyone working together, the flash flooding issues will be worked but this could take a long time. When asked about the State having an emergency fund balance to deal with this type of disaster, we were told that the State does not have such a fund but instead relies on getting funds from the Federal government if and when the threshold is met. I suggested to our state reps to look into this with the goal of establishing such a fund instead of always be dependent on the federal government.

**August 09, 2021 – WORK SESSION & REGULAR MEETING**

**SUPERVISORS REPORT CONTINUED:**

Joel and I toured other areas of the Town of Chenango that are around **Wolfe Park** and saw flood damage there as well as creek and drainage issues which Chenango is aware of and is working on cleaning these areas of debris and taking other preventive measures.

7. The Town was being sued by **Regal Cinemas Corporation** in an effort to reduce their assessment from \$5,030,000 to \$505,000. Town Assessor Jack Cahill informed me that since Regal did not formally request a challenge meeting in May, the legal notice we received is null and void. We are sure that we will be hearing from them in the near future. Could take a year or two.
8. We received our second quarter fees for inmates from other jurisdictions, housed at the **Broome County Jail** for the amount of \$9,947.73 plus an additional \$1,234.07 due to an error by the county for a total of \$11,181.82
9. We received our 2<sup>nd</sup> quarter sales tax revenue share in the amount of \$289,413.27. I will go over the spread sheet chart in a few minutes to show where we are in the 2021 revenue estimates.
10. To the members of the board, it is very important that you review email that is sent to you by me, Sue, Bev, Joel, Nate etc. It is much more efficient to communicate with everyone via email especially dealing with timely issues. And it is very helpful to confirm receipt of the message.
11. Message from **NYSEG** Customer Representative: *Sorry for not getting back to you yesterday about this inquiry but you had asked about another outage on this past Saturday that happened around 3:30 am....and what I found is that the email I sent originally (below) is the same outage from Saturday. It was a transmission problem where the insulator that holds the line up off the cross arm broke. What you may have experienced is the initial break that caused the line to drop down. The system protection engaged, opening the breaker which resulted in a brief outage. Then the system self-'cleared' the fault and reset itself....but the 2<sup>nd</sup> time it didn't hold which happened at 3:40 am or so and tripped and locked out completely. This was transmission outage affected over 5000 customers in the area. When it locked out, it required us to manually find the problem fix it and then we could re-engage the breaker, similar to what you would do at your house, but on a much bigger scale.*
12. I was asked to write a letter of support for a main water line project in the Village of Port Dickinson which I did and sent it to the **Empire State Development Corporation** This is an over 60-year-old, 4 "water main, about 6/10<sup>th</sup> of a mile long that runs on Rochelle Rd. and is parallel to Chenango St. line that feeds over 2/3 of the Village water needs.

**August 09, 2021 – WORK SESSION & REGULAR MEETING**

**SUPERVISORS REPORT CONTINUED:**

13. In regard to the recent black bear sighting in Sunrise Terrace two weeks ago, I received a reply from a representative from the **NYS Department of Conservation**. I posted her reply to the **Sunrise Terrace Community Facebook** page as well.

Hello Michael,

Thanks for the email. Have you or your neighbors seen the bear since Friday evening? It's good to hear that as of Saturday morning there was no damage reported. The most important thing for residents to do now is remove any food sources that may be attracting the bear, including bird feeders and unsecured garbage cans. If the bear doesn't get a food reward for exploring those backyards, it will move on. We also advise homeowners to use loud noises to scare the bear from an open window in their house whenever they see it on their property. Air horns work very well and so does banging pots and pans (which might be more acceptable with neighbors close by).

We have a lot of good tips for avoiding conflicts with bears on our website here: <https://www.dec.ny.gov/animals/6995.html>. Perhaps you could include a link to these resources on the Town website or in a Town newsletter to help get the word out.

If you have any questions, feel free to give me a call or send an email.

Regards,  
Courtney LaMere

14. I reviewed the town credit card charges and found no concerns
15. I received a copy of a letter that Senator Akshar sent out to Chenango and Dickinson residents who experienced severe damage to their properties during the flash flood. I thanked the Senator and stated that it was important to the residents that they be kept informed of any actions or progress that are being taken to assist the flood affected residents.
16. Councilwoman Exley and I participated in the **NYS Audit & Control** webinar on Financial Condition Analysis. I found the program to be very informative and gave me assurances that we run our town finances in a very productive and efficient manner.
17. Bev, Sue, and I had a video conference with several representatives from **Spectrum** regarding our telephone systems here in the town hall. We are waiting to hear back with their formal proposal for this upgrade to see whether we can save money in the long term and have a more up to date phone system.
18. We have seen a slight increase in police calls to the two hotels on Old Front St., most with the **Red Roof Inn**. The last incident that took place last week was an overdose issue that occurred at the front entrance into the **Red Roof Inn**. I believe that the person survived once the police arrived. We will watch these occurrences very closely.

**August 09, 2021 – WORK SESSION & REGULAR MEETING**

**SUPERVISORS REPORT CONTINUED:**

19. Joel and I met with a representative from a security company to get a quote for the installation of security cameras at our park. We are in line to receive funds from the **County Small Community Grant** that will cover the cost.
20. I am still waiting for the final approval of our 5-year-old **DASNY Grant** that will pay for the new entrance doors. The court received a small grant that we can use for the doors and upgrades to our internal security system.
21. In closing, due to the uptick in the **Delta Virus** and its effect on our region, I am watching this issue very closely to see if we will need to take additional precautionary measures to protect staff and visitors working in or visiting the town hall for business matters.

**Code Violations**

1. 4 JT Blvd., water department. found cross connection between well and municipal system which is prohibited.
2. Ask Steve to discuss major issues with 51 Pulaski
3. Ask Steve to discuss the removal of the trailer on Rundall Pl.
4. Appearance Ticket issued to 16 Twining Rd., Multiple vehicles being worked on and not licensed. Car parts scattered throughout the property including wood scraps. Violation Notice was not addressed by property owner.

**Building Permits**

1. 29 N. Broad, roofing and construction
2. 11 Maiden Lane., above ground pool
3. 113 Phelps St., build new single-family home.
4. 5 Taft Ave., detached garage
5. 21 Boland Rd., new roof
6. 226 L Stella Ireland, erect roof, self
7. 299 Lower Stella, new roof

**Dog Control Monthly Report**

All these incidents were addressed by our **DCO**.

**NYSEG UTILITY SHUTOFF NOTICES**

There were no **NYSEG** notices sent out to any of our residents this month.

## August 09, 2021 – WORK SESSION & REGULAR MEETING

### SUPERVISORS REPORT CONTINUED:

Our next Town Board Meeting is scheduled for September 13, 2021, 5:30 PM, in person, summer board meeting schedule and is subject to change pending any emergency issues. This is a combination of work session and regular board meeting. This will be our last summer schedule board meeting.

### **PUBLIC COMMENTS:**

None being heard.

### COMMITTEE REPORTS

#### • **PUBLIC WORKS**

The original estimates of how much municipalities would be receiving from the **American Rescue Bill** were done incorrectly by the **Federal Government**. Our original amount was approximately \$1.2 million dollars of which \$341K would go to the Village. Now, we will be getting \$356,288 in two payments, one this year and one next year. This will affect any plans we have in how to use the funds.

Councilwoman Exley, Supervisor Marinaccio, and Public Works Commissioner Kie met on July 16<sup>th</sup> to discuss options for the use of the money we will be receiving from the **American Relief Plan**. Councilwoman Exley provided a summary of possible uses for the funds that were discussed. The funds can only be used for specific purposes.

- Replace Sunrise Terrace water tank \$350,000 – (Ruled out for now)
- Sound system for the court – not acceptable under the act
- New equipment for the Front Street walk paths and sidewalks – approximate cost \$40,000
- Park lights and camera – This is being funded through another grant – (not allowed under the plan)
- Gutters and roof rakes for Town Hall building - \$10,000 (Ruled out)
- Reimbursement of previous **COVID** expenses - \$5,000
- Pressure reducing valve at Sowden and Glenwood - \$100,000
- **Subsurface digital dual leak correlator** that finds underground leaks- \$24,000

(The Water Department spends 6 to 12 thousand dollars per year looking for leaks that would pay for itself in 3 years.)

Supervisor Marinaccio noted that plans have changed since the time that the meeting between Sharon, Joel and himself was held in that the initial estimate has now been reduced significantly; therefore, we need to prioritize our projects. Supervisor Marinaccio stated that we will focus on infrastructure.

Administrative Assistant Wike met with Mike Giovinazzo to learn what we are allowed to spend the money on.

Supervisor Marinaccio will reach out to Senator Schumer's office.

**August 09, 2021 – WORK SESSION & REGULAR MEETING**

Port Dickinson is getting a separate check from the money to be received. Councilman Gardner suggested that we pick and choose these projects that we need to do and spend the money wisely. The proposals will be presented to the Board for final approval.

- **FINANCE**

**TOWN COURT MONTHLY FINANCIAL REPORT**

Councilman Gardner made a motion to accept the Financial Report for the **Town of Dickinson Court** for the month of **June 2021** in the amount of **\$16,203.00**.

**STATE: \$13,278 TOWN: \$2,920**

On a motion of Councilman Gardner and seconded by Councilman Burns. All in favor.

**SUPERVISOR’S MONTHLY FINANCIAL REPORT**

Councilman Gardner made a motion to approve the **June 2021 Supervisor monthly report** seconded by Councilwoman Exley. All in favor

**TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilwoman Gardner made a motion to accept the **July 2021 Monthly Financial Report** for the **Town Clerk in the amount of \$1,794.48**. On a motion by Councilman Gardner seconded by Councilman Morabito. All in favor.

**ABSTRACTS FOR APPROVAL**

On Motion from Councilman Gardner, seconded by Councilwoman Exley to approve **abstract # 8**, dated **August 09, 2021**, in the amount of **\$499,577.62** 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 voting Aye

Unanimously passed and noted as duly adopted.

**Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$499,577.62.**

**Voucher #8 for August 2021 in the amount of \$499,577.62.**

<b><u>General Fund</u></b>	<b><u>\$28,060.69</u></b>
<b><u>Part Town</u></b>	<b><u>\$35.28</u></b>
<b><u>Highway</u></b>	<b><u>\$10,067.51</u></b>
<b><u>Fire districts</u></b>	<b><u>\$0.00</u></b>
<b><u>Light Districts</u></b>	<b><u>\$2,398.56</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$261,645.30</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$197,370.28</u></b>

**August 09, 2021 – WORK SESSION & REGULAR MEETING**

- **PERSONNEL**
  - Councilman Gardner had nothing to report.
- **PLANNING**
  - Nothing to report.

**APPROVAL OF MINUTES**

On a motion by Councilman Morabito seconded by Councilman Burns to approve the **Work Session and Regular Meeting Minutes of July 12, 2021**. 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 voting Aye

All in favor.

**ATTORNEY**

**LITIGATION 80 SUNSET DRIVE**

Attorney VanWhy reported that defendant Mr. Florance of 80 Sunset Dr. was served and has defaulted in providing an answer. We will be moving to the court for default judgement if he doesn't answer in the next week or so.

Mr. Florance previously had representation but does not have representation at this time as far as we know.

Mr. Florance submitted a **FOIL** request to the Town Clerk for the building permit application and related documents. He obtained those documents this morning. As of right now, he is in default.

**APPRAISAL ON PROPERTY NEXT TO HIGHWAY GARAGE**

Attorney VanWhy has not heard back from Mr. Mead regarding the appraisal on the property next to the Highway Garage. Mr. Mead had been on vacation in July. Mr. VanWhy will continue to reach out to him.

**August 09, 2021 – WORK SESSION & REGULAR MEETING**

**RESOLUTION 2021-20**

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: GRANTING A NOISE VARIANCE FOR DOT PROJECT NIGHT WORK BETWEEN SEPTEMBER 8 AND SEPTEMBER 14, 2021, AS REASONABLY REQUIRED AND NECESSARY FOR THE SETTING OF STEEL.**

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.

Supervisor Marinaccio stated that Town Clerk Cerretani reached out to **DOT** regarding the pedestrian crossing at the intersection of Front and Bevier Streets. There is a dangerous situation in that there is no lead time for pedestrians to cross before the oncoming vehicles advance into the intersection. As part of the bridge and roundabout project, **DOT** will be adding a leading pedestrian interval to the signal that will give the pedestrians a 7 second head start into the intersection and be seen by drivers before they get the green light.

**DISCUSSION: RAISING FEES FOR PERSONS WHO REPEATEDLY FAIL TO GET A PERMIT PRIOR TO STARTING WORK**

Public Works Commissioner Kie stated that there are several contractors who are repeat offenders and fail to obtain a building permit before the start of work. Currently, the building permit fee is doubled with a **Stop Work Order**. Mr. Kie would like to see those fees increased for repeat offenders in order to cover the costs.

Mr. Kie and Mr. VanWhy will work on a memo to the town board to include reasonable costs and a schedule of increases for companies who repeatedly fail to get a building permit prior to the start of the work.

The fee must be reasonably related to the time and cost investment of the Town; specifically, the Town Clerk's Office and the Code Department Office.

**COMMITTEE REPORTS:**

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

- Public Works Commissioner Kie reported that there is a parking problem on the Orchard Rd. cul-de-sac. He is concerned that the cul-de-sac serves as a turn around area for emergency vehicles especially with the nursing home and the fire hydrant in that location. Joel has asked Attorney VanWhy to work on a description and a change to the ordinance. Orchard Rd. is the only cul-de-sac within the town that does not have No Parking signs in place.

## August 09, 2021 – WORK SESSION & REGULAR MEETING

- Mr. Kie reported that Danny Miller detected a water break in the **Prospect Terrace** area on the Jonson City side. Apparently, the wrong head was placed on a meter. We were over billed \$50,000. The bill is being adjusted and we will be credited. When asked how the water department realized there was a leak, Mr. Kie replied that the master pits meters are read every Tuesday for discrepancies.
- The Highway Department has been doing storm prevention.
- We received an estimate from **Century Alarms** for the alarm system at the **Sunrise Terrace Park** in the amount of \$3,000 plus the monthly monitoring fee. The **Small Communities Grant** will cover this expense.
- Mr. Kie reported that a trailer on Rundall Place has been impounded.

### PLANNING & ZONING BOARD

- Mr. Rafferty received an email from **Fairview Recovery Services** requesting additional information from the town.

### CODE ENFORCEMENT

- Mr. Rafferty reported that the owner of 51 Pulaski Street has had constant problems since she tried to evict the tenants last March. Social Services finally removed the lady from the downstairs apartment which didn't have any bathroom facilities. Child Protective Services and State Police have been called out to the upstairs apartment 6 or 7 times and the Sheriff's Department has been there 20-30 times for problems with the tenants. The owner must wait until the **COVID** moratorium runs out to evict them. There are violations including an illegal trailer on the property. Under the property maintenance code we can cite the tenants and we can send a copy of the violation notice to the County under the **Spiegel Act**, notifying them that it is the tenant in violation and not the property owner.  
Mr. Van Why stated that he would encourage the property owner to consult with an attorney to see if there is any option currently, noting that the laws have changed a lot in the last year and one half.
- Mr. Rafferty reported that **Speedway** has submitted plans for a sign. Mr. Rafferty is having them re-configure the design to be non-flashing.
- The solar company was to submit a draft SWPP plan a month ago, but Mr. Rafferty has not heard anything from them. Mr. Rafferty has put a call into them.
- Councilwoman Exley reported that there have been complaints on properties located at 12 Longview and 28 Longview that they are in need mowing. The Code Department will address this.

**August 09, 2021 – WORK SESSION & REGULAR MEETING**

- Councilwoman Exley reported that garbage is being left out again at the property on Prospect/Glenwood.
- Ms. Exley reported that the **VOA** changed the lighting on the outside of their building, and it is exceptionally bright. The original site plan will be looked at. It may be a change to **LED** lighting or a change in the directional angle.

**PUBLIC COMMENTS**

None being heard.

The meeting was adjourned on a motion of Councilman Morabito and seconded by Councilman Burns at 6:40 PM.

Respectfully submitted,

**Susan M. Cerretani RMC**  
Town Clerk