

November 1, 2021 - 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, November 1, 2021, at the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.

Meeting Link:

<https://us02web.zoom.us/j/81686127363?pwd=aUVoOUNFWINaMU5DVFM1S0FnKzN5UT09>

Meeting ID: 816 8612 7363

Passcode: 755016

Dial in phone number: 1-646-876-9923

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., Attorney for the Town
Susan M. Cerretani, Town Clerk**

Also in attendance:

**Code Enforcement Officer Stephen Rafferty, Public Works
Commissioner Joel Kie, Zoning Board Chair Jeanne Compton**

5:30 PM: PUBLIC HEARING ON THE PRELIMINARY BUDGET OF THE TOWN OF DICKINSON FOR THE YEAR 2022

Supervisor Marinaccio opened the Public Hearing at 5:32 PM noting that there were no public participants either in person or on Zoom.

**NOTICE OF PUBLIC HEARING
ON THE PRELIMINARY BUDGET OF THE
TOWN OF DICKINSON FOR THE YEAR 2022**

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Dickinson for the fiscal year beginning January 1, 2022 has been completed and filed in the office of the Town Clerk of the Town, Dickinson Town Hall, 531 Old Front Street, Binghamton, New York 13905, where it is available for inspection by any interested citizen during office hours.

The Town Board of the Town of Dickinson shall hold a public hearing on said preliminary budget of the Town at the Dickinson Town Hall, 531 Old Front Street, Binghamton, New York 13905, on Monday, November 1, 2021 commencing at 5:30 p.m., showing such changes, alterations and revisions as shall have been made therein by the Town Board. At such public hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained.

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As authorized by N.Y. Laws of 2021, Chapter 417, Part E, those who cannot attend in person, or who do not wish to attend in person, may attend remotely using the information below:

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The following are the proposed year 2022 salaries for the elected officials of the Town:

Supervisor	\$25,505.00
Town Council members (4)	\$10,784.00 (each)
Town Clerk	\$42,931.00
Public Works Commissioner	\$52,123.00
Town Justices (2)	\$23,409.00 (each)

Pursuant to the requirements of Chapter 258 of the laws of 2008, this shall service as notice of the exemption report. The report is posted on the Town's bulletin board, is annexed to any tentative or preliminary budget, and shall become part of the final budget.

Anyone has the right to provide written and oral comments and ask questions concerning the entire budget or any portion thereof. Handicapped individuals or senior citizens who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned Town Clerk to request such assistance.

By order of the Town Board of the Town of Dickinson

Dated: October 25, 2021

Susan Cerretani
Town Clerk

Supervisor Marinaccio gave a brief overview of the 2022 budget and recommended that if there were any further questions regarding the budget to direct them to Beverly Wike.

- The taxes have been increased - they remain below the tax cap.
- For a house with an assessed value of an average of \$120,000, the increase for the individual property owner will be approximately \$20.00/year.
- There was a 5% salary increase to all staff. There were some salary adjustments that were made due to increased duties and responsibilities.
- The Lighting District tax was reduced by \$25,000.
- The 3 Fire Districts stayed the same. We were able to use some surplus for Prospect Terrace Fire Department. There were no increases in Fire District taxes.
- Expenses are up from last year from approximately 4.3 million in spending that covered salaries, materials, insurance, health insurance, etc. to approximately 4.8 million.

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Councilperson Morabito added “in addition to the reason for increases for some of the salaries, in addition to added responsibilities, is it is also based on past performance”.

Councilperson Burns asked about the Lighting District and if there was a reduction of \$25,000 because of the new lighting in the town.

Public Works Commissioner Kie stated that we signed an agreement on the walking trail that we would take those lights over, just about that time we switched the lights, we got billed for two new sections - the one on the highway plus the walking trail that added on to our bill. It wasn't clear cut because it went up a little bit because of the add-ons but we are saving. We are not spending as much.

Mrs. Wike stated that we had built up a surplus in the Lighting District over the years because we didn't spend as much money as we thought we were going to, so we have a substantial amount of surplus in that account.

Mrs. Wike stated that regarding the Fire Districts, there is going to be an increase in the taxes this year because all of them went up this year by contract.

Supervisor Marinaccio stated that we will be voting on the budget next week.

Supervisor Marinaccio closed the Public Hearing at 5:36 PM.

SUPERVISOR'S REPORT NOVEMBER WORK SESSION REPORT

1. On October 25, I participated in a **ZOOM** meeting with the County Executive and other elected officials. There was a brief discussion regarding the **COVID** status in the county. 20% of the new positive cases were children 17 and younger. These percentages vary from week to week. Hospitals are operating at near or full capacity but are handling all cases so far and as of today, **COVID** cases have decreased. There may be some visitor restrictions in place at various hospitals. Average testing is around 500 to 600 persons per day. We also discussed shared services as we have done in the past but at this late stage of the year and reports from the county to the state are due in a month, no new services were discussed with the exception of towns once again contracting with the county to plow their roads as they had done in the past. The County paid a fee per 1 mile of road, but it was a fixed fee of around \$3500 per mile including cost of fuel and salt and regardless of the severity of the winter storms. Fuel and salt have increased drastically over the years and some years ago the county tried to decrease what they were paying the towns to plow. That ended all but one town in the plowing contracts. Dickinson was never involved directly in these agreements but on occasion we have to plow parts of a county road in order to get to our town streets. Another issue is that our trucks are too small to do large county roads. Sales tax revenue was discussed, and the County Executive stated the sales tax throughout the state has increased by 14% which is surpassing all of our shared

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SUPERVISOR’S REPORT CONTINUED:

totals that we estimated in the beginning of the 2021 budget year. The **NY State Comptroller** recently stated that sales tax statewide has increased by about 20%. I reminded everyone that a large percentage of the increases is due to high fuel prices, high goods pricing, construction materials, etc. How long this will go on is anyone’s guess, but I believe it will be at least 2 years.

2. The **Sunrise Terrace Association** held their annual association meeting here at the town hall on October 19. Attendance was very low, but they had a productive meeting. **STA** also conducted their annual **Trunk & Treat** event at the Town Hall parking lot on October 30th and the turnout was fantastic with over 150 children and adults attending.
3. Tomorrow, Nov. 2, starting at 6 PM, the Zoning Board will be addressing 3 variance requests. Building height and setback for a new addition to **Foland Lumber Company** which I highly support, as well as a side setback for a deck and a front yard encroachment variance to allow a roof over existing front landing.
4. Code officer Rafferty questioned the removal of trees in the **Regal** parking lot since the planting and green space were part of the site review years ago. **Regal** representative replied that they are planting new trees in their place.
5. And as expected, The **Broome County Department of Planning and Economic Development** determined that the **Dunkin Donuts** planned project would have significant county-wide and inter-community impacts. They recommended denial of the project.

Code Enforcement Rafferty requested that Clerk Cerretani send a copy of the **Dunkin** denial resolution to him.

ATTORNEY

2022 BUDGET

With no further discussion regarding the 2022 budget, Attorney VanWhy stated that there will be a resolution to adopt the 2022 Budget at the next meeting.

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STATUS: 36 PULASKI STREET CONDEMNATION

Attorney VanWhy addressed the status of the 36 Pulaski Street condemnation process stating that December 31st is the last day for the owner to submit anything. Supervisor Marinaccio stated that he received a phone message from the gentleman. Mr. Marinaccio will share the gentleman's contact information with Attorney VanWhy.

STATUS: 39 PULASKI STREET WATER BILL ISSUE

Mr. VanWhy addressed the 39 Pulaski Street water bill issue. The Town sent a letter to the property owner and the tenant/squatter saying basically let us in or we are shutting your water off and this is your last day to do it. They did provide access to the Town. Once in the residence, it was noticed that there had been some unauthorized work done involving the water meter. That has been corrected.

Next steps are up to Joel Kie and Steve Rafferty as the Code Enforcement Officers for the Town. We are still assessing the options.

Supervisor Marinaccio said the whole thing that throws this situation into a caveat is the fact that the squatter shouldn't be there in the first place – he no longer owns the property. The new owner of the building came to the Town Hall and briefly met with Supervisor Marinaccio last week. Mr. Marinaccio showed him pictures of what the basement looks like. The new owner has only seen the house from the outside. He bought the house on a foreclosure. There are procedures that the new owner needs to take to evict this person. Mr. VanWhy responded that the new owner needs to apply for a court order to evict the tenant/squatter.

Supervisor Marinaccio asked if we can get our money back. Supervisor Marinaccio called the County Attorney Robert Benke and told him about the situation. He has not heard back.

Attorney VanWhy stated that the date of service of the water bill matters as to who is responsible for the charges. It would be helpful to get that breakdown of dates and dollars and then we can figure out who we go after and for how much. Supervisor Marinaccio stated that we know approximately how much water/sewer this person has used and then from that time on that the County took over the building and then until it was sold. It is confusing.

Attorney VanWhy stated that he would encourage the Town that whenever there is a meter that is not reading to take immediate steps to gain entry.

Supervisor Marinaccio wants to make sure we are following protocol and taking the legal steps. He said he thinks we can turn the water off and asked who we send the letter to. Attorney VanWhy replied that we send a letter to the tenant and to the property owner stating that because of failure to pay we are going to plan to shut the water off. We need to provide them an opportunity to enter into a deferred payment agreement according to **COVID**, if they self-certify that they have encountered financial hardship. Because there is a squatter/tenant person, we have to provide him an opportunity to place the water bill in his name on a going forward basis because technically the landlord/property owner is the one who is ultimately responsible.

Supervisor Marinaccio stated that the new owner is ok with turning the water off. At the point when the water is shut off, Code Enforcement Officer Rafferty will post that it is not habitable and will notify the **Health Department**.

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Supervisor Marinaccio stated that we have approximately \$100,000 in unpaid water/sewer bills.

Anecdotally, noting how effective a shut off program can be, Mr. VanWhy remarked that the Village of Port Dickinson sent out 8-10 shut off notices and they all paid their bills.

Supervisor Marinaccio remarked that by having their water/sewer bills re-levied to taxes most times these residents cannot use it as a tax break. Councilperson Gardner replied that they have found a loophole in the system, and they are taking advantage of it. Mrs. Wike remarked that here are several “frequent flyers”.

APPRAISAL ON PROPERTY NEXT TO TOWN GARAGE

No updates at this time.

PUBLIC WORKS

- Public Works Commissioner Kie reported that the yard waste truck blew some valves. The truck was taken in for repair and the parts that were installed did not work. New parts have been ordered. Tomorrow the crew will hand pick the yard waste. The Village will help out; we helped them last week when their truck burned.
- The Highway Department is done paving North Ely, North Broad, North Louisa, part of Harding, and Iris Drive. Mr. Kie was very pleased with the results. All the water issues were addressed.
- Mr. Kie hasn't heard anything from the Ford Dealership on the two Ford trucks that were ordered. The original ETA was scheduled for right about now, but he doesn't think we will be getting them any time soon. Mr. Kie plans on putting an electric salter on the back of the 350-pickup truck for now because we have no guarantees as to when the new trucks will arrive. Mr. Kie asked that if we already authorized the purchase and we haven't borrowed the money yet, will we have to go through the process all over again. Attorney VanWhy replied that as soon as you authorize the bonding you can do it any way.
- The 2011 Ford that was being used at the cemetery that had the leaf machine hooked up to it died. In short, the hose collapsed going to the radiator. Hopefully it didn't destroy the engine. It is being looked at. The Highway Department may be down a truck.
- Councilperson Morabito asked Mr. Kie if he doesn't get the new trucks, will he be able to do everything he needs to do throughout the winter. Mr. Kie replied yes. It will be more of a challenge because we will not have the weight and capacity, but Mr. Kie said he feels comfortable.

CODE ENFORCEMENT/ZONING BOARD

Zoning Board has 3 variance hearings Tuesday at 6 PM:

1. Foland Lumber – side setback and building height
2. 1 Maiden Lane - side setback for a deck
3. 33 Forest Hill Rd - roof over an existing front landing

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Upcoming Zoning Board variance request is from **Speedway** to install flashing lights on the pumps. Mr. Rafferty stated that they originally wanted the big sign to flash but he talked them out of it.

Supervisor Marinaccio stated that Town Engineer Ron Lake has done a review on the Rosedale Drive water problems, and he will write a report. Mr. Lake will be at next week's Town Board meeting.

On motion by Supervisor Marinaccio, the work session was adjourned by a motion from Councilperson Morabito and seconded by Councilperson Burns at 6:08 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk