

December 11, 2023 – REGULAR MEETING

The Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 6:00 PM on Monday, December 11, 2023 at the Town Hall, 531 Old Front Street, Binghamton, New York.

The members of the Town Board present were:

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

Also in attendance:

Keegan Coughlin, Esq., Town Attorney
Wendi Evans, Town Clerk
Public Works Commissioner Joel Kie, Code Enforcement Officer Kyle Doyle, and 5 guests.

CHAIR

SUPERVISOR'S REPORT

December 2023 Town Board Meeting Supervisor's Report

1. I reviewed the credit card monthly charges and found no issues.
2. With the help from Joel reminding me that there will be fireworks planned at Otsningo Park this holiday season, I called the sheriff's office and discussed this with Captain Harding in an effort to avoid the grid lock that we experienced at the roundabouts during the Spiedie Fest. The hope is that the sheriff and or the state will put traffic control in place during any fireworks displays at the park.
3. We received a check from Comp Alliance Insurance for the amount of \$1520.00 due to our good record in safety.
4. During the NY Association of Towns recent Resolutions Committee meeting, the resolution to support local justice courts and increasing court fees was passed. This resolution, as well as others will be presented at the New York City business meeting and if passed, will be delivered, along with the other resolutions, to the New York State legislature. This resolution also supports maintaining our local courts by our various municipalities.
5. Habitat for Humanity began moving the Habitat house constructed by BOCES to its foundation located at 6 Linda Drive on Friday, December 8th.
6. I was informed that Springbrook which is a 90-year-old organization that provides support and services for people with developmental disabilities, that

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they are interested in purchasing a 3 acres vacant lot located at 32 Fuller St. They want to construct a group home for about 5 or 6 individuals on this property. There will be 24/7 management support. We are researching sewer line availability. If this project moves forward, someone from Springbrook will come to one of our meetings to discuss their operations. This empty lot is adjacent to where the Fuller St. house that we condemned and had demolished. That piece of property has remained green. If this project moves forward, we need to inform the residents who live nearby.

7. I received a call from a resident that lives in the Stella Ireland area regarding vehicles speeding along this road. I informed him that Stella Ireland is a county road, but I would reach out to the sheriff’s department which I did. I was told that they would keep an eye on speeders but could not place an electronic speed reminder in that area since they are in storage for the winter.
8. Darrell forwarded a total of \$61,343.80 of miscellaneous relevy to taxes to the county.
9. A Zoning Board of Appeals meeting is scheduled for tomorrow, Dec. 12, 6:00 PM regarding property at 155 Glenwood Rd. Variance to build an 8 x 20 ft. front porch without the required property line setback.
10. Possible dates for the Annual Prospect Terrace Fire Company Annual Diner and Officers oath of office: Feb. 3 or Feb. 24

11. Code Violations/Appearance Tickets

Violations	
Property	Type
63 Adams St	Trash & Debris
48 Sowden St	Trash & Debris
690 Old Front St	Fire Inspection Violations
156 Bigelow St	Improper Disposal of Sewer Waste
156 Bigelow St	No Permit for Garage Demolition
81 Terrace Dr	No Building permit for new steps
134 Iris Dr	Debris
14 Rosedale Dr	Debris
602 Old Front St	Fire Inspection Violations
26 Pulaski St	Trash & Debris
210 Lower Stella Ireland Rd	Trash & Debris
864 Upper Front St	Fire Inspection Violations

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Permits Issued	
Property	Type
10 Sunrise Dr	Roof
20 N Broad St	Structural & Roof
135 Iris Dr	Roof
14 N Ely St	Car Port
11 Pleasant Court Dr	Roof
156 Bigelow St	Garage
1 Ostiningo Park	Fireworks
Appearance Tickets	
Property	Type
38 Fellows Ave	Trash & Debris
Fire Inspections	
Property	Location
690 Old Front St	Econo Loudge
240 Lower Stella Ireland Rd	Handicapped Association of Southern NY
602 Old Front St	Gance's Catering
864 Upper Front St	Fairfield Inn by Mariott

Dog Control Officer Reports: Village & Town:

4 Stray Dog Calls, 2 dogs transported to the shelter. 37 Miles on Fenton DCO Van, 6 Calls pertaining to “other” animals. 4 Calls for other towns to be redirected. 18 Phone calls Received.

97 Phone calls made (including past due Reminder calls, 7 E-mails Received. 31 E-mails sent out. 11 Tickets issued. 3 court appearances

NYSEG Utility Shutoff Notices:

No notices received.

Next Town Board Meetings

Work Session, Tuesday, January 2, 5:30 PM.

Regular Board meeting, Monday, January 8, 6:00 PM

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PUBLIC COMMENTS

Ladies from the New York Citizen Audit committee gave a report and were requesting a resolution be made to support them. Supervisor Marinaccio explained that the board would review and discuss what they reported and would make a decision whether or not the board wants to move forward with supporting them.

COMMITTEE REPORTS

- **PUBLIC WORKS**

- Councilperson Morabito commented that they are working on inspections for water projects on personal properties and enhancing those permits to what our towns needs and concerns are.
- Water/sewer revenue came out good for 2023. We are hoping to do better for 2024 with our income, and capturing the water losses that we had in the past.
- Councilperson Exley commented that there was a water break on College View Dr. that was repaired quickly.

- **FINANCE**

- **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **November 2023 Monthly Financial Report** for the **Town Clerk in the amount of \$1,125.00**. On a motion by Councilperson Gardner seconded by Councilperson Morabito. All in favor.

- **SUPERVISOR MONTHLY REPORT**

Councilperson Gardner made a motion to accept the **October 2023 Supervisor monthly report** in the amount of **\$1,933,898.58** seconded by Councilperson Exley. All in favor.

- Councilperson Gardner made a motion to accept the **November 2023 Supervisor monthly report** in the amount of **\$1,742,322.16** seconded by Councilperson Burns. All in favor.

Councilperson Gardner explained that Supervisor Marinaccio and Darrell worked with NBT and transferred a million dollars to a interest bearing account with a rate of 2.5%. We were not receiving any interest on the funds with it being in the checking account. In the past, we were not allowed to collect interest on various accounts that the town had because of town laws but that has changed recently so this is a very good thing for the town.

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ABSTRACTS FOR APPROVAL

On Motion from Councilperson Gardner, seconded by Councilperson Morabito to approve **abstract # 12**, dated **December 11, 2023** in the amount of **\$361,146.36**.

Vote Ayes-5, Nays-0, Absent-0.

- Supervisor Marinaccio voting Aye
- Councilperson Gardner voting Aye
- Councilperson Exley voting Aye
- Councilperson Morabito voting Aye
- Councilperson Burns voting Aye

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$361,146.36.

Voucher #12 for December 11, 2023 in the amount of \$361,146.36:

General Fund	\$54,452.30
Part Town	\$2,427.52
Highway	\$17,210.93
Storm Sewer Project	\$256,598.01
Light Districts	\$5,389.22
Sewer Operating Dist.	\$5,250.84
Water Operating Dist.	\$19,817.54

• **PERSONNEL**

Nothing to report.

○ **PLANNING BOARD**

Supervisor Marinaccio commented that he received an email from the chairman of the Planning board, Jerry Ford that was sent to all the members of his board. He is planning on staying on till we complete the current solar project and when that is complete, he plans on retiring in March or sometime soon after. He has done a fantastic job, and we appreciate all his hard work and dedication.

APPROVAL OF MINUTES

On a motion by Councilperson Exley seconded by Councilperson Burns to approve the **Work Session Minutes of November 6, 2023** and the **Regular Meeting Minutes of November 13, 2023**. All in favor.

Vote Ayes-5, Nays-0, Absent-0.

- Supervisor Marinaccio voting Aye
- Councilperson Gardner voting Aye
- Councilperson Exley voting Aye
- Councilperson Morabito voting Aye
- Councilperson Burns voting Aye

All in favor.

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DISCUSSION: DISTRICT COURT AUDIT

Supervisor Marinaccio explained that once a year the District Court wants to audit our court. We are very diligent in doing that even though it is costly. We have to hire an outside auditor that comes in. He is going to pass it on to our auditor who is a former state auditor so he can make plans if/when it will take place.

ATTORNEY

RESOLUTION 2023-35

Attorney Coughlin commented that we held the Public Hearing on the Temporary Moratorium last week.

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

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

**RESOLUTION: “A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM
WITHIN THE TOWN OF DICKINSON ON THE DEVELOPMENT
AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS”**

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
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

All in favor.

RESOLUTION 2023-36

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

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

**RESOLUTION: TO DECLARE LEAD AGENCY FOR SEQR AND SCHEDULE
PUBLIC HEARING ON SOLAR OVERLAY DISTRICT 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-5, Nays-0, Absent-0.

Supervisor Marinaccio voting Aye
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

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All in favor.

RESOLUTION 2023-37

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

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

RESOLUTION: TO DECLARE LEAD AGENCY FOR SEQR AND SCHEDULE PUBLIC HEARING ON AMENDMENT TO 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-5, Nays-0, Absent-0.

Supervisor Marinaccio voting Aye
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

All in favor.

RESOLUTION 2023-38

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

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

RESOLUTION: SELF-HELP BID FOR THE HIGHWAY DEPARTMENT. BIDDING REQUIREMENTS WERE AWARDED TO R. DeVINCENTIS

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
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

All in favor.

RESOLUTION 2023-39

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

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

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RESOLUTION: ACTIONING DARRELL DENNISON TO RELEVY UNPAID WATER/SEWER BILLS

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
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

All in favor.

RESOLUTION 2023-40

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

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

RESOLUTION: PERMIT FEE OF \$200 PER MEGAWATT FOR ALL SOLAR PROJECTS

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
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

All in favor.

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

- Commissioner Joel Kie thanked everyone for the new backhoe. He commented that it is like night and day and just amazing. He has trained everyone on it.
- Commissioner Joel Kie will be meeting with the DOT regarding the walk bridge and talking to them about some of the changes that they did. They moved the fencing, and he is going to try and get it changed.
- Commissioner Kie and Code Enforcer Doyle explained that there was a compressor blocking the gate at the cemetery. The new solar farm had it dropped off to do soil samples and parked it in front of our gate and left it unattached and left. It had been delivered by the rental company to the wrong place. He contacted them to let them know we had it and secured it.
- Leaf and brush pick up is over for the year.

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ZONING

A meeting is being held on December 12, 2023.

CODE

- Passed a Resolution regarding Solar permits in the amount of \$200 per megawatt.
- Code Enforcer Doyle explained the need for a firework fee in the amount of \$50.00 as we currently do not have a fee. The board agreed. Councilperson Morabito commented that we are not wanting to charge people but the real reason that we want these permits, so we know that it is going on and the rules are being followed for safety concerns.

On a motion by Councilperson Burns seconded by Councilperson Exley to **Approve enforcing fireworks permits in the amount of \$50.00**

All in favor. Vote Ayes –5, Nays – 0, Absent-0.

Supervisor Marinaccio voting Aye
Councilperson Gardner voting Aye
Councilperson Exley voting Aye
Councilperson Morabito voting Aye
Councilperson Burns voting Aye

All in favor

- Code Enforcer Doyle is having the quarterly meeting with the local fire departments and code officers tomorrow.
- Public Works Commissioner Kie and Code Enforcer Doyle watched the Habitat for Humanity house get placed on its foundation. They built it at BOCES and moved it to Linda Dr. and it went great. It was the 3rd house that they have done.
- We received drawings back from St. Stan school with what they wanted to do as far as updating. They are in the process of finding a contractor that will be willing to do the work. Their goal is to secure the building and to sell the property.
- Hotel fire inspections are almost complete. Code Enforcer Doyle has been working with Broome County Health Department with these as well. Nothing major has been found.
- Businesses in the town have been resetting their fire panel alarms before the fire department arrives. There is no state fire code that states what type of procedure should be done with a fire activation. By law, the fire dept. has the right to investigate when an alarm is set. If the fire dept. is denied that right, the person that resets the alarm will be held responsible. There are local town ordinances out there in New York State. The laws are already written up but they are working on adjusting them to fit our town. We will be looking to adopting a Local Law in the near future to help with the fire department enforce this.

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DISCUSSION:

Councilperson Exley questioned how we are going to notify the public about the Solar Energy Local Law public hearing. She commented that only doing what is legally required may not be enough to let people know what is taking place. Attorney Coughlin recommended that the group of people that has a rational basis would be best. The town board agreed that the overlay will be looked at and we will take care of notifying the rational basis residents when the time comes.

The meeting was adjourned on a motion of Councilperson Morabito and seconded by Councilperson Burns at 7:20 PM.

Respectfully submitted,

Wendi Evans
Town Clerk