

June 7, 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, June 7, 2021, via Zoom teleconferencing.

Join Zoom Meeting

<https://us02web.zoom.us/j/81741176842?pwd=elFiNUQ3RU1LeXJuWWE1c2FDakFsUT09>

Meeting ID: 817 4117 6842

Passcode: 873675

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The members of the Town Board present via Zoom 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., Attorney for the Town

Susan Cerretani, Town Clerk

Also in attendance:

Administrative Assistant Beverly Wike, Highway Superintendent Joel Kie, Town Engineer Ron Lake, Planning Board Chair Jerome Ford, Code Enforcement Officer Stephen Rafferty, Justice Kathleen Groover, and one member of the general public.

CHAIR

Town Board Work Session

1. The entrance doors and security system remain on track.
2. The **NYS Department of Transportation** continues to keep us informed of the progress and any changes in traffic patterns that are taking place relating to the bridge/roundabout construction project. Sue is posting the information on our web site and the emailed notifications sent to me are being forwarded to the board members by me.
3. Resident Jim Love questioned me as what are the steps that need to be taken now that the town has opted out of the **MEGA CCA Energy program**. I contacted a representative of **MEGA** and she informed me that all residents that were previously in the CCA will automatically be returned to **NYSEG** service on their July 2021 meter read. That means that the August 2021 invoice should reflect **Constellation** as the supplier.
4. A short time ago our Town Park was vandalized. Rocks from around our landscaping were thrown onto the grass area and the playground, and a window was broken by a rock on the storage shed. Discarded cans of soda and alcoholic beverages were found in the park as well. Joel notified the sheriff, talked to the hotels to see if they had security videos that may have captured the vandals, but their cameras did not have the playground in view. We believe that this occurred in the evening. We will keep a close watch on this and if there are more occurrences, we will need to discuss the use of security cameras.
- 5.

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SUPERVISOR’S REPORT CONTINUED:

Councilman Morabito recommended that we go ahead and install security cameras now. Supervisor Marinaccio stated that he notified Aaron Martin from the Land Bank that we were interested in a County Community Grant and that we would need \$10,000.

6. It is time for us to start planning to hold all future meetings in person which will include, town board, planning and zoning boards, etc. I would recommend that beginning June 14, our next regular board meeting, we hold it in person. **ZOOM** could be considered but if we install video conferencing, that would be ideal. We need to setup a simple plan. Chair spacing will be done with a limited seating, Also, and very important, when a meeting is posted in the press or on our web site, inform people that if they are not vaccinated and want to attend a meeting in person, they will be required to wear a face mask. These are just a few suggestions, and any other ideas will be appreciated and considered. The open meeting moratorium will end this month as well so we should be prepared.
7. I had a discussion with County Emergency Director Mike Ponticello, and he stated that at this point of the **COVID** epidemic it is no longer necessary for the Town to declare a **State of Emergency**. The County will continue with it until the end of the year and that would cover us if there were another issue. I am considering ending the SOE. In-put is appreciated.
Supervisor Marinaccio updated his report to say that he may extend the **SOE** for another month or two.
8. At the end of our work session, we will go into executive session to discuss employment issue. Town Board members, Nate, Judge Groover will attend this session, all others will be asked to leave the Zoom meeting.

PUBLIC COMMENTS

None being heard.

ATTORNEY

UPDATE: SPECTRUM CONTRACT

Attorney VanWhy reported that we are still waiting on the **Spectrum** contract.

UPDATE: LITIGATION OUTSIDE RETAINER

Attorney VanWhy reported that his litigation folks are in the process of finalizing a summons and complaint against Mr. Florance of Sunset Drive. Attorney VanWhy would like to have Mr. Rafferty review it to make sure all the facts are lined up.

NYSDOT BRIDGE REPLACEMENT PROJECT NOISE VARIANCE

Attorney VanWhy reported that he has emailed with the contractor who has not responded with more definitive dates and times as to when they need the window for the noise variance.

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PURCHASE OF LOT NEXT TO TOWN HALL

Mr. Kie told Mr. VanWhy that an appraiser has been hired. Attorney VanWhy said that we are now waiting for the number and once we receive that we will contact Bob Meade and continue with the negotiations.

CANNABIS LEGISLATION

Supervisor Marinaccio commented that he has been researching the **Cannabis Legislation**. He has talked to other surrounding towns and most of them are opting-in. Mr. Marinaccio is leaning towards opting-in to gain more revenue for the Town.

Attorney VanWhy stated that the State will not have the regulations finalized by the end of the year which is the date for opting out of retail and on-site consumption sales.

Councilman Morabito’s thoughts were that we should take the benefit of the tax benefit. It is going to be another viable business and he does not see any downside to it.

Councilwoman Exley stated that it is now legal, and she does not see the benefit of opting-out of it.

Councilman Burns stated that his opinion is that we only have a couple retail businesses in the town. He does not like the idea of marijuana going through but it is here, and we might as well reap any benefits to the town.

Councilman Gardner agreed with the other members.

Mr. VanWhy stated that if we opt-out we are subject to a referendum. If we opt-in we do not have to do anything. Supervisor Marinaccio thanked the board members for their opinions.

REAL PROPERTY TAX LAW

PUBLIC HEARING OPENED AT 5:58 PM

Attorney VanWhy gave an overview of the Real Property Tax Law Section 487.

**A LOCAL LAW TO OPT-OUT OF SECTION 487 OF THE
NEW YORK STATE REAL PROPERTY TAX LAW**

Be it enacted by the Town Board of the Town of Dickinson as follows:

Section 1. Purpose and Intent

The purpose of this Local Law is to enable the Town of Dickinson to opt out of all energy system real property tax assessment exemptions afforded pursuant to Section 487 of the Real Property Tax Law. It is the further intent of the Town of Dickinson that this Local Law apply to all types of solar and wind energy systems and farm waste energy systems pursuant to Section 487 of the Real Property Tax Law.

Section 2. Authority

This Local Law is enacted pursuant to the authority granted by Section 487(8) of the Real Property Tax Law.

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Section 3. No Exemption from Taxation

No exemption from taxation shall be applicable in the Town of Dickinson with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to the effective date hereof.

Section 4. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 5. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date

This local law shall take effective immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

A discussion followed.

Public Hearing closed at 6:07 PM.

CODE

UPDATE: DUNKIN DONUTS

Code Enforcement Officer Rafferty has not heard anything further on the Dunkin Donuts project.

CITIZENS ENERGY PROJECT – GLENWOOD RD

Code Enforcement Officer Rafferty spoke with the Solar project representative, and they are moving ahead with getting the submittal ready for the Planning Board.

Planning Board Chair Jerry Ford stated that he would like to hire two consultants for part of the review for the hydraulics and electrical, at an anticipated cost of \$7,500. The developers have not submitted a notice to the town yet. They have been made aware that the town is considering adopting the **PILOT** program soon.

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On motion by Supervisor Marinaccio, the work session was adjourned into Executive Session to discuss a personnel matter by a motion from Councilman Morabito and seconded by Councilman Burns at 6:11 pm.

On a motion by Councilman Morabito and seconded by Councilman Burns, the work session was adjourned at 6:35 pm.

Respectfully submitted,

Susan M. Cerretani, RMC
Town Clerk