

August 08, 2022 – 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 08, 2022, 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, Councilperson
Sharon M. Exley, Councilperson
Thomas J. Burns, Councilperson
Danny F. Morabito, Councilperson via Zoom**

Also attending:

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

**August 2022, Supervisor's Report
Supervisor's Report**

1. We received a check for \$34,830 for the second quarter **Diversions funds** from the court.
2. Joel is researching additional energy saving items through a **NYSERDA** grant that we received some time ago. Some ideas from **NYSERDA** are EV or Hybrid municipal vehicles; DPW electric equipment to replace gas powered equipment such as leaf blowers, mowers, etc.: electric ATV for DPW use; smart thermostats, lighting sensors, and a few other suggestions. I believe we have around \$40K left in the grant.
3. **ACHIEVE** will be conducting their **Savor the Summer** fund raising event on August 25th starting at 6 pm to 9 pm. At around 9 pm there will be a fireworks display. Permits have been submitted and approved.
4. We received \$20,056.92 from the county jail for inmates housed at the jail from other jurisdictions.
5. We received a check for our quarterly sales tax revenue share for \$253,072.34. This amount is approximately \$31K less than the first quarter. Total sales tax revenue for Dickinson to date is \$537,241.30. We budgeted \$900K for 2022. I believe we will make that goal.
6. Just a reminder to all town officers, when asked whether or not a building permit is required for various projects, please refer the resident or contractor to our code officers.
7. We received a preliminary plan for another solar farm which would be located at 494 Glenwood Rd. The Planning Board will be reviewing the application.
8. The owner of 36 Pulaski, Mr. B., paid off his arrears in property taxes so the county will not take over this condemned house. We will seek legal advice and guidance from our town attorney.

August 08, 2022 – WORK SESSION & REGULAR MEETING

SUPERVISORS REPORT CONTINUED:

9. As you all know, the second roundabout was opened on Wednesday night, August 3. Traffic seems to be flowing smoothly so far.
10. In regard to the very long issue of garbage and other serious issues with the property at 156 Bigelow St., we were prepared to show everyone pictures of the garbage that was in the garage but after many calls and assistance from the **Broome County Health Department**, the garbage was removed on Friday of last week. Nate can discuss the issue of the State Supreme Court action if we need to go that route. Other serious issues remain at this property and our code enforcement department will continue to enforce our codes and get the owner or owners to comply. I also want to say shame on past and present owners of this property and the tenants that lived there for accumulating this vast amount of garbage that caused great concern for the neighbors and the entire neighborhood and placed unnecessary burden on our code staff, attorney, and town judge. This should never be allowed to happen again.

Code Violations/Appearance Tickets

1. Stop Work Order issued to 36 Stearns, work being done without a building permit
2. 51 Pulaski, various trash, and debris
3. Stop Work Order, roofing with no permit
4. 24 Adams St., various debris in the side yard. 26 Adams St., new gate not properly installed, bag of garbage and various debris by garage
5. 36 Pulaski, tall weeds and grass
6. 31 Pulaski, tall weeds and grass
7. 33 Pulaski, tall weeds and grass

Building Permits

1. 561 Old Front St., rebuild starts
2. 58 Sunset Dr., build enclosed porch, three season room
3. 20 N. Broad, home repairs, this has been an ongoing issue
4. 124 Elaine Dr., roof replacement
5. 129 Adams Dr., home alterations
6. 16 Stephen Dr., erect garage

Dog Control Reports May

TOWN: two calls, past due license, stray pit bull running in traffic

VILLAGE: three calls, no longer had a dog, record updated, stray dogs

NYSEG UTILITY SHUTOFF NOTICES:

No notices received

August 08, 2022 – WORK SESSION & REGULAR MEETING

SUPERVISORS REPORT CONTINUED:

NEXT TOWN BOARD MEETING

Our next Town Board meeting is scheduled for Monday September 12, 5:30 PM, Work Session Meeting and combined regular meeting. This will be our last summer scheduled work session/regular board meeting

PUBLIC COMMENTS

Councilperson Burns asked if we are going to make Mr. B. make repairs to the house at 36 Pulaski Street. Supervisor Marinaccio said absolutely and deferred to Town Attorney VanWhy to expand. Mr. VanWhy stated that we have two options:

Option #1: Take the Town Code Enforcement route, having Code Enforcement Officer Steve Rafferty file information and complaint with the Town Judge and pursue fines against him.

Option #2: File a Supreme Court action and seek to compel the property owner to actively take measures and steps to remediate it. This would be outside of the Town's retainer amount and would be an extra cost for the Town. Ask that the legal fees and any other expenses the Town incurs be included in any money judgement against the property.

Option #1 can be pursued without any further directive from the Board. Attorney VanWhy recommended moving forward with Town Code enforcement on the property. The Town Board can always choose to bring a Supreme Court action at any time.

Mr. Marinaccio stated that there was enough support from the neighborhood to take care of the 156 Bigelow property. He stated that the Broome County Health Department has been extremely instrumental with the Bigelow Street property issues. They were ready to impose fines. Mr. Marinaccio would like to get the Health Department involved with the Pulaski Street property.

Councilman Gardner asked whether the owner of the 36 Pulaski Street property can make enough improvements to the property in order to make it not condemned. Attorney VanWhy responded that what the property owner chooses to do, whether he wants to repair the building or not, is his decision; however, we need stamped drawings showing plans from a contractor.

Resident Jim Love asked if the pedestrian walk bridge is going to be demolished this year now that the new bridge has been constructed and the contractor has moved on to sidewalks and walking trails. Supervisor Marinaccio replied no, the walk bridge is not part of this contract.

COMMITTEE REPORTS

- **PUBLIC WORKS**
 - Councilperson Exley had nothing new to report. Councilperson Burns reported that the Highway Department has received the new street sweeper.

August 08, 2022 – WORK SESSION & REGULAR MEETING

- **PERSONNEL**

- Councilperson Gardner had nothing new to report.

- **PLANNING**

- Mr. Burns, Morabito, Marinaccio, and Rafferty attended the last Planning Board meeting. The Solar Farm project was discussed. Councilperson Morabito reported that it was a good preliminary meeting, and he looks forward the future meetings on that subject. Supervisor Marinaccio said that the topics covered were planting trees, installing a fence, natural barriers, and the size which would be under five Megawatts.

- **FINANCE**

SUPERVISOR’S MONTHLY FINANCIAL REPORT

Councilperson Gardner made a motion to approve the **June 2022 Supervisor monthly report in the amount of \$1,693,657.23**. On a motion by Councilperson Gardner seconded by Councilperson Burns. All in favor.

TOWN COURT MONTHLY FINANCIAL REPORT

Councilperson Gardner made a motion to accept the Financial Report for the **Town of Dickinson Court** for the month of **April 2022** in the amount of **\$16,548.00**. **STATE: \$11,556 COUNTY \$295 TOWN: \$4,697**. On a motion of Councilperson Gardner and seconded by Councilperson Exley. All in favor.

TOWN CLERK MONTHLY FINANCIAL REPORT

Councilperson Gardner made a motion to accept the **July 2022 Monthly Financial Report** for the **Town Clerk in the amount of \$1,987.20**. On a motion by Councilperson Gardner seconded by Councilperson Burns. All in favor.

ABSTRACTS FOR APPROVAL

On Motion from Councilperson Gardner, seconded by Councilperson Morabito to approve **abstract # 8**, dated **August 08, 2022**, in the amount of **\$195,098.29** 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.

August 08, 2022 – WORK SESSION & REGULAR MEETING

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$195,098.29.

Voucher #8 for August 2022 in the amount of \$195,098.29.

<u>General Fund</u>	<u>\$37,246.82</u>
<u>Part Town</u>	<u>\$700.00</u>
<u>Highway</u>	<u>\$22,902.60</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$2,448.11</u>
<u>Sewer Operating Dist.</u>	<u>\$1,556.44</u>
<u>Water Operating Dist.</u>	<u>\$130,244.32</u>

APPROVAL OF MINUTES

On a motion by Councilperson Exley seconded by Councilperson Gardner to approve the **Work Session and Regular Meeting Minutes of July 11, 2022**. 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.

ATTORNEY

Attorney VanWhy provided an overview of the details of the **video conferencing policy**. He noted there are specific circumstances that allow members to attend a meeting remotely such as disability, illness, caregiving responsibilities, or any other significant or unexpected factors that preclude the member’s attendance. Members are expected to be in physical attendance. It is up to the Town Board to accept justification for the change in attendance. The member must notify the clerk of extraordinary circumstances, ideally five days in advance. The policy and the law allow the clerk to make best efforts to get a notice out to the public of the change in attendance. The meeting video must be kept for five years.

The town’s local law applies to the public bodies of the town including all the boards and committees within the town. The Town Board will set the videoconferencing policy for all boards.

August 08, 2022 – WORK SESSION & REGULAR MEETING

RESOLUTION 2022-32

The following Resolution was offered by Councilperson Exley, 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: SETTING THE TOWN OF DICKINSON
VIDEOCONFERENCING POLICY.**

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

All in favor.

**DISCUSSION: NEW REQUIREMENT FOR NEW YORK STATE SEXUAL
HARASSMENT POLICY**

A resolution for adoption of the update of the New York State sexual harassment policy will be placed on next month's agenda.

RESOLUTION 2022-33

The following Resolution was offered by Councilperson Exley, who moved its adoption, seconded by Councilperson Morabito to wit:
BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

RESOLUTION: Per request by Michael Maciak, son and agent, under NYS Health Law section 4201, authorizing Glenwood Cemetery to remove the remains of his father Peter Maciak and provide them to Peter Savage of Savage-DeMarco Funeral Home to be moved and interred with the mother of Michael Maciak at Calvary Cemetery.

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

All in favor. Notarized request on file in the Town Clerk's office.

August 08, 2022 – WORK SESSION & REGULAR MEETING

RESOLUTION 2022-34

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

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

RESOLUTION: THE BOARD OF THE TOWN OF DICKINSON AUTHORIZES THE TOWN OF DICKINSON TOWN COURT TO APPLY FOR A JCAP GRANT IN THE 2022-2023 GRANT CYCLE UP TO \$30,000.00.

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

All in favor.

CHENANGO FIRE COMPANY PURCHASE OF TWO PUMPER/TANKER TRUCKS

On a motion of Councilperson Exley and seconded by Councilperson Morabito to schedule a public hearing regarding financing by the **Chenango Fire Company, Inc.**, for the purchase of two pumper/tanker trucks. All in favor.

On a motion of Councilperson Gardner and seconded by Councilperson Exley to authorize the appointment of Gary Lewis, **Chenango Fire Company, Inc.** president, to act as hearing officer at said public hearing. All in favor.

RESOLUTION 2022-35

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

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

RESOLUTION: AUTHORIZING COUGHLIN & GERHART TO FILE A LAWSUIT AGAINST THE PROPERTY OWNERS OF 156 BIGELOW STREET IN ORDER TO TAKE ACTION CONCERNING THE PROPERTY AND ITS STATUS.

Supervisor Marinaccio stated that some of the issues have been taken care of but there are many other serious issues with this property. He asked if we should still move forward, and Attorney VanWhy recommended that this be discussed in Executive session.

After a discussion, the MOTION WAS WITHDRAWN.

August 08, 2022 – WORK SESSION & REGULAR MEETING

A discussion took place regarding the condemned property located at 36 Pulaski Street. The property owner had been given a timetable to repair the property which he failed to meet. The taxes were recently paid; therefore the County will not be taking it over. Attorney VanWhy urged the board to push the violations in Town Court.

Following Attorney VanWhy's advice, the Board decided to go into Executive session at the end of the regular meeting for more discussion of possible litigation.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

- Public Works Commissioner Kie reported that the Public Works Department continues to work on clean up, not much mowing, and picking up yard waste.
- Mr. Kie reported that the new street sweeper and the skid steer have arrived.
- Mr. Kie reported that the trucks are in, are being worked on, and we will probably see them in September.
- Roundabout update: The Town of Dickinson sign is on State's property, and they will be relocating it, a detailed landscape design plan is set, and a copy is filed in the Clerk's office, the temporary access road is being restored, and there is a plan for a covered bus stop. There was a small issue with electrical lighting which has been figured out with the feed for the voltage – they may have to do some extra wiring.

PLANNING & ZONING BOARD

- Planning Board Chair Jeanne Compton reported that at the Zoning Board hearing last week a two-foot side setback was granted on the 14 Pleasant Court property.

CODE ENFORCEMENT

- Supervisor Marinaccio reiterated that we need to keep an eye on 36 Pulaski Street and 156 Bigelow Street properties for potential code violations.

PUBLIC COMMENTS

Councilperson Exley reported that after 20 years with no problems, there are a couple of issues that have cropped up at the **VOA Living Center**.

1. The cab of a tractor trailer has been parking in the parking lot on a regular basis, leaving the engine running. The neighbors are wondering whether it belongs to a resident there or if they are renting a parking space.
2. There is a gentleman who screams at a woman in the middle of the night. Numerous neighbors have called the Sheriff's office. They come and they haul him away. He clearly has some issues going on. This has happened on several occasions.

Supervisor Marinaccio asked if there is a manager there. Councilperson Exley said she did not think so. We have no formal agreement. Mr. Marinaccio stated that if it continues, we may have to make a phone call to the **VOA (Volunteers of America)**.

August 08, 2022 – WORK SESSION & REGULAR MEETING

The meeting was adjourned from Regular session into Executive session to discuss a potential litigation issue on a motion of Councilperson Gardner and seconded by Councilperson Burns at 6:26 PM. All in favor.

The meeting returned from Executive session into Regular session on a motion of Councilperson Gardner and seconded by Councilperson Burns at 6:42 PM. All in favor.

RESOLUTION 2022-35

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

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

**RESOLUTION: AUTHORIZING COUGHLIN & GERHART TO FILE
LITIGATION AGAINST THE PROPERTY OWNERS OF 36 PULASKI STREET.**

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

All in favor.

Councilperson Morabito asked about the fees and Mr. VanWhy responded that the penalties will be included in the litigation.

The meeting was adjourned on a motion of Councilperson Morabito and seconded by Councilperson Burns at 6:45 PM. All in favor.

Respectfully submitted,

Susan M. Cerretani RMC

Town Clerk