

February 10, 2020– 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, February 10, 2020 in the Town Hall, 531 Old Front St., Binghamton, NY.

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 in attendance:

**Angelo D. Catalano, Esq. Town Attorney
Susan M. Cerretani, Town Clerk
Code Enforcement Officer Stephen Rafferty, Town Engineer Ron
Lake, Public Works Commissioner Joel Kie, Zoning Board Chair
Jeanne Compton, Planning Board Chair and Town Historian
David Wasser and 2 members of the general public.**

BID OPENING:

BRANDYWINE HEIGHTS WATER LINE PROJECT (materials only)

Three bids were received by Town Clerk Cerretani.

- 1. Core & Main: \$144,805.50**
- 2. FW Webb: \$147,316.56**
- 3. Blair Supply: \$149,721.28 (received late via FedEx)**

Town Engineer Lake and Public Works Commissioner Kie will review the bids. The bid will be awarded at a special meeting of Town Council at 12 noon on February 13th.

CHAIR

SUPERVISOR'S REPORT

**SUPERVISOR'S MONTHLY REPORT
February 2020**

- 1. We received reimbursement from the County Small Communities Grant of \$23,150.00 to cover the cost of the demolition of the Sunrise Terrace Center. The grant also covered the soil testing and the storage shed.**
- 2. Our last quarterly sales tax payment is \$237,962.28 for our annual total of \$952,738.44. We budgeted \$800K for 2019. Total sales tax increase for Broome County is 4%. I predict a reduction in Sales Tax for 2020**

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SUPERVISOR’S REPORT CONTINUED:

3. According to the County Executive, we are seeing a decline in jail population due to the Bail Reform Act. Not sure how this will affect the out of county prisoners’ payments that we receive.
4. We had the honor to have **Nobel Prize** winner **Professor Stanley Whittingham** join us on Wednesday, Feb. 5 here at the town hall to discuss the proposed battery storage project that may come to our town.
5. I plan on attending the **County Executive’s State of the County Address** scheduled for February 11 at 6 pm at the Sears Building at the Johnson City Mall. I also sent some dates to county administration to schedule a short State of the County Address here at one of our board meetings.
6. As a reminder, I will be attending the **NY Associations of Towns Training Session** in New York. As always, I will be available if anyone needs to contact me. Joel Kie is also attending.
7. The next **Broome County Association of Towns & Villages** meeting is scheduled for Thursday February 27, 6:00 PM, at the **Atrio** in Endwell. Guest speakers are Mike Ponticello, **Broome County Emergency Services Director** and Ray Serowik, **Broome County Emergency Medical Services Coordinator** who will speak about the shortages of ambulance volunteers.

Code Violations Report:

- 31 Hickory Rd., hot water heater stored next to garage
- 20 N. Broad, various construction debris all over yard
- 3 N. Louisa, Appearance Ticket issued, various debris in yard, roof needs replacement, currently has a tarp on it.
- 48 Sowden, building permit issued on condition of inspection, no inspection has been scheduled to date
- Appearance Ticket issued to 226 L. Stella Ireland Rd., failure to comply to the property Maintenance Code on a number of violations
- Appearance Ticket issued to 156 Bigelow St., failure to comply to violation notice regarding rubbish, garbage around the structure

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SUPERVISOR’S REPORT CONTINUED:

Dog Control Reports

Two calls were made to the Dog Control Officer for the month of January for both the town and the village. Dog found in a cage at the side of the road and in poor condition. Dog was transported to the Humane Society. DCO Starley also investigated dog licensing issues.

NYSEG Warning Letter: No NYSEG warnings issued

Next Meeting: Our next Board meeting will be on Monday, March 2, 5:30 Work Session.

PUBLIC COMMENTS:

Resident Jim Love thanked the board members for pushing forward to have the LED streetlights installed in the Town. They are a great improvement.

NEWSLETTER

Supervisor Marinaccio asked that articles for the newsletter be submitted ASAP.

PROSPECT TERRACE OATH OF OFFICE

The **Prospect Terrace Fire Company Oath of Office** will take place on February 29th.

BATTERY ENERGY STORAGE

There was a discussion regarding **Battery Energy Storage**. Supervisor Marinaccio stated that for the last year and a half, the **BESS Committee** has invested a lot of time, hard work and effort into their study.

Code Officer Rafferty explained that based on the model law **NYSERDA** provided, the recommendation is that Type 1 systems be allowed in all zoning districts with the issuance of a building permit and electrical inspection. Type 1 systems are for individual systems and consist of one battery unit.

Type 2 systems are defined as more than one battery unit and store more energy than Type 1 systems. It was recommended by Code staff that Type 2 installations require site plan approval in all zoning districts within the Town of Dickinson. In addition, Type 2 systems in the R-1 and R-2 districts would require the issuance of a Special Permit from the Town Zoning Board of Appeals. After receiving site plan and/or a Special Permit, a building permit and electrical inspection would be required.

Mr. Rafferty pointed out that this will be a limited use local law and based on the lack of electrical substations in the Town, there is probably only one substation that is suitable for a large-scale **BESS** in the Town of Dickinson. The other suggested change to the model law was to not allow these systems in the front yards of properties.

The **BESS Committee** decided to allow both single unit and type 2 units in all districts. A single unit would require a building permit, whereas the committee decided that a site plan review and special permit if built in a R1- R2 district would be required for approval.

Councilwoman Exley is opposed to the bigger units in a residential area. Ms. Exley asked if the recommendation can be for just single unit attached to a home. Councilwoman Exley stated that she is environmentally conscious and is opposed to the bigger units within the town.

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Before any proposals can be considered a Local Law must be in place. If we do not have a Local Law, **BESS** will not be permitted. Attorney Catalano stated that the **BESS Committee** has met to decide whether they want to move forward, then the committee would review the Local Law (new version is in draft). The Town Board would then review the Local Law, open it up to a Public Hearing, then vote to adopt the Local Law. The applications would then go through the normal process of planning and permitting. Councilman Morabito stated that we need to investigate the pros and cons of having **BESS** in the Town of Dickinson in order to make intelligent decisions.

UNPAID WATER BILLS

Supervisor Marinaccio addressed the issue of unpaid water bills going to taxes. There is a resident who lives in the Town of Chenango but is billed for water and sewer thru the Town of Dickinson (use of our lines) who refuses to pay his water bills and wants to let his bill go to taxes. The Town of Dickinson has no right to levy his bill to taxes because he is not our resident and the Town of Chenango will not levy to taxes. Mr. Marinaccio stated that he would like to have a letter drafted with fair warning that the individual’s water will be turned off if the bill is not paid. The Supervisor stated that we have the authority to turn the water off - it’s in the Town’s code book.

Supervisor Marinaccio stated that typically, if a Town of Dickinson resident lets their water bill go to taxes, Broome County will eventually pay us back. If a resident goes into default after having their taxes levied, we do not get the money back. Approximately \$100,000.00 goes to taxes every year and we must wait for the money.

Councilman Morabito stated that the residents aren’t doing anything wrong and that we allow the water bills to go to taxes and have for years. Attorney Catalano stated that it is not necessarily that they allowed to do it that way, it’s just that if they don’t pay it will go to their taxes. We charge late fees and our backdoor is to levy to taxes. We do not have a mechanism in place to stop the behavior and force the residents to pay their bills on time. Supervisor Marinaccio stated that he would like to send a warning letter after 2 quarters of not paying. Councilman Morabito wants to make sure that we are consistent in our approach and stated we need to have a mechanism in place to track it through software in the water/sewer billing department.

ATTORNEY

TOWN OF CHENANGO WATER SUPPLY RENEWAL CONTRACT

On a motion by Councilman Morabito, seconded by Councilman Burns to authorize he Supervisor to sign a one-year water renewal contract with the Town of Chenango effective January 1, 2020.

All in Favor.

Copy to Town of Chenango. Copy on file.

TIMBER PERMITS

Attorney Catalano stated that Highway Superintendent Kie asked him to investigate timber permits. Attorney Catalano looked at the Town of Chenango’s timber permit and learned that the main purpose for their permit is to provide for protection of roads. Attorney Catalano stated that the Town of Dickinson already has a road use protection Local Law in place. Mr. Catalano will compare our law to the Town of Chenango’s to see if there is room for improvement.

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COMMITTEE REPORTS

• **PUBLIC WORKS**

- Public Works Commissioner Kie stated that with the need for electricity increasing, we need to explore options that lessen the impact on the environment.

Councilwoman Exley stated that she is as environmentally conscious as anyone in the room and requested that the **Battery Energy Storage Committee** add someone from Prospect Terrace to the committee. Attorney Catalano and Supervisor Marinaccio stated that the committee’s work is basically done.

Councilman Morabito remarked that we must evaluate the pros and cons of **BESS**.

- Mr. Kie reported that we have received a couple of reimbursement checks from **NYSERDA**.
- Mr. Kie asked that we check to see if the **BCC** water main ownership contract between the Town, County and **BCC** was ever formalized.

• **FINANCE**

- **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilman Morabito made a motion to accept the **January 2020 Monthly Financial Report** for the **Town Clerk** in the amount of **\$2,440.10** seconded by Councilman Gardner. All in favor.

- **ABSTRACTS FOR APPROVAL**

On Motion from Councilman Morabito, seconded by Councilman Gardner to approve **abstract #02** dated **February 10, 2020** in the amount of **\$279,829.08**

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 Aye

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$279,829.08.

Voucher #02 for February 10, 2020 year in the amount of \$279,829.08:

<u>General Fund</u>	<u>\$62,992.74</u>
<u>Part Town</u>	<u>\$66.00</u>
<u>Highway</u>	<u>\$19,955.01</u>
<u>Fire Districts</u>	<u>\$97,970.00</u>
<u>Light Districts</u>	<u>\$3,814.58</u>
<u>Sewer Operating Dist.</u>	<u>\$4,612.42</u>
<u>Water Operating Dist.</u>	<u>\$90,418.33</u>

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APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Gardner to approve the **January 6, 2020 Work Session Minutes, the January 13, 2020 Regular Meeting Minutes and the January 24, 2020 Special Meeting Minutes**. All in favor.

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

- **PERSONNEL**
 - Nothing to report

- **PLANNING**
 - Chairman Wasser reported that the next Planning Board meeting will be held on Monday, February 24 at 6 PM. There are no agenda items.

Public Comments

None being heard.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:07 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk