

October 12, 2021 - 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 Tuesday, October 12, 2021, in the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom. This meeting was changed to Tuesday because the Columbus Day Holiday falls on the normally scheduled meeting date of the second Monday of the month.

Join Zoom Meeting

<https://us02web.zoom.us/j/84112244646?pwd=c1lmVS84aWRaWVpCTnhsTEVvUlpiUT09>

Meeting ID: 841 1224 4646

Passcode: 010165

Dial by your location +1 646 876 9923 US (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:

Nathan D. VanWhy, Esq., Attorney for the Town

Susan M. Cerretani, Town Clerk

Public Works Commissioner Joel Kie, Code Enforcement Officer

Stephen Rafferty, Zoning Board Chair Jeanne Compton, Town

Engineer Ronald Lake, and resident Jim Love.

SUPERVISOR'S MONTHLY REPORT

October 2021

For those persons attending our meetings in-person, we ask that you wear a mask when entering our Town Hall. All town officials and town staff have been vaccinated. We will practice safe distance seating in our board room for those attending our town board, zoning board and planning board meetings. In the event of the County and or our Town calling a State of Emergency due to increases in COVID-19 cases in the County, we will take appropriate action to keep our staff and residents as safe as possible including the cancelation of in person meetings.

Supervisor's Report

Also, we are in the process of installing advanced ZOOM technology in this board room. We have also installed a new and very much improved sound system in the board room. Tonight, we are testing this new system so please be patient as we go through the learning process of using this new system.

1. The **CVSD** tax issue is being challenged by some of the residents on Front St. As I reported at the last meeting, I have been staying in contact with one of the residents. 6 properties were affected by the school tax change. I have also been in contact with **Broome County Real Property and** Allen Buyck, **Superintendent of BOCES** and he has been very helpful in getting into the cause of the school district issue.

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SUPERVISOR'S REPORT CONTINUED:

2. 36, 39 and 51 Pulaski properties remain building code violations issues. The County now owns 37 and 51. It was reported that 39 has been sold to a Paul Whitney and the property officially is owned by Mr. Whitney. A large water/sewer bill remains open for that property. This can be another case where the town needs to send out non-payment warnings and shutoff notices to those property owners who do not pay their bills. I will discuss the steps that we will be taking in regard to those properties that do not pay their water bills. Town policies regarding unpaid utility bills is in place so no formal action will be required by the board. Tonight, we will vote on officially condemning the property at 36 Pulaski. The county may be taking over the property due to unpaid taxes sometime between November of this year and around February of next year.
3. After receiving confirmation from the Federal government that the **SAM Grant** application was received and confirmed, I received another message while I was away that it was not accepted due to differences in our mailing address. After reviewing the documents, we believed that the Feds had inserted a ST-4 in our address which is not related to our town hall address. After trying to correct this, I resubmitted another letter and added the ST-4. After several resubmittals, the notarized letter and my information was accepted. In regard to the reporting of funds spent from the **American Rescue Plan**, the Federal government has put a hold on reporting until April of next year.
4. **Association Of Towns Executive Board** met on Tuesday, Sept. 28 for our **Annual Executive** meeting. On the agenda was the **Annual Training School** event in New York City scheduled for February as to whether to continue planning for this event. After a great deal of discussion, we voted unanimously to proceed with the event.
5. On October 28, starting at 1 pm to 2:30 PM, **NYSEG** has invited me to participate in a virtual meeting dealing with emergencies and other weather-related events.
6. We received a check from our insurance carrier, **Comp Alliance**, for \$3,378ndue to our good safety record.
7. **The State Comptroller's Fiscal Stress Reports for 2020** showed the Town of Dickinson to be in very good standing.
8. The **Sunrise Terrace Association** will hold their **Annual Halloween Party** in our Town Hall parking lot on October 30, from 3 pm to 5 pm. The **Prospect Terrace Fire Company** will be there to support the gathering.
9. **Foland Lumber Company** located on Old Front St. has submitted plans to add a second story addition and a show room. The project is under a **239 Review**. I want to congratulate the new owners of Foland Lumber in the great improvements they are making with the entire property.

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SUPERVISOR'S REPORT CONTINUED:

10. I have reviewed the Town charge card purchases. The total amount charged is higher than usual due to the purchases of technical equipment and parts needed for our sound system and advanced **ZOOM** ability. Those costs may be covered by the **American Rescue Grant** which we will submit to. Otherwise, I found no issues.

11. If you all read the email that our Town Clerk sent out last week, you will know that there are new alarm keypads at our two entrances. Sue sent out instructions on how to arm and disarm the alarm system which is somewhat different than the old system. Any questions, see me after the meeting. There have been some issues with the new system, but they are being addressed. In a few weeks our new doors will be installed along with a keyless entry system. All town staff and officials will be issued a key fob that will be used to unlock the doors and turn off the alarm when unlocking. Additional instructions are forth coming.

12. I had a very long and productive discussion with Chenango Town Supervisor Joanne Klenovic regarding their mitigation of the flooding issues in Chenango that also have a tremendous negative affect to our residents who live in **Chenango Shores**. Their flooding issues are very complicated due to many homeowners not wanting to make changes to their properties where there is creeks and ditches that are one of the causes of flash flooding. In some cases, widening of these streams/ditches by many feet would take a very large portion of the properties. **DEC, Soil & Water**, various engineers, **NYSDOT** and many other experts dealing with flooding are involved in this mitigation effort. Costs are estimated to be in the millions of dollars. Our state officials are researching any funding to offset the cost. There has been work done on various culverts and ditches while this review process is taking place. I have requested a written copy of this process for our records and review as Chenango moves forward.

Code Violations/Appearance Tickets

I have not received any violation notices.

Building Permits

1. 557 Old Front St., (20 Pleasant Court), concrete pad for a carport.

Dog Control Reports

This report covers September 2021.

VILLAGE: There were 23 action items of which 13 due to past due dog licensing. Other issues include dog defecating someone property, several issues with dogs running out from their place of residence when people walk by.

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SUPERVISOR'S REPORT CONTINUED:

TOWN: There were 13 action items of which 10 are due to past-due dog licensing. Received a call from a relative of a resident living in the town to remove the dog from the resident due to drug issues. We have no authority to do that, but we referred the relative to the **Humane Society** and request an emergency hold.

I received a letter from **NYS Agriculture & Markets** who performed an inspection of our **Dog Control Officer** reports and found everything to be satisfactory.

NYSEG UTILITY SHUTOFF NOTICES

No notices received

NEXT TOWN BOARD MEETING

Our next Town Board meeting is scheduled for Monday, November 1, 5:30 PM. This meeting will be in person and on **ZOOM** barring any technical and **COVID** issues.

PUBLIC COMMENTS

No public comments

COMMITTEE REPORTS

• **FINANCE**

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **September 2021 Monthly Financial Report** for the **Town Clerk in the amount of \$1,394.50**. On a motion by Councilperson Gardner seconded by Councilperson Exley. All in favor.

○ **SUPERVISOR'S REPORT**

Councilperson Gardner made a motion to accept the **August 2021 Monthly Financial Report** (ending balance) for the **Town Supervisor in the amount of \$1,729,788.31**. On a motion by Councilperson Morabito seconded by Councilperson Gardner. All in favor.

Councilperson Gardner made a motion to accept the **September 2021 Monthly Financial Report** (ending balance) for the **Town Supervisor in the amount of \$1,594,975.48**. On a motion by Councilperson Gardner seconded by Councilperson Exley. All in favor.

○ **JUSTICE COURT REPORT**

Councilperson Gardner made a motion to accept the **August 2021 Monthly Financial Report** for the **Town Court** in the amount of **\$34,115.00** seconded by Councilperson Burns. \$27,236.50 State, \$6,549 Town, \$302 County. All in favor.

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o ABSTRACTS FOR APPROVAL

On Motion from Councilperson Gardner, seconded by Councilperson Burns to approve abstract # 10, dated October 12, 2021, in the amount of \$391,061.53. 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 \$391,061.53.

Voucher #10 for October 12, 2021, in the amount of \$391,061.53.

General Fund	\$55,439.98
Part Town	\$42.99
Highway	\$23,127.45
Fire districts	\$0.00
Light Districts	\$2,480.74
Sewer Operating Dist.	\$271,351.12
Water Operating Dist.	\$38,619.25

• **PERSONNEL**

- o Councilperson Gardner reported that we are looking for an assistant to the Town Clerk. Clerk Cerretani stated that she has an applicant who is interested in the Deputy Clerk position.
- o The Highway Department has recently hired Adam Howe.
- o The Highway Department is still preparing for retirements in December. Joel is keeping track of the training and getting everything all set.

• **PLANNING**

- o A Special Planning Board Meeting is scheduled for October 18th at 6 PM in lieu of the previously scheduled October 25th meeting.

APPROVAL OF MINUTES

On a motion by Councilperson Gardner seconded by Councilperson Exley to approve the **September 13, 2021, Work Session Meeting Minutes/Regular Meeting Minutes**. All in favor.

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

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

All in favor.

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ATTORNEY

2022 BUDGET

RESOLUTION 2021 - 25

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: SCHEDULE A PUBLIC HEARING FOR THE 2022 BUDGET
AT 5:30 PM NOVEMBER 1, 2021**

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.

CONDEMNATION OF 36 PULASKI STREET

RESOLUTION 2021 – 26

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

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

**RESOLUTION: DECLARING THE STRUCTURE AT 36 PULASKI STREET
TO BE STRUCTURALLY UNSAFE.**

Attorney VanWhy commented that the next step after the Board's action tonight is to serve notice of the Board's final decision on the property owner. He has until October 23rd to begin doing something and December as a final date to finish it.

Mr. Marinaccio asked how we go about demolishing the structure? Mr. VanWhy replied that if the property owner doesn't begin either repairing or making the structure safe in some fashion in the time we have given, the Town's next step would be to bid out demolition and provide a notice of the date and time that we would knock it down and then do it. The Attorney's office and Code Department will keep pushing the property owner to do something. The Supervisor asked, "If the property owner doesn't do anything, do we go after him for payment of the cost of the demolition?" Mr. VanWhy replied that it would then become a lien against the property. Attorney VanWhy stated that it has been determined that the building is unsafe, and this resolution gives the town the authority to go onto the property and make it safe. Mr. Marinaccio would like to put some additional measures in place for protection such as adding signage and to Mr. Kie's suggestion, put up some orange fencing.

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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 Aye
Councilperson Burns voting Aye

All in favor.

CRACKER BARREL OLD COUNTRY STORE

RESOLUTION 2021 – 27

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: APPROVING THE CRACKER BARREL OLD COUNTRY STORE RESTAURANT WINE APPLICATION

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 Aye
Councilperson Burns voting Aye

All in favor.

PUBLIC WORKS

- Public Works Commissioner Kie reported that leaf pick up continues.
- Yard waste was heavy today.
- Milling of Iris Drive will begin next week. Paving will take place after that. Broome Bituminous is performing the work. Informational flyers will be distributed to the residents.
- Public Works Commissioner Kie asked the Board to consider shutting water service off for residents who are delinquent in paying their water bills. Mr. Kie alerted the Board that 39 Pulaski Street is almost \$1,300 in arrears for the water bill. It was in the County's hands but has now been sold to an individual. The tenant still living there is the previous owner who defaulted on his taxes. We do not have an accurate reading on the building because something has happened to either the meter or the wire going to the meter. The tenant won't let the Water Department in. Mr. Kie would like to shut the water off. Attorney VanWhy recommended that the Town mail and post on the door a letter saying we have twice approached you and you have denied us access. This is your final notice. Contact us, otherwise we will follow the procedure for turning your water off. Service of a 5-day notice to comply. He can appeal to the Town Board and explain his justification. Close the hearing and continue with the water shutoff.

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Currently, if water bills are unpaid, they are re-levied to taxes at the end of the year. Often, we lose out on thousands of dollars of unpaid water/sewer bills that have been re-levied to taxes and then the properties end up being foreclosed on by the County, the County then sells the property, and we don't get our money. Councilman Morabito remarked that many residents have their water bills re-levied to taxes for a tax benefit. It was noted that this occurs because we have allowed it to. We have \$200,000 in unpaid water bills each year. If we start shutting water service off during the year, after the initial shock, the residents will comply. The councilmembers and Public Works Commissioner offered several solutions to the problem in a lengthy in-depth discussion. One concern was that the extra work will be an administrative headache. Councilperson Morabito suggested a timeline that if the water bill isn't paid after 5 days of the due date, then we send a notice out that payment is due within 10 days, or the water will be shut off.

The discussion continued with Attorney VanWhy advising that he, Mr. Kie, and Mrs. Wike should get together to come up with a plan as to what process needs to be followed regarding delinquent water bills to include a date certain (internally) by when payment needs to be made, to then generate the notices to the customers - pay by this date or the water will be shut off or the resident can request a hearing in front of the Town Board.

Councilperson Exley asked in this instance; specifically, 39 Pulaski Street, will the Health Department be notified if we shut the water off? Mr. Van Why replied that once the water is shut off, the Code Department would tag the property stating that by order of the Code Department, the property is uninhabitable and if the tenant continues to stay, we will need to call the Sheriff.

ZONING

Chairman Compton reported that the Zoning Board is working on several requests: Foland Lumber, 2 decks and Dunkin Donuts. Mr. Rafferty reported that all the recommendations came back for Dunkin Donuts with the exception of Broome County Planning. **NYSDOT** said no and **BMTS** said no to the request. Mr. VanWhy stated that an application was submitted, and the board could simply do no action, but it is a lot clearer if there is a motion to deny the application. Mr. Rafferty commented that the County recommendation has not come back yet, and he would like to wait for that – the 30 days is not up yet. Attorney VanWhy explained if we were approving the application, we would have to wait the 30 days but if we deny the application, it is not necessary to wait the 30 days. Mr. Marinaccio asked to proceed with a resolution.

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DUNKIN DONUTS RE-ZONING APPLICATION

RESOLUTION 2021 – 28

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: DENYING THE APPLICATION FOR RE-ZONING OF PROPERTY LOCATED AT 58-60 DOWNS AVENUE FOR DUNKIN DONUTS, INCLUDING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS.

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 Aye
Councilperson Burns voting Aye

All in favor.

The meeting was adjourned on motion of Councilperson Gardner and seconded by Councilperson Morabito at 7:03 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk