

**November 8, 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 Monday, November 8, 2021, in the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.**

Meeting Link:

<https://us02web.zoom.us/j/88269536637?pwd=d2ZDd0srNVpIc0wxN3FydTdPUW9YUT09>

Meeting ID: 882 6953 6637

Passcode: 090282

Dial in phone number: 1-646-876-9923

**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, Planning  
Board Chair Jerome Ford, Town Engineer Ronald Lake, and  
resident Jim Love.**

**SUPERVISOR'S MONTHLY REPORT  
November 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**

1. Residents who fail to pay their water/sewer bills will be sent water turn off warning, and if bills are not paid, we will turn off their water until the bill is paid.
2. In regard to the **Annual Training School** event in New York, this will be held from February 20 through the 23<sup>rd</sup> at the **NY Marriott Marquis** in NY City. I need one other person to attend, which we have budgeted for, to act as my alternate at the **AOT Business Meeting**. Anyone interested in attending, please call me in the next few days. I will be reserving the hotel rooms and **AOT** registration.
3. I received a notice from the Town of Chenango Supervisor that effective January 1, 2022, they will be increasing the water rates by .75 cents per one hundred cubic feet of water. Total billing to the town will be \$3.45 per 100 cu. Feet of water.

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### SUPERVISOR'S REPORT CONTINUED:

4. Message from Jennifer Yonkowski, Executive Director of the **BMTS**: We are reaching out to those municipalities that have one or more of the **Eco Counter Bike/Ped Trail Counters** installed on their trails. As we approach 2 years (summer 2022) since installation of the counters, we hope you see the benefit of having the data that we are able to provide. Once the Front Street trail project is completed, the bike/pedestrian counter will be installed (purchased as part of the project by **NYSDOT**). There are two separate yearly costs that **BMTS** incurs with each counter that is added to the system. There is a fee for automatic data transfer of the counts to the **Eco Counter** server where we can download and analyze the data, and a yearly maintenance fee that includes a visit from **Eco Counter** technicians to inspect and correct maintenance issues found with the counters. We are asking that you and the Town of Dickinson consider the proposal below to split the maintenance and data transfer costs with **BMTS** for the counter that will be located in the Town. I have broken down the costs below and look forward to hearing from you to further discuss.
5. Total cost for the above to the town is \$356 for one year duration. The other half of the cost will be paid for by **BMTS**.
6. I participated in a **NYSEG** panel discussion that covered emergencies, power outages, etc. I was the only town official, but the county had a representative participating. We discussed the various steps that are taken by towns, villages, county, fire departments, police, **NYSEG** service technicians, etc. I found the discussion to be very informative and gave me a better understanding of the challenges that **NYSEG** faces during various emergencies and the steps they take to mitigate them. **NYSEG** representatives were very impressed in how we handle emergencies in our town and how we communicate with other towns, county, fire, police, and **Broome County Emergency Services**.

### **Code Violations/Appearance Tickets**

1. 26 Pulaski, lawn not mowed, construction debris on the property
2. 28 Adams St., various junk in the driveway including shopping carts
3. 37 Adams St., tall weeds and grass
4. 35 Rosedale, garbage outside of bins, tires in back yard
5. Appearance ticket was issued to 557 Old Front St., property owner renting the accessory structure (former dentist office) as a residential unit. The owner has since stopped renting the building but may be seeking a variance due to restrictions on the use of the dentist office.
6. Appearance ticket issued to 156 Bigelow Street; large amount of garbage openly stored
7. I reviewed the town credit card charges and found no issues

### **Building Permits**

1. 21 Boland Rd, construct storage shed
2. 31 Jameson Rd., alterations to the home
3. 354 Prospect St., fence
4. 550-552 Old Front St., Foland Lumber, variance approved for second story addition
5. 33 Forest Hills, variance approved front extension

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**SUPERVISOR'S REPORT CONTINUED:**

**DOG CONTROL REPORTS**

This report covers October 4 to 26, 2021

VILLAGE: total of eleven calls. Dangerous dog sent back to breeder, no dog licenses, stray dogs,

TOWN: total of eleven calls. Litigation to get dog back, dog waste in neighbors' yard, dog licensing, questions regarding a person's rights when confronting a dog on a leash, deceased small dog discovered in someone's shed.

**NYSEG UTILITY SHUTOFF NOTICES:** No notices received.

**NEXT TOWN BOARD MEETING**

Our next Town Board meeting is scheduled for Monday, December 6, 5:30 PM work session. This meeting will be in person and on **ZOOM** barring any technical and/or **COVID** issues.

**COMMITTEE REPORTS**

• **FINANCE**

○ **JUSTICE COURT REPORT**

Councilperson Gardner made a motion to accept the **September 2021 Monthly Financial Report** for the **Town Court** in the amount of **\$27,912.00** seconded by Councilperson Morabito. \$22,052.00 State, \$5,310.00 Town, \$550.00 County. All in favor.

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **October 2021 Monthly Financial Report** for the **Town Clerk** in the amount of **\$1,503.50**. On a motion by Councilperson Gardner seconded by Councilperson Burns. All in favor.

○ **ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Burns to approve **abstract # 11**, dated **November 8, 2021**, in the amount of **\$225,611.07**. 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.

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**Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$225,611.07.**

**Voucher #11 for November 8, 2021, in the amount of \$225,611.07.**

<b>General Fund</b>	<b>\$39,582.51</b>
<b>Part Town</b>	<b>\$0.00</b>
<b>Highway</b>	<b>\$95,950.86</b>
<b>Fire districts</b>	<b>\$0.00</b>
<b>Light Districts</b>	<b>\$3,169.68</b>
<b>Sewer Operating Dist.</b>	<b>\$4,686.04</b>
<b>Water Operating Dist.</b>	<b>\$82,221.98</b>

- **PERSONNEL**
  - Councilperson Gardner reported that the Public Works staff is in place until the end of the year then we will staff up in 2022.
  
- **PLANNING**
  - Planning Board Chair Jerry Ford reported that at the last meeting the preliminary site plan for the **Citizens Solar Project** was approved.

The **Association of Towns' Fall Planning and Zoning** school will be a virtual event on Saturday, November 13, 2021. Members must sign up individually.

**APPROVAL OF MINUTES**

On a motion by Councilperson Morabito seconded by Councilperson Gardner to approve the **October 4, 2021, Work Session Meeting Minutes, and the October 12, 2021 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 – 29**

Supervisor Marinaccio commented that we held the Public Hearing on the 2022 Budget last week and noted that no members of the public attended.

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: ADOPTING THE 2022 BUDGET**

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.

The 2022 budget is available to view in the Town Clerk's office and posted on the Town of Dickinson website.

**RESOLUTION 2021 – 30**

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: AUTHORIZING THE TOWN CLERK TO HIRE WENDI EVANS FOR THE POSITION OF DEPUTY TOWN CLERK EFFECTIVE NOVEMBER 15, 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 Aye  
Councilperson Burns voting Aye

All in favor.

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**RESOLUTION 2021 – 31**

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: APPROVING THE PROPOSAL TO SPLIT THE MAINTENANCE AND DATA TRANSFER COSTS WITH BMTS FOR THE ECOCOUNTER BIKE/PED TRAIL COUNTER THAT WILL BE LOCATED IN THE TOWN OF DICKINSON ON THE FRONT STREET WALKING TRAIL.**

Supervisor Marinaccio noted that this is only for one year at an estimated cost of \$356.00.

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

All in favor.

**RESOLUTION 2021 – 32**

Attorney VanWhy noted that we would be voting on a resolution to schedule two public hearings. Mr. VanWhy explained that we have not passed Local Laws to establish water and sewer rates, which is what we are going to be doing at the meeting and that is what these public hearings are for, for Local Laws to set those rates. Mr. VanWhy stated that he mentioned to Supervisor Marinaccio that we can have the board authorize a Local Law that after this round going forward, we can simply do a resolution instead of needing to pass Local Laws every time. We would still need to have a public hearing but at least we would not have to go through the local law process and file with the State. Therefore it will accomplish two things - setting the water rates and authorizing the board to take action in the future by resolution.

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: SCHEDULING TWO PUBLIC HEARINGS FOR 5:30 PM DECEMBER 6, 2021 SETTING WATER AND SEWER RATES**

Supervisor Marinaccio explained that we are essentially flipping the rates. Whatever residents are paying for water we will put that rate to sewer and vice versa.

Beverly Wike stated for clarification that the water rate is going to be lower, and the sewer rate is going to be a little higher and we will be taking the next reading on December 15<sup>th</sup>. Ms. Wike would like to have it be effective on December 16<sup>th</sup>.

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Attorney VanWhy stated that even though the board prefers to vote at regular meetings he would encourage the board to pass these Local Laws at the work session instead of at the Regular Meeting because of a timing issue in filing with the State if we want it to be effective December 16<sup>th</sup>.

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 the new doors are here and will be installed on Thursday. Board members were given key FOBs. Some keys have been distributed.
- Cameras have been installed at the **Sunrise Terrace Park**. The shed is fully alarmed. The cameras will be able to be viewed once **Spectrum** installs the cable.

Mr. Kie requested authorization from the board to purchase two plows for the new trucks at a cost of \$16,000 (\$8,000 per plow). Mr. Kie is concerned that by the time the new trucks arrive there will not be any plows available on the market. Mr. Kie has located two plows that he would like to purchase in advance of receipt of the trucks.

On a motion by Councilperson Gardner, seconded by Councilperson Exley authorizing the expenditure to purchase two plows for the trucks at a cost of \$16,000 (\$8,000 each).  
All in favor.

Supervisor Marinaccio thanked Mr. Kie for being proactive.

- Public Works Commissioner Kie reported that the garbage truck is being repaired. We were able to use the Town of Chenango truck for yard waste pickup. This is the last week for yard waste pickup. The Highway Department is now concentrating on leaf pickup.
- Mr. Kie reported that the 2011 Ford truck died going up Glenwood Rd. It will cost over \$25,000 to repair. The truck will be towed back to the garage. Mr. Kie asked the board for their recommendation on what to do with the truck – whether to salvage for scrap or sell as is. The consensus of the board members was to sell as is.

On a motion by Councilperson Gardner, seconded by Councilperson Exley authorizing Public Works Commissioner to surplus the 2011 Ford truck.  
All in favor.

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Mr. Kie reported that **Robert DeVincentis Construction** will drop off equipment to clean out the box culvert. The work will begin next Monday. An excavator will be parked in the grassy area next to the hotel on Old Front Street.

Mr. Kie reported that he reached out to **DOT**. The lights on the ramp are out. Mr. Kie said that because of all the work they have been doing around the construction site they disconnected them somehow. He made **DOT** aware of it and they will check into it to see if they can get the lights back on.

Public Works Commissioner Kie reported that he also inquired about the walking bridge. He said that normally we plow the walk bridge during the wintertime and there is no way we can get a truck through because of the barrier ramp that has been put across it. He asked if they plan to keep it open for the winter. They have not answered Mr. Kie yet.

Mr. Kie reported that his crew swept the grates on Front Street for **DOT** in the springtime. Mr. Kie stated that grass is growing out of the grates on Front Street, and he brought it to **DOT's** attention.

Mr. Kie contacted **DOT** about taking down the barriers across from **McDonald's** for the winter.

Mr. Kie reported that we had a water break last Thursday on Pineview Drive. He then stated that we had two water breaks but did not know it. He said that JC was working on a project close by and it happened to be the same line and they were turning the water on and off. We have had four water breaks on that line in three years. We have pipe left over - enough to do the whole road, stone, and fire hydrants. He got a quote over \$100,000 to replace. If possible, we could use part of the money from the **American Rescue Fund**. Supervisor Marinaccio is in favor of using the **American Rescue Funds** then we do not have to borrow money. Right now we have \$177,000 in the bank and the other half we will get next year. We have 2-3 years to use that money. Mr. Marinaccio recommends that we use that money if it is an allowable use. Councilperson Burns asked how long of a stretch is it? Five hundred feet.

Danny Miller of the Water Department did a temporary repair.

Councilperson Morabito asked how old the line was? 1975.

Mr. Morabito is concerned if we really understand what happened and whether there is a pressure issue that needs to be investigated. Mr. Kie thinks there was a defect in the pipe itself.

Mr. Lake remarked there might have been a stone laying against it. Supervisor Marinaccio shares the same concerns as Councilperson Morabito. Mr. Morabito would like to know if there is something unique about the line that we want to be aware of when we put the new one in.

Attorney VanWhy stated that ordinarily it would have to be put out to bid but because this would be through the self-help labor contract and we would just be purchasing materials, it would be ok to authorize.

On a motion of Councilperson Exley, seconded by Councilperson Morabito authorizing Public Works Commissioner Kie to proceed to replace the water line on Pine View Drive at an estimated cost of \$100,000 using **American Rescue Funds**. All in favor.



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**ZONING**

Chairperson Compton and Code Enforcement Officer Rafferty stated there are two more cases that will be coming before the Zoning Board soon.

The meeting was adjourned on motion of Councilperson Morabito and seconded by Councilperson Burns at 6:52 PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk