

February 08, 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, February 8, 2021 via Zoom teleconference due to the COVID-19 pandemic.

Join Zoom Meeting

<https://us02web.zoom.us/j/86225375974?pwd=alNoSE1UUHRFN2lVdi91Nk96aWgwQT09>

Meeting ID: 862 2537 5974

Passcode: 936893

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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 in attendance via Zoom:

Nathan D. VanWhy, Esq., Town Attorney

Susan M. Cerretani, Town Clerk

Code Enforcement Officer Stephen Rafferty, Public Works Commissioner

Joel Kie, Zoning Board Chair Jeanne Compton, Planning Board Chair

Jerry Ford, Town Engineer Ron Lake, Town Justice Groover,

Administrative Assistant Bev Wike, District 12 County Legislator Karen

Beebe, Sarah Grace Campbell, Esq., Mr. John Conti, Mr. Haley

CHAIR

SUPERVISOR’S REPORT

February 2021 Supervisor’s Report

1. This meeting is being held remotely via **ZOOM** virtual meeting software. The public has the ability to view or listen to this meeting live via the **ZOOM** app, web browser and/or by telephone. This meeting is being recorded and will be transcribed at a later date.

Also, at this time, anyone who is not an officer of the town, will be muted until I ask for comments from the public. Please state your name when you are called upon and recognized by me. Please avoid any background noise while you are speaking.

Supervisor’s Report

1. Please take notice that we continue to maintain strict measures in place relating to anyone visiting the Town Hall to conduct business. That includes all town staff and elected and appointed officials. We now have a **RING** System installed at both entrance doors to the building. You will be asked what sort of business that you need to conduct. You must wear a face mask, or you will not be allowed to enter the town hall, you must use hand sanitizer on your hands which will be provided at both

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SUPERVISOR’S REPORT CONTINUED:

entrances and at the Town Clerk’s Counter and the Old Front St. entrance. You must sign in prior to conducting any town business. Additional procedures are listed on our Town website. The Town State of Emergency remains in place until further notice. Our town continues to operate under a State of Emergency due to the epidemic.

2. I reviewed the town credit card charges and found no issues.
3. Reminder: The Annual **AOT Training School** will be held virtually from Feb. 14 through the 17th. Cost is \$100 per person for member towns. I have registered for the school and will be voting in the annual business meeting that will take place on the 17th. Dan Morabito is designated as the alternate in the event I am unable to attend the business meeting. I will discuss this further with Dan as we get closer to the date.
4. I received a call from Bob Meade, Commercial Relator, informing me that the owners of the property next to our town hall that we have been using to store items, would like to sell the property. The owners have been great in letting the town use this property for many years. I informed Mr. Meade that the town is interested in taking ownership of the property once again. We originally sold the property for \$80K. I have made some offers, pending board approval, and awaiting a proposal from the owners.
5. The Town Planning Board conducted a meeting on Monday, January 25, starting at 6 PM. The meeting was held via **ZOOM**. The Planning Board reviewed the Fairview proposal.

Feb. 8 Town Board Approval of environmental and preliminary development plan.
Feb. 16 **ZBA** Public Hearing for variances
Feb. 22, Planning Board **PUD** final approval

6. I received a letter from newly elected Assemblyman Joe Angelino. He stated that he will work hard in representing the residents of the Town of Dickinson.
7. I am happy to announce that Nazar K. Logvis has agreed to become a member of the town **Zoning Board of Appeals**. He will begin his term as soon as the town board votes to confirm his appointment. A copy of his resume was sent to the town board members as well as to our Town Clerk, Zoning Board Chairperson and Bev Wike. Mr. Logvis brings to the board a great deal of experience in the field of engineering including Project Manager for Broome County Public Works, Bridge Engineer for Delta Engineers and Transportation Construction Inspector for NYS Department of Transportation.

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SUPERVISOR’S REPORT CONTINUED:

8. Our 4th quarter share of sales tax revenue is \$252,851.53. This brings us to a total of \$943,835.45. We budgeted \$820,000.
9. We received the fourth quarter Inmate Housing payment from the sheriff for \$25,137.06. The 2021 annual lump sum and per diem rates that will be payable to the town will be \$8.97 per day for housing of inmates from other jurisdictions and a lump sum of \$44,804 for the annual lump-sum payment.
10. Joel received an email from Lance Lee, Senior Engineering Technician for the **NYS DOT**. He stated that he contacted Broome County Emergency Services Director and **Norfolk Southern Railroad** representative Ryan Martin regarding trains blocking Phelps St. for long periods of time. **Norfolk Southern** stated that they will contact Emergency Services if there is a planned delay or breakdown of over 5 minutes so that they can redirect them in the event of an emergency.
11. Regarding a notice, I recently received from the **NYS Comptroller** regarding distribution of local sales tax, I called County Executive Garnar for clarification. He stated, “This is a new sales tax intercept the state put to the governor’s budget. It is different than the **AIM intercept**, but it works the same way. My understanding is the money goes to hospitals. But in the same way the **AIM intercept** works it will intercept roughly \$830,000 from sales tax so it will take money away from both the county and the municipalities.
12. I received a call from Jessica Hass, Executive Director of the **Broome County Land Bank** and she informed me that the county has taken over the home and property at 22 Fuller St. Last year we resolved to set aside \$3000 to partner with the land bank to cover demolition and other associated costs. Demolition may occur around mid to late May. There may be an option for the town to take over the property if the Land Bank is not successful in selling it.
13. The submission of the **Uniform Code & Energy Code** by Steve Rafferty was confirmed by the **Division of Building Standards & Codes**.
14. Participated in a zoom meeting with the County Executive on Feb. 1 to discuss High Risk Youth Sports which will now be allowed to take place. It was also mentioned that the positivity rate for **COVID** is down a bit.
15. Jim Love bought an authentic signature of **Daniel Dickinson** and would like permission to have it placed at the bottom of one of our Dickinson portraits. This will be done by a friend who does this sort of work and at no cost to the town.
16. I know I am preaching to the choir regarding **COVID** but please do not take **COVID** lightly. Even if you received your first shot which takes 2 weeks for partial protection and 2 weeks after your second shot for the added immunity. If you do not feel good, stay home and if you have any of the **COVID** symptoms, get a rapid test but please take this virus very seriously.

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SUPERVISOR’S REPORT CONTINUED:

Code Violations

557 Old Front Street - Cabinets in the front yard not disposed of.
225 Lower Stella -Trash bags piled up, appliance, not disposed of and not in containers.
561 Old Front Street - Garbage at curb not in containers not picked up by garbage service.

Dog Control Monthly report December 2020

TOWN: Total of 2 calls. Dog chased a resident. This has been an ongoing issue with this dog and dog owner. Dog has been removed from the home and placed in another home where it will get better attention and care.

Unlicensed dog at the same location as above. Appearance ticket issued.

VILLAGE: Total of 2 calls. Missing dog on Kirkwood Ave. Dog was found. Owner installing a gate to prevent the dog from leaving the property.

Stray dog found in the village. Pit Bull found and transferred to the Dog Shelter.

NYSEG UTILITY SHUTOFF NOTICES

There were no **NYSEG** notices sent out to any of our residents this month.

Our next Town Board Meeting is scheduled for March 1, 2021, 5:30 PM, via Zoom.

PUBLIC COMMENTS:

None being heard.

COMMITTEE REPORTS

• **FINANCE**

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilman Gardner made a motion to accept the **January 2021 Monthly Financial Report** for the **Town Clerk** in the amount of **\$1,469.00** seconded by Councilman Morabito. All in favor.

○ **ABSTRACTS FOR APPROVAL**

On Motion from Councilman Gardner, seconded by Councilwoman Exley to approve **abstract #02** dated **February 08, 2021** in the amount of **\$537,032.90**

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 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 537,032.90.

Voucher #02 for February 08, 2021 year in the amount of \$537,032.90:

<u>General Fund</u>	<u>\$40,622.11</u>
<u>Part Town</u>	<u>\$175.39</u>
<u>Highway</u>	<u>\$36,952.36</u>
<u>Fire Districts</u>	<u>\$99,930.00</u>
<u>Light Districts</u>	<u>\$2,830.48</u>
<u>Sewer Operating Dist.</u>	<u>\$263,164.91</u>
<u>Water Operating Dist.</u>	<u>\$93,357.65</u>

- **PERSONNEL**
 - Councilman Gardner reported the Highway Department has hired a new employee.

- **PLANNING**
 - Chairman Ford reported that the next Planning Board meeting will be held on Monday, February 22 at 6 PM **via Zoom**.

APPROVAL OF MINUTES

On a motion by Councilman Morabito seconded by Councilwoman Exley to approve the **January 4, 2021 Work Session Minutes, the January 11, 2021 Regular Meeting Minutes.**

All in favor.

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

ATTORNEY

RESOLUTION – TO DECLARE THE ACTION AN UNLISTED ACTION, AND THAT THE TOWN BOARD SHALL ACT AS LEAD AGENCY REGARDING THE FAIRVIEW RECOVERY CENTER PROJECT

Attorney VanWhy stated that it is the Board’s responsibility to review Part 2 of the Short Environmental Assessment Form. Mr. VanWhy proceeded to ask the Board members eleven questions:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
2. Will the proposed action result in a change in the use or intensity of use of land?
3. Will the proposed action impair the character or quality of the existing community?
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area?
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
7. Will the proposed action impact existing:
 - a. Public/private water supplies?
 - b. Public/private wastewater treatment utilities

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8. Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetics resources?
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)?
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
11. Will the proposed action create a hazard to environmental resources or human health?

Attorney VanWhy concluded that there is agreement among the Board Members that there are no significant negative environmental impacts identified and therefore a motion should be put forth.

RESOLUTION 2021-3

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

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

RESOLUTION: MOTION TO DECLARE THE ACTION AN UNLISTED ACTION, AND THAT THE TOWN BOARD SHALL ACT AS LEAD AGENCY REGARDING THE FAIRVIEW RECOVERY CENTER PROJECT

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
Councilman Gardner voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye

All in favor

RESOLUTION - APPOINTING NAZAR LOGVIS TO THE ZONING BOARD

RESOLUTION 2021-4

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

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

RESOLUTION: APPOINTING NAZAR LOGVIS TO THE ZONING BOARD.

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
Councilman Gardner voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye

All in favor

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RESOLUTION - A NEGATIVE DECLARATION CONCERNING THE ACTION'S ENVIRONMENTAL SIGNIFICANCE FOR THE FAIRVIEW RECOVERY CENTER PROJECT

RESOLUTION 2021-5

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

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

RESOLUTION: MOTION FOR A NEGATIVE DECLARATION CONCERNING THE ACTION'S ENVIRONMENTAL SIGNIFICANCE REGARDING THE FAIRVIEW RECOVERY SERVICE PROJECT

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
Councilman Gardner voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye

All in favor

RESOLUTION TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR FAIRVIEW RECOVERY CENTER PROJECT CONTINGENT ON APPROVAL OF THE AREA VARIANCE FOR PARKING WITH CONDITIONS

RESOLUTION 2021-6

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: MOTION TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR THE FAIRVIEW RECOVERY CENTER PROJECT, CONTINGENT ON APPROVAL OF THE AREA VARIANCE FOR PARKING, AND CONDITIONED ON COMPLIANCE WITH THE FOLLOWING CONDITIONS:

- (1) A 3 feet high decorative fence be erected from the corner of the building to the adjacent residential side property line. Landscaping shall be provided in front of the fence and shown on the final plan.
- (2) Landscaping shall be provided along the front of the building on the Adams side of the building and shown on the plan.
- (3) The existing door facing Adams Street shall be designated and signed as Emergency Exit only.
- (4) An area be provided on the south side of the property for tenants to socialize. The area shall be lit and allow seating for tenants to utilize. The area shall be shown on the final plan.
- (5) Existing and proposed lighting shall be shown on the final plan.

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- (6) Any proposed signage shall be shown on the final plan.
- (7) Parking spaces shall be clearly shown on final plans.

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
Councilman Gardner voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye

All in favor

RESOLUTION REGARDING THE LAND BANK AGREEMENT FOR 22 FULLER ST. PROPERTY

RESOLUTION 2021-7

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

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

RESOLUTION: APPROVING THE LAND BANK AGREEMENT FOR 22 FULLER STREET PROPERTY

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
Councilman Gardner voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye

All in favor. Agreement on file in Clerk’s office.

PUBLIC WORKS

- Highway Superintendent Kie reported that new and improved markers have been placed at some fire hydrants.
- Mr. Kie reported that the Highway Department has been busy plowing snow.
- Council members relayed praise from residents for the Public Works Department excellent job of snow removal
- Councilwoman Exley is working on developing a plan for a Sidewalk District along Front Street.

PUBLIC COMMENTS

Councilwoman Exley mentioned that properties listed as 362 and 376 Prospect are in foreclosure.

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The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:57 PM.

Respectfully submitted,

Susan M. Cerretani, RMC
Town Clerk