

## April 11, 2022 – 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, April 11, 2022 at the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.

Join Zoom Meeting

<https://us02web.zoom.us/j/89971493811?pwd=OTc3M1g4L0FBMHBPC29rMGt0R1VXUT09>

Meeting ID: 899 7149 3811

Passcode: 843257

Phone: 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 via Zoom  
Thomas J. Burns, Councilperson

### Also in attendance:

Nathan D. VanWhy, Esq., Town Attorney  
Susan M. Cerretani, Town Clerk  
Public Works Commissioner Joel Kie, Zoning Board Chair Jeanne Compton, Administrative Assistant Beverly Wike, Town Engineer Ron Lake, and one member of the general public.

## CHAIR

## SUPERVISOR'S REPORT

### April, 2022 Town Board Meeting Supervisor's Report

1. The 2022 Newsletter is being sent out to the residents of the town and village. Thanks to everyone who contributed articles for the newsletter.
2. We received the **CHIPS** funding check for \$75,402.32. These funds will be used for road improvement projects.
3. Bev and I attended the webinar on the **American Rescue Funds** which our town will receive a total of \$356,287.88 of which half of that amount has been received and deposited in the bank. We are now in the planning stages of various projects that we would like to move forward with in using these funds. I have to do an update report for the Federal government soon
4. We received three, 239 Review Submission Forms. Two from Town of Chenango regarding permitted use principal amendments for churches, special use permits, adult entertainment business, quarry, sandpit, gravel pits and topsoil stripping, and an amendment regarding detached garage or carport sizes. The second 239 is from the Town of Union. Local Law or Zoning Application for proposed cannabis business overlay.

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**SUPERVISOR’S REPORT CONTINUED:**

5. I received a call from the owner of the property where the solar farm is to be located and the Planning Board recently agreed on the site plan. The question by the owner was in regard to decommissioning bond that will be required by the project managers. The bond is a percentage based on the value of the project with various factors that are used to calculate the value that includes the KWH that are produced at this site. I told the property owner that this is a Standard Operating Procedure and the cost to clean up an abandoned solar farm would be extremely expensive.
6. Code Officer Rafferty informed me that the GHS Credit Union is looking into the installation of solar panels possibly rooftop installation.
7. As I stated at last week’s work session, after having a discussion with the manager of the Regal Theaters, the car meets that have taken place for the past 2 years will no longer be allowed.
8. We received word from DSNY that our nearly 8 years in waiting for finalization of the Community Grant that a check for \$46,615.42 would be sent to us as reimbursement for one of our recent projects.
9. Our first quarter check from the county jail will be \$19,976.19. Our annual lump sum payment will be \$44,804.00
10. Letters were mailed out to Dickinson residents from the NYS Dept. of Transportation informing them of the ramp and road closures for the Front St. bridge and roundabout projects starting around July 5 for an anticipated time of 10 days.

**Code Violations/Appearance Tickets**

1. 557 Old Front St., property dug up, construction materials in large piles, rocks. No permits issued. There has been on going issues with this property in not following building permit policies and other issues.
2. 117 Glenwood Rd., large amount of garbage in bags in back yard

**Building Permits**

1. 41 Forest Hills Blvd, new roof
2. 815 Upper Front. St., cover over patio
3. 14 N. Moeller St. – entryway roof and porch
4. 10 Pleasant Court – roof
5. 561 Front St – reminder notice – outside stairs
6. 930 Upper Front St. – shed placed in front yard, no permit

**Dog Control Reports**

**TOWN:** 15 calls were addressed. Unlicensed dogs, dogs running lose, dogs chasing residents. One resident from prospect St. became irate, swearing and very belligerent towards our DCO.

**VILLAGE:** 8 calls were addressed. Past dues dog licenses. One resident complained to the DCO that he needed to find something better to do than harass people during a pandemic and go after people for not shoveling their sidewalks and fix roads and stop being a scum bag bottom feeder. That is totally unacceptable of the resident to say such things to our DCO.

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**SUPERVISOR’S REPORT CONTINUED:**

**NYSEG UTILITY SHUTOFF NOTICES:**

No notices received

**Next Town Board Meeting**

Our next Town Board meeting is scheduled for Monday, May 2, 5:30 PM, Work Session Meeting. There was another extension of conducting public meetings virtually if we need to take that action.

**PUBLIC COMMENTS**

None being heard.

**COMMITTEE REPORTS**

• **PUBLIC WORKS**

- Councilperson Exley reported that she and Councilperson Burns need to come up with a date to meet with Joel Kie regarding the Highway Department projects.
- Supervisor Marinaccio stated that Mr. Kie would like to have a special board meeting (to also include Town Engineer Ron Lake) to discuss the specifics of the water drainage issues on Sunrise Drive in Sunrise Terrace, possibly at the end of the week. Supervisor Marinaccio will come up with a date and time.

• **FINANCE**

○ **SUPERVISOR’S REPORT**

Councilperson Gardner made a motion to accept the **January 2022 Monthly Financial Report** for the **Town Supervisor in the amount of \$1,852,104.97**. On a motion by Councilperson Gardner seconded by Councilperson Burns. All in favor.

Councilperson Gardner made a motion to accept the **February 2022 Monthly Financial Report** for the **Town Supervisor in the amount of \$1,906,893.96**. On a motion by Councilperson Gardner seconded by Councilperson Burns. All in favor.

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **March 2022 Monthly Financial Report** for the **Town Clerk** in the amount of **\$745.50** seconded by Councilperson Exley. All in favor.

○ **JUSTICE COURT REPORT**

Councilperson Gardner made a motion to accept the **January 2022 Monthly Financial Report** for the **Town Court** in the amount of **\$15,407.00** seconded by Councilperson Exley. State \$10,117.00 County \$270 Town \$5,020.00 All in favor.

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- Councilperson Gardner made a motion to accept the **February 2022 Monthly Financial Report** for the **Town Court** in the amount of **\$17,580.50** seconded by Councilperson Exley. State \$13,038 County credit of \$42.50 Town \$4,585.00 All in favor.
- **ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Exley to approve **abstract #04** dated **April 11, 2022** in the amount of **\$403,874.92**.

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 \$403,874.92.**

**Voucher #04 for April 11, 2022 year in the amount of \$403,874.92.**

<b><u>General Fund</u></b>	<b><u>\$46,282.18</u></b>
<b><u>Part Town</u></b>	<b><u>\$135.00</u></b>
<b><u>Highway</u></b>	<b><u>\$13,113.58</u></b>
<b><u>Fire Districts</u></b>	<b><u>\$0.00</u></b>
<b><u>Light Districts</u></b>	<b><u>\$3,524.84</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$266,347.86</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$74,471.46</u></b>

Supervisor Marinaccio reported the Traffic Diversion Program at \$37,703.00.

- **PERSONNEL**

Councilman Gardner reported that Public Works Commissioner Kie is still working on getting his staff in the Highway Department up to snuff and he will make a report at the next board meeting.

- **PLANNING**

No Planning Board meeting this month.

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**PROPOSED SEWER RATE INCREASE**

Beverly Wike provided the board members with a detailed water and sewer report. The report included a proposed sewer increase for the 4<sup>th</sup> quarter of 2022 of \$1.50 with a new rate of \$8.00/100 cf. A discussion followed.

**2022 Sewer Rate Increase**

2021 Year-End Fund Balance	\$ 28,500
2022 Budgeted Expenses	\$1,557,598
2022 Budgeted Revenue	<u>\$ 663,000</u>
Shortage	\$ 866,098

**2022 Estimate Revenue**

1 <sup>st</sup> Quarter	\$ 171,810
2 <sup>nd</sup> & 3 <sup>rd</sup> Quarter*	\$ 399,818
4 <sup>th</sup> Quarter**	<u>\$ 242,057</u>
Total	\$ 813,685

\*2<sup>nd</sup> & 3<sup>rd</sup> Quarter increased sewer rate from \$5.50 to \$6.50/100cf.  
Decreased water rate from \$6.50 to \$5.50/100cf.

\*\*4<sup>th</sup> Quarter proposed increase of \$1.50, new rate will be \$8.00/cf.

**2022 Shortage**

Shortage 2022	\$ -866,098
Rate increase in 2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> qtr.	
Additional revenue	\$ 150,685
Loan payment from Water	\$ 100,000
Overbudgeted for Bing/JC	
Joint Sewage Treatment Plant	\$ 200,000
Estimated shortage 2022	\$ 415,413

With increase to \$8.00/100 cf.

Proposed Revenue 2023	\$ 968,228
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Mrs. Wike commented that on average, this proposed rate would increase an average household's bill by \$30.00 per quarter for sewer.

Town Engineer Ron Lake reported on the status of the at the **Binghamton Johnson City Joint Sewage Treatment Plant** after the disastrous accident that occurred. There was damage to wires and electrical controls and components which have to be replaced. There was 14 feet of water that took almost a month to clean out. The good news is that so far, the insurance company is covering almost all of the cost of repair.

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**APPROVAL OF MINUTES**

On a motion by Councilperson Exley seconded by Councilperson Gardner to approve the **March 7, 2022 Work Session Minutes, the March 14, 2022 Regular Meeting Minutes.** CORRECTION to the minutes: Town Clerk Monthly Report for February should be \$1,072.50. All in favor.  
Vote-5 Ayes, Nays-0, Absent-0.

**ATTORNEY**

**RESOLUTION 2022-16**

The following Resolution was offered by Councilperson Morabito, 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: SCHEDULING A PUBLIC HEARING FOR MONDAY, MAY 2, 2022 AT 5:30 PM REGARDING PROPOSED SEWER RATE INCREASE.**

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

**MEETING WITH PROPERTY OWNERS OF THE RED ROOF INN**

Attorney VanWhy reported that a meeting with the property owners of the **Red Roof Inn** took place last Wednesday at the Town Hall. Mr. VanWhy, Supervisor Marinaccio, and Public Works Commissioner Kie were in attendance along with the three owners of the hotel. Attorney VanWhy stated that it was a very productive meeting. The owners indicated that there were some permanent steps that have already been taken to address matters. Mr. VanWhy stated that within the next month we will be monitoring activity and asking the sheriff's department for a report of police calls to track the activity and hopefully it corrects itself in the next few weeks. Supervisor Marinaccio added that the owners were very cooperative.

Mr. Marinaccio stated that several local residents have gotten notifications that there are sex offenders living at the **Red Roof Inn** and **Econolodge** hotels. He is encouraging every resident to complain to the hotels, to DSS and to the Sheriff's Department. Mr. Marinaccio will be meeting with the Sheriff to discuss this issue. It becomes very concerning especially with the playground across the street and he feels it is unacceptable. He stated that we are doing what we can to stop this, but we have to follow the law and we cannot discriminate.

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**UPDATE: TIME WARNER ASSESSMENT LAWSUIT**

Attorney VanWhy stated that regarding the **Time Warner** assessment litigation, it is the attorney's recommendation for the Town Clerk to sign the acknowledgement of receipt on complaint and send it back. The Town does not have any role in this; we were just provided notice. Everything is handled through the state system.

**PUBLIC WORKS**

- Public Works Commissioner Kie reported that things are running smoothly in the Public Works Department. The crew rolled the baseball field in preparation for the **STA Easter Egg hunt**. Two baseball teams will be holding practices on the baseball field.
- The trucks are being built this month and we should be receiving them next month.
- Mr. Kie reported that Matt Fitzpatrick is doing a great job and has been tightening up the system for the Water Department .
- **Foland Lumber** has started their construction project and have broken ground for their addition.

**ZONING**

Zoning Board Chair Compton had nothing new to report.

**CODE**

Supervisor Marinaccio reported that the Regal Movie Theater has been allowing car meets to use their parking lot for events.

Attorney VanWhy stated that when the Movie Theater submitted their site plan, they were approved for the use that they described. They would need to apply to amend their site plan for other business activities to take place. One use per property.

**PUBLIC COMMENTS**

The meeting was adjourned on a motion by Councilperson Morabito and seconded by Councilperson Burns at 7:02 PM.

Respectfully submitted,

Susan M. Cerretani, RMC  
Town Clerk