

July 11, 2022 - WORK SESSION & REGULAR MEETING

The Work Session and Regular Meetings of the Town of Dickinson Town Board were called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, July 11, 2022, at the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.

https://us02web.zoom.us/j/84638994671?pwd=gPZOM1SYSB_2PNNWxJFvTBqGE_5CYS.1

Meeting ID: 846 3899 4671

Passcode: 679146

1-646-876-9923

This is the first of the regular meetings which begins the summer schedule of July, August, and September combining our Work Session with the Regular Meeting on the second Monday of those months with a start time of 5:30 P.M.

The members of the Town Board present were:

Michael A. Marinaccio, Supervisor

Stephen M. Gardner, Councilperson

Thomas J. Burns, Councilperson

Absent: Danny F. Morabito, Councilperson

Sharon M. Exley, Councilperson

Also attending:

Nathan D. VanWhy Esq., Attorney for the Town

Susan M. Cerretani, Town Clerk

Public Works Commissioner Joel Kie, Code Enforcement Officer Steve Rafferty, Town Engineer Ron Lake, Zoning Board Chair Jeanne Compton, Administrative Assistants Bev Wike and Darrell Dennison, Planning Board Chair Jerry Ford, resident Jim Love and one other member of the public.

July 2022 Town Board Meeting

Supervisor's Report

Please join me in a moment of silence for the passing of a long-time resident, former Prospect Terrace Fire Co. volunteer and someone who dedicated his life to help others around the community, John Choynowski.

1. Joel and I met with two County Emergency Services representatives regarding the town emergency plan. We will be working with them to update our draft plan: new buildings/dwellings in the town, personnel changes, demographics, solar or battery storage developments, critical structures, key personnel, etc.
2. I attended the Fair Housing Public Hearing held on June 21 and found it to be interesting and educational.
3. We will be receiving a check from the Binghamton/JC Sewage Treatment Plant for \$138,975.26 for overpayment to the plant. This amount will go directly into the sewer fund.
4. We received a total of \$32,660.44 for mortgage tax receipts. This amount falls short of our estimated budget total of \$40,000.

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SUPERVISOR’S REPORT CONTINUED:

5. I spoke with Lt. Harding from the Sheriff’s Department regarding the explosion that occurred a couple of weeks ago in the area of Sunrise Terrace/Old Front St. During the investigation, a couple of witnesses stated that they heard the explosion behind the EconoLodge on Old Front St. and saw an engine blown apart in the parking lot. Nothing was substantiated so far.
6. The south end of the Front St. bridge roundabout seems to be working very well. NYSDOT is reviewing the traffic flow and may add some additional signage. The north end, Old Front roundabout is in the works and will be completed before the Spiedie Fest.
7. Discuss the questions regarding our code office dealing with SUNY Broome projects. Dorm, etc.
8. On June 1, the New York Assembly passed bills.5535/A.382 and on Friday June 3 the Senate passed this Bill that human composting would be allowed in NY State. It allows facilities to use organic reduction, which would accelerate the process of decomposition in an above ground container, essentially transforming the remains into soil. The purpose of this is to ban burials and cremations. The governor has not signed the bill yet.
9. Discuss SUNY Broome plans to purchase Boland property. 70-75 acres.

Code Violations/Appearance Tickets

1. Appearance Ticket issued to 557 Old Front St., property dug up and piles of construction debris scattered throughout the property, erosion and water runoff is a concern
2. 6 Maiden Lane, new roof installed, no building permit
3. 1 Maiden Lane, new roof installed, no building permit
4. 40 Sunset Dr., tall weeds/grass,
5. 20 N. broad, tall weeds and grass
6. 165 Bevier St., tall weeds/gras, tree down in front yard
7. 40 Sunset Dr., building had a fire, open to all elements
8. 51 Pulaski, large amounts of debris on property, missing windows
9. 33 N. Broad, tall weeds/grass
10. 3 N. Louisa, more than one vehicle openly stored

Building Permits

1. 1 Maiden Lane, new roof
2. 11 Forest Hills Blvd., new addition
3. 19 Forest Hills Blvd, new roof
4. 35 Rosedale, new windows
5. 6 Maiden Lane, new roof
6. 23 Hickory Rd., new roof
7. 15 N. Broad, 21’ above ground pool
8. 45 Pulaski Stop Work Order
9. 45 Pulaski roof

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SUPERVISOR’S REPORT CONTINUED:

Dog Control Reports May

TOWN: Total of 14 calls. Majority of calls were past due licensing

VILLAGE: Total of 6 calls. Majority of calls were past due licensing. One call for 2 dogs missing from home.

NYSEG Utility Shutoff Notices:

No notices received

Next Town Board Meeting

Our next Town Board meeting is scheduled for Monday Aug. 8, 5:30 PM, Work Session Meeting and combined regular meeting.

PUBLIC COMMENTS

Councilperson Gardner asked Planning Board Chair Jerry Ford when the new traffic pattern at Starbucks will go into effect. Mr. Ford replied that he has not heard anything.

PUBLIC HEARING

Supervisor Marinaccio opened the Public Hearing at 5:43 PM.

PUBLIC HEARING RE: A Local Law authorizing the Town Board of the Town of Dickinson and its committees to use videoconferencing technology to participate in public meetings. Mr. Marinaccio explained some of the specifics of the Local Law authorizing the public bodies to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the applicable body participants from locations where the public may be physically present and other conditions are met.

Supervisor Marinaccio closed the Public Hearing at 5:46 PM.

COMMITTEE REPORTS

• **FINANCE**

TOWN CLERK MONTHLY FINANCIAL REPORT

Supervisor Marinaccio asked for a motion to accept the **June Monthly Financial Report** for the **Town Clerk in the amount of \$ 2,174.00**. On a motion by Councilperson Gardner seconded by Councilperson Burns. All in favor.

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- **PERSONNEL**
 - Councilperson Gardner welcomed Darrell Dennison as our new administrative assistant and thanked him for joining the team.
- **PLANNING**
 - The Planning Board has not heard from **Starbuck’s** regarding the proposed new traffic pattern.

ABSTRACTS FOR APPROVAL

On a motion from Councilperson Gardner, seconded by Councilperson Burns to approve **abstract #7**, dated July 11, 2022, in the amount of **\$390,264.47**. Vote Ayes-3, Nay -0, Absent-2.

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

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$390,264.47.

Voucher #7 for July 2022 in the amount of \$390,264.47:

<u>General Fund</u>	<u>\$28,842.31</u>
<u>Part Town</u>	<u>\$31.00</u>
<u>Highway</u>	<u>\$12,366.54</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$2,313.90</u>
<u>Sewer Operating Dist.</u>	<u>\$265,646.66</u>
<u>Water Operating Dist.</u>	<u>\$81,064.06</u>

SUPERVISOR REPORT

- **SUPERVISOR REPORT**
Councilperson Gardner made a motion to accept the **Monthly Financial Report** for the **Town Supervisor** in the amount of **\$1,903,462.15** seconded by Councilperson Burns. All in favor.

APPROVAL OF MINUTES

On a motion by Councilperson Gardner seconded by Councilperson Burns to accept the June 6, 2022, Work Session Minutes & the Regular Meeting Minutes of June 13, 2022. All in favor. Vote Ayes-3, Nays-0, Absent-2.

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ATTORNEY

DISCUSSION: Committee on Open Government model policy regarding videoconferencing

Attorney VanWhy provided a model policy from the Committee on Open Government that tracks with what the State Law indicates the requirements are for being able to hold this and noted that there is more flexibility under what specific circumstances you allow members to attend remotely such as disability, illness, caregiving responsibilities, or any other significant or unexpected factors that preclude the member's attendance.

Mr. VanWhy stated that you could be more clear and specific in what you believe what constitutes extraordinary circumstances or the board can review on a case-by-case basis. Members are expected to be in physical attendance. It is up to the Town Board to accept justification for the change in attendance.

Attorney VanWhy stated that he does not expect only on some contentious issues where a swing vote would make a difference.

The member must notify the clerk of extraordinary circumstances, ideally five days in advance. The policy and the law allow the clerk to make best efforts to get a notice out to the public of the change in attendance.

The policy was tweaked to make clear that the town's local law applies to the public bodies of the town including all the boards and committees within the town. The Town Board will set the videoconferencing policy for all boards.

RESOLUTION 2022 - 26

The Town Local Law applies to "Public Bodies" (not just the Town Board and its committees)

The Town Board will set the policies. The policy will be finalized at the August meeting.

The following Resolution was offered by Councilperson Burns, 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: ADOPTING VIDEOCONFERENCING LOCAL LAW 2022-3

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-3, Nays-0, Absent-2.

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

All in favor. Local Law to be filed with Department of State.

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RESOLUTION 2022 - 27

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

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

RESOLUTION: AUTHORIZING FINANCING FOR THE PURCHASE OF A NEW RAVO 5-I SERIES STREET SWEEPER AND RELATED EQUIPMENT, AT THE MAXIMUM ESTIMATED COST OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00); APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE; AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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–3, Nays–0, Absent-2.

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

All in favor.

Estoppel Legal Notice to be published in the Binghamton Press.

RESOLUTION 2022 - 28

The following Resolution was offered by Councilperson Burns, 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 PURCHASE THROUGH SOURCEWELL COOPERATIVE PURCHASING (CONTRACT NUMBER 093021-FAY) OF A NEW RAVO 5I SERIES STREET SWEEPER AND RELATED EQUIPMENT AND FINANCING COSTS, FOR A COST NOT TO EXCEED \$300,000, FROM NORTHEAST SWEEPERS & RENTALS, INC., CONTINGENT UPON EXPIRATION OF THE BOND RESOLUTION ESTOPPEL PERIOD TO FINANCE THE PURCHASE

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–3, Nays–0, Absent-2.

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

All in favor.

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RESOLUTION 2022 - 29

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

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

RESOLUTION: DECLARING SURPLUS THE TIMCO 600, AND AUTHORIZING AUCTION AND SALE OF THE SAME.

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-3, Nays-0, Absent-2.

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

All in favor.

RESOLUTION 2022 - 30

The following Resolution was offered by Councilperson Burns 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 PURCHASE OF AQUALOGICS CONTROL PANEL OUTLINED IN THE AQUALOGICS PROPOSAL AT A COST NOT TO EXCEED \$42,000.

Public Works Commissioner Kie explained that when there is a fluctuation at the sewage pumping station an alarm goes off. If it is the middle of the night, an employee has to physically come out to adjust it. This system gives the ability to remotely adjust the system. There will be a dead failsafe backup in place also.

The amount exceeds the competitive threshold; however this would qualify as we have standardized to the **Aqualogics** system as the company has installed all of our other systems which makes them able to communicate with one another.

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-3, Nays-0, Absent-2.

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

All in favor. Specs and proposal attached.

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RESOLUTION 2022 - 31

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

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

RESOLUTION: AUTHORIZING J&R ELECTRIC TO PERFORM THE WORK OF INSTALLING THE AQUALOGICS CONTROL PANEL, NOT TO EXCEED \$10,000.

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-3, Nays-0, Absent-2.

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

All in favor. Proposal attached.

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

Public Works Commissioner Kie presented an **American Rescue Funds** update:

He stated that the total American Rescue Funds we were given was \$356,000. We are going to come in at \$313,131 if the Water Department and the Code Enforcement software requests are approved tonight.

Water Projects

- Pressure reducing valve on Glenwood Rd. \$80,000..... \$151,505
- Extend Water Main interconnection Glenwood Road to Sunset \$92,000
- Pine View water main replacement original quote \$108,610.....\$104,626

Software for Water Department

- Williamson Law Water software \$20,000
- Code Enforcement software \$15,000

Town Hall

- Gutter System \$8,600
- Snow retention System \$6,300
- Ice Melt Cable \$7,100.....\$313,131**

Total \$356,000**

\$42,869

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Public Works Commissioner Kie reported that the roundabout will be closed down the week of July 27th. If you pull out of Sunrise Terrace, you will not be able to go south on Front Street; you can only turn left. They would like to have it all opened up before the Spiediefest.

Mr. Kie presented a drawing of the proposed Town of Dickinson plantings that he received from the **Department of Transportation**.

Mr. Kie reported on the water break in the City of Binghamton that affected quite a few of our residents. He gave a heads up to the board members that the City of Binghamton will be raising their water rates and we need to discuss this going into the budget meetings.

Mr. Marinaccio expressed concern for our residents, especially those on fixed incomes. We have to buy our water.

Bev Wike reported that the water/sewer department is considering changing over the water billing system, one of the reasons being that here is no backup; the current company is a one man show and he is not very cooperative. Ms. Wike stated we are looking at changing over to **Williamson Law**, the same system we use for accounting, it is a good program. Ms. Wike stated that one problem in changing the program is we cannot bring over the account histories – the readings and consumption. The solution is we can keep the current program for a while and find out from **Ty Sales** if we can download the new readings to both systems.

The cost is approximately \$14,000 and that would include software, two user supports and eight hours of training. We can still use the old system –we just won't have the support.

Administrative Assistant Wike stated that since the water shutoff letters were mailed out for past due balances, out of 107 delinquent accounts, we turned off two services. 90% of the \$44,000 due was paid. A few are making payments.\$2,500 was paid by the New York State Low Income Water Assistance Program.

CODE ENFORCEMENT

Nothing to report.

ZONING

Zoning Board Chairperson Compton reported that the 157 Rosedale variance was approved last week.

PLANNING

Planning Board Chairman Ford reported he is waiting for submission from the solar farm at 507 Glenwood Rd.

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PUBLIC COMMENTS

Town of Dickinson property owner who recently required 45 and 45 ½ Downs Avenue asked the board to consider his request to separate two parcels listed as 45 and 45 ½ Downs Avenue. He stated that they are two separate buildings, each with their own services. His realtor contacted someone at the town who said there is not adequate parking for 45 Downs. Attorney VanWhy interjected that his questions apply to potential land use, zoning, planning, and potential subdivision and should be directed to Code Officer Steve Rafferty and Assessor Cahill. The Town Board cannot make that decision.

The meeting was adjourned on a motion of Councilperson Gardner and seconded by Councilperson Burns at 6:45 PM.

Respectfully submitted,

Susan M. Cerretani, RMC
Town Clerk