

## January 3, 2022– WORK SESSION

The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, January 3, 2022 at the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.

Meeting Link:

<https://us02web.zoom.us/j/83697318344?pwd=NnVwdVVGS0FMOFBYU3I5MjlQakdTdz09>

Meeting ID: 836 9731 8344

Passcode: 107309

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

### **The members of the Town Board present were:**

**Michael A. Marinaccio, Supervisor**

**Stephen M. Gardner, Councilman**

**Sharon M. Exley, Councilwoman**

**Danny F. Morabito, Councilman**

**Thomas J. Burns, Councilman**

### **Also attending:**

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

**Susan Cerretani, Town Clerk**

### **Also in attendance:**

**Public Works Commissioner Joel Kie, Zoning Board Chair Jeanne**

**Compton, Town Engineer Ron Lake, Administrative Assistant Beverly**

**Wike, Code Enforcement Officer Stephen Rafferty via Zoom, and Mr. Jean Brouard.**

## **CHAIR**

### **SUPERVISOR'S REPORT**

1. Tonight, we have 2 Public Hearings: One dealing with “No Parking” in an area on Orchard Rd., the other regarding the structure located at 36 Pulaski.

Please note that the Pulaski hearing is the second hearing being held but the town board agreed to hold a second hearing even though the first one was ordered, posted, and notifications sent out according to policy and procedures.

I will start with the Orchard Rd. parking hearing.

2. Next week we will be voting on the 2022 Organizational Resolution. Each of the board members has a complete copy for their review. A copy of the proposed resolution has been posted by our town clerk as the law requires.
3. I will go over a short version of the 2021 review at next week's meeting.
4. I am asking all department heads and elected officials to begin submitting articles for our 2022 Newsletter in the next few months.

**January 3, 2022– WORK SESSION**

**PUBLIC HEARING #1**

**5:30 PM: PUBLIC HEARING ON THE LOCAL LAW REGARDING PARKING ON ORCHARD RD**

Supervisor Marinaccio opened the Public Hearing at 5:31 PM.

Supervisor Marinaccio stated that Public Works Commissioner Kie would like to put no parking restrictions on the cul-de-sac of Orchard Rd. so that we can get our snowplows through there. If cars are parked on the street, the plows cannot turn around. Councilperson Gardner asked if the winter no parking restrictions would be in effect, and it would therefore be in effect 12 months of the year. Mr. Kie answered affirmatively and commented that all the other cul-de-sacs within the Town, with the exception of Orchard Rd., have parking restrictions. In the event of an emergency the vehicles could not get through.

Hearing no comments, the Public Hearing was closed at 5:32 PM.

**PUBLIC HEARING #2**

**5:30 PM: PUBLIC HEARING TO RECONSIDER DECLARING THE BUILDING AT 36 PULASKI UNSAFE**

Supervisor Marinaccio opened the Public Hearing at 5:32 PM.

This is the second Public Hearing regarding 36 Pulaski Street that was added in order to give Mr. Brouard the opportunity to state his case regarding his property located at 36 Pulaski Street. As a courtesy, the Town Board offered Mr. Brouard this second opportunity to appear as he did not attend the first Public Hearing which took place on October 4, 2021.

Mr. Brouard is confused as to which municipality his house is in as he stated that he went to the City of Binghamton and Johnson City to try to get a license to fix it. He said they told him that they had no records on his property. He then spoke about the code violations of chickens and garbage that the Code Department issued with a long explanation of circumstances and stated that the garbage has been cleaned up and the chickens are no longer on the property.

Supervisor Marinaccio explained that we had an experienced engineer, a former contractor and Code Enforcement Officers inspect the building. They found it to be in bad shape and structurally unsound. Mr. Marinaccio is concerned about the cost of repairing the structure. He also stated that the livestock and garbage are town code violations, but not the reasons it is being declared unsafe. There has been plenty of time from the time code started writing violations up until today, but nothing was done. The County is ready to take the building over because of unpaid taxes.

Public Works Commissioner Kie stated that we have been dealing with this for a long time. The property was purchased in 2016. Windows have been open and there is a hole in the roof where pigeons have entered. There is severe rot and the whole structure is compromised. Supervisor Marinaccio stated that Mr. Brouard has had six years to clean up and fix the house. It has devalued surrounding property values.

## **January 3, 2022– WORK SESSION**

Mr. Brouard stated that he has people offering to help fix it, but he could not get a permit from the City of Binghamton. Mr. Brouard was again told that his property is located in the Town of Dickinson and not the City of Binghamton. He was told that he must hire a licensed structural engineer to develop a plan to make the property safe and then meet with the Town Engineer, Code Department and Public Works Commissioner Kie.

Attorney VanWhy commented that we are here to establish whether the structure is safe. It appears that Mr. Brouard is not contesting the Town's determination that it is unsafe.

Mr. Brouard is being given the opportunity to secure and demolish the structure. Mr. Brouard was instructed (repeatedly) that he must present a detailed plan from a licensed structural engineer to the Code Department, the Town Engineer, and Commissioner of Public Works within two weeks. The engineer should be able to establish a budget for him. If Mr. Brouard does not present a detailed plan to make it safe from a licensed structural engineer, the town can demolish the structure.

Engineer Ron Lake commented that the first thing that Mr. Brouard must do is hire an engineer to draw up complete plans. There will have to be an inspection for asbestos removal. There is probably mold that needs to be removed. Once the repair begins, he must be prepared to go all the way through. Some things will take time, but there needs to be a schedule. Mr. Brouard will be given a reasonable timeline to complete the project. No one can live in the building until a certificate of occupancy is issued.

Attorney VanWhy handed Mr. Brouard documents from the last meeting that the Town Board considered.

Supervisor Marinaccio closed the Public Hearing at 6:10 PM.

### **ORGANIZATIONAL RESOLUTION**

The Board will be adopting the **2022 Organizational Resolution** at the January 10, 2022 meeting.

### **2022 APPOINTMENTS**

Reminder that all the appointed officials need to sign the Oath of Office Book in the Town Clerk's Office.

### **REVIEW OF 2021**

Supervisor Marinaccio will review 2021 at next week's meeting.

### **2022 NEWSLETTER**

Supervisor Marinaccio asked all departments to begin working on articles for the 2022 Newsletter.

### **EXECUTIVE ORDER PERTAINING TO WAIVING THE SUBMITTAL OF APPLICATION FOR REAL PROPERTY EXEMPTION FOR SENIORS**

Resolution to waive the application for **Partial Tax Exemption for Real property of Senior Citizens** to be considered by the Assessor and Town Board.

**January 3, 2022– WORK SESSION**

**ATTORNEY**

**RESOLUTIONS FOR NEXT WEEK’S MEETING:**

**ADOPTING THE 2022 ORGANIZATIONAL RESOLUTION AT THE JANUARY 10, 2022 MEETING.**

**ADOPTING A LOCAL LAW REGARDING PARKING ON ORCHARD RD.**

**SCHEDULING PUBLIC HEARING REGARDING FENCE PERMITS FOR FEBRUARY 7, 2022 AT 5:30 PM.**

Currently fence permits require Town Board approval. Mr. Rafferty is recommending that we remove the Town Board approval and require only Code Enforcement approval.

**REAFFIRM DECLARATION OF UNSAFE STRUCTURE AT 36 PULASKI ST.**

The Town Board can either rescind the order or re-affirm the prior decision regarding the 36 Pulaski Street structure. Attorney VanWhy stated that the Town’s expectation is that within two weeks an engineering firm will be identified and contact Joel Kie, Ron Lake and Steve Rafferty to set up a time and date for an inspection and determine the further extent of the cost.

**PUBLIC COMMENTS**

None being heard

On motion by Supervisor Marinaccio, the work session was adjourned by a motion from Councilman Morabito and seconded by Councilman burns at 6:18 PM.

Respectfully submitted,

Susan M. Cerretani, RMC  
Town Clerk