

December 12, 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, December 12, 2022 at the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.

<https://us02web.zoom.us/j/82958622091?pwd=aG0yQ1ZLbXMzeHh0QytTZytrWnpBQT09>

Meeting ID: 829 5862 2091

Passcode: 857195

Phone: 1-646-931-3860

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., Town Attorney**
- Susan M. Cerretani, Town Clerk**
- Public Works Commissioner Kie, Zoning Board Chair Compton,**
- Administrative Assistants Wike and Dennison, Deputy Code Enforcement**
- Officer Doyle, Town Engineer Lake, Jaclyn DiRose, and Jim Love.**

Also in attendance via Zoom:

- Code Enforcement Officer Rafferty, Planning Board Chair Ford**

PUBLIC HEARING: WATER AND SEWER RATES

Supervisor Marinaccio gave an overview of the proposed changes to the water and sewer rates, maintenance, and operations charges, relevy fees, and penalties for late payments and explained that this is necessary because we have been working at a deficit.

**NOTICE OF PUBLIC HEARING
TOWN OF DICKINSON**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Dickinson at Town Hall, 531 Old Front Street, Binghamton, NY on December 12, 2022 at 6:00 p.m., or as soon thereafter as the matter may be heard, for the purpose of considering the following Water and Sewer Rates for municipal uses in the Town of Dickinson as follows:

SEWER RATE – ALL USERS

Minimum charge of \$15 for first 100 cubic feet, thereafter \$9.75/100 cubic feet

WATER RATE – ALL USERS

Minimum charge of \$10 for first 100 cubic feet, and thereafter \$4.75/100 cubic feet

December 12, 2022– REGULAR MEETING

MAINTENANCE AND OPERATIONS

QUARTERLY CHARGE

Annual Estimated Usage between:

| | |
|-------------------------------------|---------|
| 0-100,000 cubic feet annually | \$50 |
| 100,001-199,999 cubic feet annually | \$600 |
| 200,000-299,999 cubic feet annually | \$1,200 |
| 300,000-499,999 cubic feet annually | \$1,500 |
| 500,000-999,999 cubic feet annually | \$2,000 |
| 1,000,000+ cubic feet annually | \$2,500 |

RELEVY FEE \$100

PENALTIES FOR LATE PAYMENTS 10 percent of outstanding balance due

This billing change becomes effective December 16, 2022 and will be billed starting the first quarterly billing cycle in 2023, which happens in March. Interested persons shall be entitled to be heard upon said proposed rate changes. Persons with disabilities who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance. Communications in writing in relation thereto may be filed with the Town Board prior to the public hearing.

Dated: November 30, 2022

SUSAN CERRETANI
Town Clerk, Town of Dickinson

Hearing no comments from the public, Supervisor Marinaccio closed the Public Hearing at 6:04 PM.

CHAIR

ORGANIZATIONAL RESOLUTION

Supervisor Marinaccio stated that the Organizational Resolution is being drafted and will be presented to the board members at the next meeting.

SUPERVISOR’S REPORT

**December 2022 Town Board Meeting
Supervisor’s Report**

1. I reviewed the credit card monthly charges and found no issues.
2. I had a meeting with SUNY Broome President Kevin Drum on Monday, December 5 and he informed me that the college is close to finalizing the purchase of the Boland property which is behind **Chenango Shores**. The plans are to build town houses for

December 12, 2022– REGULAR MEETING

SUPERVISOR’S REPORT CONTINUED

student housing. Not sure of the timeline but it appears that this could be years away. I informed Kevin that there could be some issues with these plans, but we will wait until any plans are brought forth to the town. Run off is one of the major issues as well as egress and ingress into the planned site. I will be having a more formal discussion with Kevin in the very near future.

3. Fireworks permit issued to the county and will take place at **Otsiningo Park** on 12/17 and 12/31 around 7 PM. 2 out of the three displays were canceled in November due to inclement weather
4. Thanks to Joel who witnessed traffic backup on Front St. that was headed to the fireworks display at Otsiningo Park , we were able to notify the sheriff’s department for future control.
5. I will be attending a Municipal Officials meeting sponsored by **NYSEG** on December 16: Topics to be discussed: **NYSEG** System overview, Executive update, vegetation management, capital improvements, resiliency, and routine maintenance programs.
6. Joel and I met with **NYSDOT** representatives regarding the walk bridge on December 9th. The old walk bridge will be demolished, possibly early next year. There will be some outreach by the **DOT** in notifications but not sure to what extent. As we get closer to the actual demolition, we will keep everyone informed including posting information on the website. There may be existing conditions of the walk bridge that may incur closing the bridge soon.
7. I had a lengthy discussion with County Transportation Commissioner Greg Kilmer regarding some bus shelters and bus stop issues. There was a homeless individual sleeping at the bus stop shelter on front and Old Front St. The sheriff’s department have been aware of this issue and have tried numerous times to relocate this person to homeless shelters, but the individual kept returning to the shelter. There were sensitive legal issues involved in this matter. The individual showed no signs of aggressiveness and has not been seen at the bus shelter for a while. The other issue is the bus stop located at the corner of Old Front St. and Rosedale/Terrace Dr. intersection. People have been seen waiting for a bus here but there are no inbound buses that come here. This bus stop will be removed and relocated, possibly across the road but I am not sure exactly where. Signage for bus schedule should also be posted at the new stop.
8. I reviewed all staff salaries for this pay period and found no issues
9. Our Town Court was audited by Michael Giovinazzo. There were just a few adjustments that had to be made otherwise the audit showed the court is doing a great job.
10. We received notification from the legal firm of **Shenker Russo & Clark, LLP** that **Cracker Barrel** intends to submit a Class Change Application to the **NY State Liquor Authority** to change their license from a **Restaurant Wine License** to an On Premises License.
11. Our Town Clerk, Sue Cerretani, has been working on our 2023 organizational document that will be presented at our January meeting for formal review and voted on at our regular January meeting. I have completed the town board assignments and that will also be presented in the document. You will be emailed a draft copy soon for your review.

December 12, 2022– REGULAR MEETING

SUPERVISOR’S REPORT CONTINUED

12. **Broome County Parks** will be taking over the operations for the **BAGSAI** Softball complex as mentioned during the county budget update. This is good news for us.
13. Later in tonight’s meeting, we will be discussing the appointment of Jaclyn Teed DiRose to the position of Deputy Town Clerk who will eventually be replacing our current Town Clerk, Sue Cerretani who for personal reasons will be resigning from her position in February of 2023.
14. As some of you may be aware, The **Regal Theaters** has filed Chapter 11 with the courts. They remain open for now and we have no information if that will continue.
15. I will ask at the end of our meeting to go into executive session regarding a personnel issue and possible to further discuss 36 Pulaski.
16. We have a potential date set for the Annual Prospect Terrace Fire Company Dinner and oath of office. It is Saturday, February 4th, starting around 6 pm. We will confirm the date and time in the near future.
17. Depending on weather conditions, here are tentative dates for fireworks at **Otsiningo Park**: 12/17. 12/31.
18. We are planning to conduct the Town **Oath of Office** for our recently elected officials on January 2nd and 4 pm. State Supreme Court Justice will be administering the Oath. The officials who were elected, Joel Kie, Sue Cerretani, Tom Burns, Sharon Exley, Judge Groover should notify me if they plan on participating. This includes myself and I will be participating.

Code Violations/Appearance Tickets

1. 215 Bevier St., multiple junk vehicles openly stored, no license plates
2. 10 Lawson Court, building deck, new roof, siding, no building permit
3. 44-46 Sowden, front steps extremely dangerous condition
4. 14 N. Moeller, siding being installed, no building permit, stop work order issued
5. Appearance Ticket issued to 15 Stearns, new roof installed without a permit, work was completed.
6. Appearance Ticket issued 26 Pulaski, open garbage stacked at curb, tall weeds and grass, debris around property
7. 440 Ferndale, downspouts are connected to sanitary sewer system
8. 650 Old Front St, which is the Econolodge, does not have a backflow preventer device installed.
9. 63 Adams St., garbage cans left in the road, and in town right away
10. 25 Boland rd., unpaid building permit, work has been completed
11. 68 Sowden, lawn mower and bikes stored on front lawn, also plywood, furniture in the street. Additional debris and trash on the north side of the property
12. 316 Glenwood rd., parking commercial vehicle on property.
13. 14 Maiden Lane, trailer parked in right away

December 12, 2022– REGULAR MEETING

SUPERVISOR’S REPORT CONTINUED

Building Permits

1. 10 Lawson Ct., new deck, siding and roof, construction started without a permit
2. 14 N. Moeller, new porch, and siding

Dog Control Officer Reports

TOWN: Total number of incidents: 6. Most are due to unlicensed dogs. One from someone who did not want to watch a friend’s dog any longer and needed shelter for the dog.

VILLAGE: Total number of incidents: 5 - all for unlicensed dogs.

NYSEG UTILITY SHUTOFF NOTICES:

No notices received

Next Town Board Meeting

Our next Town Board meeting is scheduled for Tuesday, January 3, 5:30 pm.

PUBLIC COMMENTS

No comments

COMMITTEE REPORTS

• **PUBLIC WORKS**

- No news to report.

• **FINANCE**

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **November 2022 Monthly Financial Report** for the **Town Clerk in the amount of \$1,070.00**. On a motion by Councilperson Gardner seconded by Councilperson Exley. All in favor.

○ **JUSTICE COURT REPORT**

Councilperson Gardner made a motion to accept the **May 2022 Monthly Financial Report** for the **Town Court** in the amount of **\$19,158.00** seconded by Councilperson Burns. State \$14,588 County credit \$40.00 Town \$4,610. All in favor.

○ **SUPERVISOR MONTHLY REPORT**

Councilperson Gardner made a motion to accept the **December 8, 2022 Supervisor monthly report** in the amount of \$2,240,829.30 seconded by Councilperson Morabito. All in favor.

December 12, 2022– REGULAR MEETING

ABSTRACTS FOR APPROVAL

On Motion from Councilperson Gardner, seconded by Councilperson Morabito to approve **abstract # 12**, dated **December 12, 2022** in the amount of **\$246,346.31**.

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 \$246,346.31.

Voucher #12 for December 12, 2022 in the amount of \$246,346.31:

| | |
|-------------------------------------|----------------------------|
| <u>General Fund</u> | <u>\$82,196.53</u> |
| <u>Part Town</u> | <u>\$138.16</u> |
| <u>Highway</u> | <u>\$149,339.11</u> |
| <u>Fire districts</u> | <u>\$0.00</u> |
| <u>Light Districts</u> | <u>\$3,073.73</u> |
| <u>Sewer Operating Dist.</u> | <u>\$4,800.74</u> |
| <u>Water Operating Dist.</u> | <u>\$6,798.04</u> |

• **PERSONNEL**

Nothing to report.

• **PLANNING BOARD**

- Planning Board Chair Jerry Ford stated that he received a response for his request to have **DEC** provide comments on the Glenwood solar project and the comments have been forwarded to the applicant. Supervisor Marinaccio asked that Mr. Ford forward a copy to Attorney VanWhy, the Board, Ron Lake, and Steve Rafferty. Mr. Ford commented that he has some concerns regarding the third applicant. Attorney VanWhy suggested that the Town Board schedule a special meeting on a solar moratorium for December 27th. Notice of Public Hearing should be submitted to the newspaper for publication tomorrow. The Board members agreed to schedule a special meeting.

APPROVAL OF MINUTES

On a motion by Councilperson Exley seconded by Councilperson Gardner to approve the **Work Session Minutes of November 7, 2022** and the **Regular Meeting Minutes of November 14, 2022**. 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.

December 12, 2022– REGULAR MEETING

Supervisor Marinaccio reported that the **Mortgage Tax receipt report** is \$24,306.28.

Supervisor Marinaccio received the **Agriculture and Markets Municipal Shelter Inspection Report**. There was one unsatisfactory item – one cell had flakey paint, and that has since been corrected.

ATTORNEY

DRAFT SOLAR MORATORIUM PRESENTATION

A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM WITHIN THE TOWN OF DICKINSON ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS

Mr. VanWhy outlined the specifics of the solar moratorium. This affects a moratorium on large scale energy solar systems within the town. It would allow rooftop or building integrated solar energy systems. These systems would not impact the community the way that a large-scale solar energy system would.

The one-year moratorium would be justified as the amount of development that has been focused on residential areas was not anticipated.

We prepared a one-year moratorium which Mr. VanWhy feels is an appropriately adequate anticipated time period for revising the solar law.

RESOLUTION 2022-48

A Public Hearing notice will be specifically advertised as a meeting which the public has the right to attend remotely as one of our board members potentially will need to attend remotely due to extraordinary circumstances.

The following Resolution was offered by Councilperson Morabito, 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 A PUBLIC HEARING FOR DECEMBER 27, 2022 At 5:30 PM REGARDING A SOLAR MORATORIUM.

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.

December 12, 2022– REGULAR MEETING

RESOLUTION 2022-49

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: APPOINTING JACLYN DIROSE AS DEPUTY TOWN CLERK WITH A SALARY OF \$47,224.00 WITH STANDARD TOWN BENEFITS EFFECTIVE ASAP.

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

RESOLUTION 2022-50

The following Resolution was offered by Councilperson Morabito, 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: RE-ADOPTION OF A LOCAL LAW AMENDING CHAPTER 484 OF THE TOWN CODE ENTITLED “STREETS AND SIDEWALKS”

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

RESOLUTION 2022-51

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 PURCHASE OF UTILITY MARKER LOCATER AT AN ESTIMATED COST OF \$10,666.00.

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.

December 12, 2022– REGULAR MEETING

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

All in favor

RESOLUTION 2022-52

The following Resolution was offered by Councilperson Morabito, 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: AUTHORIZING THE PURCHASE OF PIPE EQUIPMENT FOR THE SUNRISE TERRACE WATERLINE PROJECT AT AN ESTIMATED COST OF \$20,921.01.

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

36 PULASKI STREET UPDATE to be discussed in Executive Session.

RESOLUTION 2022-53

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 A PUBLIC HEARING FOR 5:30 PM JANUARY 3, 2023 REGARDING THE NEW YORK STATE UNIFORM CODE UPDATE

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

December 12, 2022– REGULAR MEETING

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

- Public Works Commissioner asked to schedule a public hearing for the installation of light poles.

RESOLUTION 2022-54

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: RESOLUTION: SCHEDULING A PUBLIC HEARING FOR 5:35 PM JANUARY 3, 2023 TO CONSIDER THE AUTHORIZATION OF CAPITAL IMPROVEMENTS OF TOWN OF DICKINSON CONSOLIDATED LIGHTING DISTRICT.

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

UPDATE: Public Works Commissioner Kie reported that they are installing short lights on the walk trail and hope to have everything done by Christmas.

Supervisor Marinaccio stated that he talked to the Regional Director. We will be taking over responsibility for the walk trail. It is State law. We will be responsible for paving the walk trail. Councilman Morabito is concerned that is not stated in writing that we are not responsible for the structural components of the bridge. Part of the path is going over the bridge. Supervisor Marinaccio will get clarification from the Regional Director.

Supervisor Marinaccio commented that the highway crew did a good job with the heavy snowfall yesterday.

ZONING

Nothing to report.

CODE

Nothing to report. The Code Department has been very busy.

December 12, 2022– REGULAR MEETING

Supervisor Marinaccio asked for a motion to go into executive session to discuss a personnel matter of employment promotion of an individual and possible litigation matter.

On a motion by Councilperson Morabito seconded by Councilperson Burns to go into Executive Session at 6:55 PM.

All in favor.

The meeting adjourned out of Executive Session and back into regular session on a motion of Councilperson Morabito and seconded by Councilperson Gardner at 7:45 PM. All in favor.

The meeting was adjourned on a motion of Councilperson Gardner and seconded by Councilperson Exley at 7:45 PM.

Respectfully submitted,

Susan M. Cerretani RMC

Town Clerk