

**February 7, 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, February 7, 2022 at the Town Hall, 531 Old Front Street, Binghamton, New York and via Zoom.**

<https://us02web.zoom.us/j/81766473907?pwd=SUxtS3RDRW1qWTdYUXVVCVVxcHNKQT09>

Meeting ID: 817 6647 3907

Passcode: 179227

Dial in phone number: 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  
Thomas J. Burns, Councilperson**

**Also attending:**

**Nathan D. VanWhy, Esq., Attorney for the Town (arrived at 5:44 PM)  
Susan Cerretani, Town Clerk**

**Also in attendance:**

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

**I. PUBLIC HEARING #1**

**5:30 PM RE: FENCE PERMITS (Opened by Supervisor Marinaccio at 5:31 PM)**

Public Works Commissioner Kie clarified that currently fence permits require Town Board approval. This action would remove Town Board approval and require only Code Enforcement approval.

Having no public in attendance and hearing no comments, the Public Hearing was closed at 5:32 PM. Supervisor Marinaccio stated that we will be voting on it next week.

**TOWN OF DICKINSON  
NOTICE OF PUBLIC HEARING**

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 February 7, 2022 at 5:30 p.m., or as soon thereafter as the matter may be heard, regarding a local law entitled "A Local Law Amending Chapter 294 of the Town Code entitled 'Fences.'" The purpose of this local law is to amend Section 294-3 regarding the fence permit application process.

TAKE FURTHER NOTICE that the environmental significance, if any, of the proposed local law will be reviewed by said Town Board incident to and as a part of said public hearing.

**February 7, 2022 Work Session**

Members of the public may attend in person. Those who cannot attend in person, or who do not wish to attend in person, may attend remotely:

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Interested persons shall be entitled to be heard upon said proposed local law. 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: January 21, 2022

SUSAN CERRETANI  
Town Clerk, Town of Dickinson

**II. PUBLIC HEARING #2**

**5:30 PM RE: TO CONSIDER A FRANCHISE AGREEMENT WITH SPECTRUM NORTHEAST, LLC, an indirect subsidiary of CHARTER COMMUNICATIONS (Opened by Supervisor Marinaccio at 5:32 PM)**

Supervisor Marinaccio stated that there was an issue with the agreement last year. We went through with the authorization and signed the contract, but for some reason it did not go through. There is a six-month timing issue. If the PSC does not receive a copy, it becomes null and void and we have to go through the process all over again.

Supervisor Marinaccio stated that there was a minor increase of 2% in the franchise fee. Mr. Gardner asked when the start date will be. Mr. Marinaccio stated that he is hoping as soon as possible. He is assuming that next week we will vote on it and sign it. The attorney will get it to Spectrum, they sign it, and it takes place. The Supervisor stated that he wishes it were retroactive, but he does not think it will be. Mr. Gardner remarked that it is a 10-year contract.

Supervisor Marinaccio closed Public Hearing #2 at 5:35 PM.

**TOWN OF DICKINSON  
NOTICE OF PUBLIC HEARING**

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 February 7, 2022 at 5:30 p.m., or as soon thereafter as the matter may be heard, to consider a franchise agreement with Spectrum Northeast, LLC, an indirect subsidiary of CHARTER COMMUNICATIONS.

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Interested persons shall be entitled to be heard upon said proposed agreement. 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.

Dated: January 31, 2022

SUSAN CERRETANI  
Town Clerk, Town of Dickinson

**CHAIR**

**Supervisor's Report  
February 7, 2022  
Town Board Work Session**

1. To all departments, please start working on your Town Newsletter articles: Planning Board, Zoning Board, Dog Control, Highway, Water/Sewer, Code Enforcement, Town Clerk, Town Court, Town Historian, Etc.
2. I have asked our town attorney to review our standing in the **Spectrum Contract** renewal and he will give us an update on this. The Dog Shelter contract renewal (6 years) is now ready for authorization. The 36 Pulaski St. owner has not submitted any plans for repair and 3 weeks have passed since the deadline of 2 weeks that was set for the owner to submit plans for restructure and repairs. I welcome comments and guidance from our attorney. I visited the property with Joel two weeks ago and was appalled of the total destruction status of this property. It is time to demolish it by the county or through a partnership with them.
3. We have seen various police and emergency service calls to several Pulaski Street addresses. All, as far as I am aware, were health related emergencies.
4. We continue to see police presence at the **EconoLodge**. The latest one was a health-related issue of a person who may not have been a resident at the hotel.
5. The county is working on evicting the people who have been residing at 51 Pulaski. It has been reported and witnessed that there are people living in the trailer/motor home located on the property. Neighbors have witnessed people living at this address, urinating outside the property. I have kept the county informed of these activities since they now own the property. I spoke to the new owner of 39 Pulaski Street, and he informed me that the

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present occupant is now considered a squatter and has to vacate the property by Feb. 15. This property has been in violation of many properties’ maintenance codes over the years.

- 6. I want to thank Joel and his public works staff for the great job of snow plowing and ice control they have be doing this winter season. I have received several calls from residents acknowledging this.
- 7. I am aware that many of our staff and town officials attended the mandated **Sexual Harassment and Discrimination Training**. This is an annual mandate and those officials and staff that have not attended the training must do so as soon as possible.

**ATTORNEY**

**CONTRACT FOR LOT NEXT TO THE HIGHWAY GARAGE**

Attorney VanWhy reported that we have an agreement from the sellers that needs to be approved by the Town Board and signed off on for the purchase of the lot next to the Highway Department Building for \$80,000.

**RESOLUTION: SUSPENSION OF THE RENEWAL REQUIREMENT FOR REAL PROPERTY PARTIAL TAX EXEMPTION FOR SENIORS**

**RESOLUTION 2022 - 5**

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: SUSPENSION OF THE RENEWAL REQUIREMENT FOR THE SENIOR EXEMPTION AND DISABILITY EXEMPTION:**

- o **RP-467 PARTIAL TAX EXEMPTION FOR REAL PROPERTY OF SENIOR CITIZENS**
- o **RP-459-C PARTIAL TAX EXEMPTION FOR REAL PROPERTY OF PERSONS WITH DISABILITIES AND LIMITED INCOME**

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.

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**TOWN OF DICKINSON**

**A RESOLUTION DIRECTING THE ASSESSOR TO RENEW CERTAIN REAL PROPERTY TAX EXEMPTIONS WITHOUT REQUIRING AN APPLICATION**

At a work session meeting of the Town Board of the Town of Dickinson, held on the 7th day of February, 2022, the following resolution was offered and seconded:

**WHEREAS**, in response to the ongoing Covid-19 pandemic, the Governor of New York State has issued Executive Order 11.1, which among other things addresses the renewal of certain real property tax exemptions; and

**WHEREAS**, such Executive Order specifically provides for the renewal of exemptions for persons with disabilities under Real Property Tax Law Section 459-c and for persons age sixty-five (65) or older under Real Property Tax Law Section 467; and

**WHEREAS**, such Executive Order allows a town, by resolution, to direct its assessor to renew exemptions under Real Property Tax Law Section 459-c or Real Property Tax Law Section 467 on the 2022 assessment roll to all property owners who received such exemptions on the 2021 assessment roll without requiring receipt of a renewal application; and

**WHEREAS**, such Executive Order allows a town to set procedures by which the assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died; and

**WHEREAS**, the Town of Dickinson, for the benefit of its residents, would like to provide for the renewal of such exemptions under Real Property Tax Law Section 459-c and Real Property Tax Law Section 467 pursuant to Executive Order 11.1 without requiring the filing of an application.

**NOW THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Dickinson, duly convened in regular session, does hereby resolve as follows:

**BE IT RESOLVED** that the Assessor of the Town of Dickinson is hereby directed, in accordance with Executive Order 11.1, to renew exemptions under Real Property Tax Law Section 459-c or Real Property Tax Law Section 467 on the 2022 assessment roll to all property owners who received such exemptions on the 2021 assessment roll without requiring receipt of a renewal application; and

**BE IT FURTHER RESOLVED** that the Assessor of the Town of Dickinson may still require the filing of a renewal application where the Assessor has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since

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changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, died or that some other disqualifying event has occurred; provided that, if the Assessors requires the filing of a renewal application, the Assessor shall provide written notice to the property owner that such renewal application is required; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**CERTIFICATION**

I, Susan Cerretani, do hereby certify that I am the Town Clerk of the Town of Dickinson and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Dickinson at a meeting thereof held on this 7th day of February, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Michael Marinaccio \_\_\_\_\_  
Councilperson Sharon M. Exley \_\_\_\_\_  
Councilperson Thomas J. Burns \_\_\_\_\_  
Councilperson Danny F. Morabito \_\_\_\_\_  
Councilperson Steve M. Gardner \_\_\_\_\_

Town of Dickinson Seal

Dated: February 7, 2022

\_\_\_\_\_  
Susan Cerretani  
Town Clerk of the Town of Dickinson

## February 7, 2022 Work Session

### **UPDATE: 36 PULASKI STREET**

Supervisor Marinaccio and Public Works Commissioner toured the 36 Pulaski St property. Attorney VanWhy stated that we provided Mr. Broward three weeks, but he has not provided the required information that was requested of him. The Town Board indicated that they would like to move forward with the process if he did not provide the information. Supervisor Marinaccio stated that Mr. Broward has not paid his property taxes. Mr. Broward has until April to pay his taxes. Attorney VanWhy stated that the Town has the authority to commence with demolition. Supervisor Marinaccio will work with the County from this point forward.

### **DISCUSSION: SMOKE FREE GROUNDS POLICY**

Attorney VanWhy stated that the Town adopted a Smoke Free Policy for the Park in 2014. Mr. VanWhy asked Clerk Cerretani to distribute a copy of the original policy to the Board members. The County Health Department has approached the Town and suggested that some revisions be made to the policy to make more explicit that the smoking ban includes the smoking of cannabis products. Supervisor Marinaccio would like to include no smoking on Town of Dickinson property. We opted in; we did not opt out. Mr. Marinaccio thinks it would be in the best interest of our residents to limit the number of dispensaries to two or three located in properly zoned areas. Mr. Marinaccio and Councilperson Gardner suggested that the three gas station/convenience stores located in the town would be good choices for dispensaries. Attorney VanWhy stated that a convenience store cannot sell both alcohol and cannabis. Mr. VanWhy stated that by the next work session we will have some draft language showing red line changes to the existing policy and we will be able to take action on that at the March regular meeting. In regard to the number of dispensaries allowed in the town, Mr. VanWhy is looking into what authority towns and villages have and will follow up with that information.

### **DICKINSON AND CHENANGO WATER AGREEMENT FOR 2022**

Attorney VanWhy stated that the next item up for discussion is the Town of Dickinson and Town of Chenango Water Agreement for 2022. Public Works Commissioner Kie stated that five to eight houses at the end of Hickory Rd. are on our water line, and it would be in our best interest we maintain. We will take action at next week's session.

### **SPECTRUM**

Mr. VanWhy explained that we held a Public Hearing, on our end the agreement was finalized and approved. Spectrum did not have their final sign off internally until too late because it was past the PSC's window.

### **DASNY GRANT**

Supervisor Marinaccio stated that he received a call from Tammy Knotts, the State representative overseeing the seven-year-old **DASNY Grant**. We are close to turning in all that we have spent on the doors and security system and if all of it falls into place it will be nine hundred dollars out of our pocket. Once everything is sent in it will go to accounts payable at the State level for our re-imbusement.

## February 7, 2022 Work Session

Supervisor Marinaccio announced that Beverly Wike is looking to retire in July. He will be meeting with her on Thursday to discuss a job description for her replacement.

### **PUBLIC WORKS**

- Public Works Commissioner Kie reported that we had three water breaks in twenty-four hours. Matt Fitzpatrick and the guys came through.
- Mr. Kie reported that the storm beat the crew up.
- Mr. Kie put a request in to David Ligiekis for the Town to put an access road to the sewer pump station at **BCC**.
- Supervisor Marinaccio reported that there was a problem with the muffin monster grinder at the jail. Supervisor Marinaccio informed Sheriff Harder that they need to inspect it at least once a week.

### **ZONING**

Zoning Board Chair Jeanne Compton reported that they are holding on the Downs Ave. zoning issue and she has some legal questions she would like to discuss with the attorney.

### **CODE**

On motion by Supervisor Marinaccio, the work session was adjourned on a motion from Councilperson Gardner and seconded by Councilperson Exley at 6:17 PM.

Respectfully submitted,

Susan M. Cerretani, RMC  
Town Clerk