

May 1, 2023- 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, May 1, 2023 at the Town Hall, 531 Old Front Street, Binghamton, New York.

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
Wendi Evans, Town Clerk

Also in attendance:

Public Works Commissioner Joel Kie, Code Enforcement Officer Kyle Doyle, Town Engineer Ron Lake, Tom Pudish, Jim Love, and Jason Delanoy

PUBLIC HEARING

5:30 P.M. "A LOCAL LAW AMENDING THE TOWN ZONING CODE TO PROHIBIT COMMERCIAL BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN."

Supervisor Marinaccio opened the Public Hearing at 5:32 P.M.

PUBLIC COMMENTS:

Jim Love wanted to know the reason for not wanting the **Commercial Battery Storage Systems**. He had been on a tour with other individuals on town board and he believed they were set up nicely and he thought it was all moving forward to have them but now there seems to be a sudden change. Supervisor Marinaccio opened it up to the board for them to explain their thoughts on it. Councilperson Exley explained that her concern was that a majority of the Commercial Battery Storage Systems are in business, industrial, or commercial areas and our town does not have enough space for that. Supervisor Marinaccio agreed, and his concern is we do not have any space for them and then they will put them in residential areas. Councilperson Morabito was also concerned they would be put in residential areas. Jim Love questioned how the code was written and Attorney VanWhy explained it is not allowed unless it is a public utility.

- The town board's possible action on the Public Hearing will be on the 5-8-23 Regular Meeting agenda.
- No comment from the County on the 239 Notice on the ban

Public Hearing was closed at 5:45

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CHAIR

Town Board Work session May 1, 2023

1. I received a copy of the Proposed **Prospect Terrace Fire Company** contract proposal. We do not need to decide on it until later this year as we develop our 2024 Town Budget.
2. We are aware that **The Regal Cinema** is going through a Chapter 11 process. When we noticed that the Regal sign on the building was being taken down, everyone thought they were preparing to close. Thanks to Kyle Doyle visiting the theater to schedule a fire protection inspection, he was told that there are no plans for this complex to close. I researched regal and read that there are around 30 or mor regal Theaters that are closing throughout the country but the one in our town is not on the closing list. This is good news, and we are hoping for a good outcome for the theater.
3. Joel informed me that the **NYS DOT** is planning to repair the portion of Front St. located near the Gardens development and Van Winkle Dr. Not sure how far they will repair the road, but it looks like a complete repair/replacement of the damaged portion of the road.
4. Joel also informed me that Delta Engineers is looking at the drainage issues on John St. This issue was addressed at the resident and county officials meeting last month so when and if the purchase of the Boland property is complete, this issue will be addressed.
5. Darrell and I met twice with someone who has assisted us in the development and reporting of the **ARPA** funds we received. I am happy to report that we met our obligation to make a progress report with the federal government reporting system and two of the three projects we have completed and are presently working on. When the third project is complete, there should be approximately \$17K left in the fund. We can then discuss possibilities of using the remainder of this fund that meets the criteria of ARPA.

Comments: Tom from the **Prospect Terrace Fire Company** has done some research and **NYSEG** has 2 substations in the district and both of them are way under on their assessment for property taxes. They do not pay their share as far as he is concerned. The figures he gave were concerning and Supervisor Marinaccio was going to discuss it with the Assessor Jack Cahill with the concerns.

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ATTORNEY

There was a bid return for demolition for **36 Pulaski**. We did not award them immediately as we wanted to give Mr. Brouard a last notice that we now have people lined up and he replied that his engineer assured that they could get everything fixed over the summer. Attorney VanWhy made it clear to him that we are going to move forward with the demolition unless we get a resolution with the Town making an offer and purchasing the property. Mr. Brouard has not responded. Attorney VanWhy has advised the board to move forward with this and award the lowest bidder and move forward to demolish this property. There will be an asbestos monitoring contract that will also need to be awarded. The board will award the demolition contract and the asbestos monitoring contract in the next Regular Meeting. We are working under a court order, and he has chosen not to do anything so he will not have any recourse against the town. Supervisor Marinaccio was hoping he would take our offer of \$5,000, we would take over the property, and the Land Bank would have paid for most of the demolition but that will now not be an option. The supervisor stated that the town has demolished 7 or 8 properties in the past few years.

PUBLIC WORKS

No comment

CODE

Code Officer Doyle explains that Chapter 265 of Construction codes and Uniform codes under building permits is confusing. Section B says there are exemptions to the building permits. It says no building permit is required for work of any of the following categories: You go down to #3, it says the installation of fences which are not part of an enclosure to a swimming pool. Confusion with it being on the website that we have a permit fee for fences, and under the fences section in code, it states that a permit is required for fences. Code Officer Doyle recommends that we remove that from the exemption list or otherwise clarify the code. Supervisor Marinaccio agreed. Attorney VanWhy will present the board with the change to review.

Code Officer did a fire Inspection at Fairview Recovery and speaking with the building manager stated that they are awaiting grant money from the state to begin the renovations to the old St. Anne school.

Code Officer Doyle is looking into the status of the structure of the old State Stan school.

ZONING BOARD

No comment

PLANNING BOARD

No comment

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PUBLIC COMMENTS

- Councilperson Gardner explained that we signed the Bond Anticipation Note in the amount of \$900,000 for Sunrise Dr. project on April 24, 2023. We will have the BAN for 1 year, will pay \$41,400.00 in interest, and an interest rate of 4.6%, at the end of the year we can convert it to a serial bond.
- Tom Pudish questioned if the **Property Tax Relief** was ready to act on. Supervisor Marinaccio explained that the board is ready to move forward with it and Attorney VanWhy will prepare a Resolution to schedule a Public Hearing on the draft law for next month.

On motion by Supervisor Marinaccio, the work session was adjourned by a motion from Councilman Morabito and seconded by Councilman Burns at 6:19 PM. all in favor.

Respectfully submitted,

Wendi Evans
Town Clerk