

**October 15, 2024 – 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 Tuesday, October 15, 2024, in the Town Hall, 531 Old Front Street, Binghamton, New York. This meeting was changed to Tuesday because the Columbus Day Holiday falls on the normally scheduled meeting date of the second Monday of the month.**

**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:**

- Nick Cortese, Esq., Attorney for the Town**
- Wendi Evans, Deputy Town Clerk**
- Public Works Commissioner Joel Kie, Code Enforcement Officer**
- Kyle Doyle, 5 Guests**

**SUPERVISOR’S MONTHLY REPORT  
October 2024**

1. I reviewed the credit card charges and did not see any issues
2. We received a state aid payment in the amount of \$34,578.00 for our Town. This is the annual September AIM (Aid and Incentives to Municipalities) payment.
3. I received a copy of the Broome County Dog Shelter report from NYS Ag & Markets which indicated 5 unsatisfactory issues: kennels rusty, indoor trash cans in kennel area with no lids, chipped paint, rust on kennels, dog food, treats, bones, etc. must be stored properly, one dog euthanized by veterinarian without documentation.
4. I received the Annual Fiscal report from NYS Audit & Control.

As of August 30, 2024, our review of the 2023 Annual Financial Report (AFR) for your Town has been completed. No designation means that our town, once again, has a very good fiscal standing. Please note that No Designation is positive.

	<b>Fiscal Stress</b>		<b>Environmental Stress</b>	
<b>FYE</b>	<b>Score</b>	<b>Designation</b>	<b>Score</b>	<b>Designation</b>

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<b>2021</b>	10.0	No Designation	16.7	No Designation
<b>2022</b>	6.7	No Designation	16.7	No Designation
<b>2023</b>	3.3	No Designation	6.7	No Designation

5. NYS Comptroller, Thomas DiNapoli, reported that sales tax revenue for August was up 3.8% which has a positive impact on our town.
6. I want to congratulate our Public Works Commissioner Joel Kie on his soon to take place appointment to the NY Association of Towns Resolution Committee. I am looking forward to working with Joel since my position with the Executive Board of NYAOT includes membership of the Resolutions Committee.
7. Councilman Gardner and I attended the Inauguration of Tony D. Hawkins at the Forum Theater. He is the eighth president of SUNY Broome Community College.
8. I participated in the NY Association of Towns Supervisor’s Roundtable last week and it was very interesting on how many towns in NY are exceeding the tax cap this year, some as high as 10 to 15% higher. Cost of health insurance, equipment and staff salaries were listed as the main contributor of the increases. Thanks to the hard work of our staff and town board, we once again will remain under the 2% tax cap. As an Association, we are having discussions with our state representatives in at the very least, revise the tax cap to reflect the ever-increasing costs that towns are experiencing.
9. As you may have heard, the NY State Supreme Court has struck down the “even year election bill” as unconstitutional. This is a tremendous win for local government across the state. An appeal is very likely.
10. We received the 2<sup>nd</sup> quarter fees for the inmates from other jurisdictions housed at the Broome County Jail for the amount of \$25,829.05
11. We will receive our AIM revenue share from the state for the amount of \$34,578.
12. The Annual Trunk and Treat event will once again be held at our town parking lot on October 26, starting at 1 PM.
13. Thanks to quit action by our finance person, Darrell, who discovered an attempt by someone to use a copy of our town check to extract a great deal of money from our account. This happened when we sent a check to a company in Texas to pay for equipment we purchased for our baseball field. We will now have additional protection on this sort of issue from our bank.

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**14. Code Enforcement Monthly Report September**

**Violations**

<b><u>Property</u></b>	<b><u>Type</u></b>
620 Old Front St	Fire Protection and Life Safety System
14 Pleasant CT.	Trash and Debris
31 Pulaski St	Tall Weeds and Grass
210 Lower Stellas Ireland Rd	Trash and Debris
19 Ballaire Ave	Trash and Debris
400 Prospect St	Tall Weeds and Grass
38 Sowden St	No Building Permit for Roof

**Permits Issued**

<b><u>Property</u></b>	<b><u>Type</u></b>
24 N Ely St	Renewal - Siding
65 Sunrise Dr	Siding
21 Jameson Rd	Roof
926 Upper Front St	Roof
881 Upper Front St	Temporary Signs
249 Glenwood Rd	Fence
26 Adams St	Roof
116 Old State Rd	Renovation/Addition
120 Rosedale Dr	Fence
102 Iris Dr	Roof
41 Rogers Mountain Way	Roof
36 Rogers Mountain Way	Shed
80 Sunset Dr	Garage Plumbing
166 Glenwood Rd	Solar Project - Extension
38 Sowden St	Roof

**Appearance Tickets**

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**Property**

7 N Ely St

**Type**

Property Maintenance

**Inspections**

**Property**

14 Stearns Rd.

**Type**

Home Inspection

158 Rosedale Dr

Home Inspection

6 Linda Dr

Home Inspection/CO Issued

36 Rogers Mountain Way

Site Plan Visit

83 Sunset Dr

Fire Inspection

80 Sunset Dr.

Garage Inspection

**Letter of Compliance**

392 Prospect St

**Training Hours**

Energy Code for Existing Residential Buildings

1HR

Overview of Alterations in the 2020 EBCNYS

1HR

**15. Dog Control Officer**

**Village & Town:** Town of Dickinson/Port Dickinson Dog Control Summary September 2024:

6 Stray Dog Calls 3 dogs transported to the shelter. 86 Miles on Fenton DCO Van, 12 Calls pertaining to “other” animals. 32 Calls for other towns to be redirected. 56 Phone calls received. 123 Phone calls Made (including past due reminder calls. 4 E-mails Received. 4 E-mails Sent. 6 Tickets issued.

**16. NYSEG Utility Shutoff Notices:**

**No notices received as of this report**

**Next Town Board Meetings: Work Session, November 4, 2024, 5:30 PM**

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### PUBLIC COMMENTS

A concerned resident commented that she would like to see a 4-way stop sign at Ukrainian Hill. The concern is there are very young children that live in the neighborhood and people do not stop at the stop sign and go by at a high rate of speed. After some discussion Supervisor Marinaccio explained that they would review it and see what we can do to make it safer.

### COMMITTEE REPORTS

#### • HIGHWAY

- Councilperson Morabito explained that they have hired 1 individual for the highway dept. His start date will be Monday Oct. 21<sup>st</sup>.
- Brush pick up will continue till Nov. 11<sup>th</sup> and leaf pickup has begun.
- The paving is all complete, so all the projects are completed for this year.
- Water truck body delivery will be after Thanksgiving.

#### • WATER/SEWER

- Councilperson Exley explained that regarding the BOCES project, Water Supervisor Fitzpatrick informed her that they did not have a permit and when he confronted them about it they proceeded to tell him that they did not need one. When it comes to water/sewer projects they are definitely required to have one. Commissioner Kie explained that last Wednesday they had a round table meeting with our Code Enforcer, Water supervisor, Town Engineer and himself with their engineers, site manager, facilities manager and had a very good meeting. They are now going to communicate with our code enforcement officer. They are going to address an issue with the drainage system on Maiden Ln. while they are now improving things.
- Town of Chenango has notified us that they are raising their water rates from \$2.65 to \$2.78. It is an annual agreement which will be \$13,000 more. They are also raising the water rates of their residents. Supervisor Marinaccio commented that we have already completed our budget so he would like to notify them and let them know we would like to know ahead of time next year and ongoing before we do our budget. The board feels this year we can absorb this increase.
- Councilperson Exley explained that Town Of Chenango has an ordinance regarding commercial backflow valves. They test the backflows prior to the date that their due which goes with the water billing. If a commercial property does not have a backflow valve the fine is levied automatically and on to their water bill. We do not have anything like that in place so the water supervisor thought that may be something to consider. Attorney Cortese explained that you can enforce any type of penalty without due process. Fees you can set and change by resolution, but you can't disguise a penalty as a fee. Regardless of how municipalities are handling it that is how they would advise it to be done. We have a couple businesses that this would pertain to. Not complying, could be fined up to \$1,000 a day.

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- Councilperson Exley explained that there are about 95 to 100 accounts that are sewer only and do not pay the maintenance fee. They are hooked up to the sewer, but they have a well. They are not being charged the water/maintenance fee. The maintenance fee is covering the water. We have talked about restructuring it. People are being charged for using the sewer lines and there are other people that are not. That is not fair to the people that are being charged for it which is a valid point. The fee is mainly for water, but the board is going to review and discuss it to make sure it is fair for everyone.

- **FINANCE**

- **TOWN CLERK MONTHLY FINANCIAL REPORT**  
Councilperson Gardner made a motion to accept the **September 2024 Monthly Financial Report** for the **Town Clerk in the amount of \$1,585.00**. On a motion by Councilperson Gardner seconded by Councilperson Morabito. All in favor.
- **JUSTICE COURT REPORT**  
Councilperson Gardner made a motion to accept the **July and August 2024 Monthly Financial Report** for the **Town Court** in the amount of **July-\$9,723.00 and August-\$8,422.00** On a motion by Councilperson Gardner seconded by Councilperson Exley. All in favor.
- **SUPERVISOR’S REPORT**  
Councilperson Gardner made a motion to accept the **September 2024 Monthly Financial Report** (ending balance) for the **Town Supervisor in the amount of \$2,292,607.60** seconded by Councilperson Burns. All in favor.
- **ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Burns to approve **abstract # 10**, dated **October 15, 2024**, in the amount of **\$464,410.37**. 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 \$464,410.37.**

**Voucher #10 for October 15, 2024 in the amount of \$464,410.37**

<b><u>General Fund</u></b>	<b><u>\$74,140.65</u></b>
<b><u>Part Town</u></b>	<b><u>\$3,060.00</u></b>
<b><u>Highway</u></b>	<b><u>\$68,141.98</u></b>
<b><u>Light Districts</u></b>	<b><u>\$4,299.50</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$265,527.10</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$49,241.14</u></b>

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**DISCUSSION:**

Supervisor Marinaccio commented that we have been working on our contract with Constellation and NYSEG. We have purchased our electricity from Constellation for a number of years. The contract is up for renewal in November. Supervisor Marinaccio reviewed it with Councilperson Gardner and Darrell to see if it is worth staying with them or transfer to NYSEG. Constellation said we pay on average 6.92 cents per kilowatt-hour. NYSEG rate on average would have been 5.05 cents per kilowatt-hour. This is the supplied expense. The total expense is \$84,000/year. If we had been on NYSEG we would have saved over \$7,000. Constellation has proposed a new rate for the next 12 months which would take effect on 11/1 if we choose to stay with them. The new rate would be 6.874 cents for the first year. If we stay for 24 months the rate would be 7.048 cents as they anticipate rates to go up. Councilperson Gardner recommends that we switch it all back to NYSEG for 2 reasons. We paid more last year to Constellation and also, now Darrell is paying 2 bills as we do have NYSEG power in certain areas. Councilperson Morabito commented that Constellation is a fixed rate and NYSEG was a variable so going with Constellation we have the benefit of knowing what the rate is going to be on a fixed rate but should review it each year. Supervisor Marinaccio will have to review the contract to find what type of notification we will need to cancel with Constellation. He believes it's December.

On a motion by Councilperson Gardner seconded by Councilperson Exley to approve to **DISCONTINUE OUR CONTRACT WITH CONSTELLATION AND TO SUPPLY OUR POWER NEEDS WITH NYSEG.** All in favor.

Vote- Ayes-5, Nays-0, Absent-0.

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

All in favor.

• **PERSONNEL**

Nothing to discuss.

• **PLANNING/ZONING**

Nothing to discuss.

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**APPROVAL OF MINUTES**

On a motion by Councilperson Morabito seconded by Councilperson Gardner to approve the **September 9, 2024, Work Session Meeting Minutes/Regular Meeting Minutes**. All in favor. Vote- Ayes-5, Nays-0, Absent-0.

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

All in favor.

**ATTORNEY**

**RESOLUTION 2024-24**

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: ADOPTING LOCAL LAW #9-2024 ENTITLED A LOCAL LAW AMENDING CHAPTER 528 OF THE TOWN CODE REGARDING PARKING ON GLENWOOD ROAD.**

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.

**Town of Dickinson**

**Resolution No. \_\_\_\_\_ 24 \_\_\_\_\_**

**Resolution Adopting Local Law #9-2024 entitled  
A LOCAL LAW AMENDING CHAPTER 528 OF THE TOWN CODE  
REGARDING PARKING ON GLENWOOD ROAD**

At a meeting of the Town Board of the Town of Dickinson held at Town Hall,



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531 Old Front Street, Binghamton, New York on the 15th day of October, 2024, the following resolution was offered and seconded:

**WHEREAS**, the Town of Dickinson scheduled a public hearing for October 7, 2024 at 5:30 p.m. for Local Law No. 9 of 2024 entitled “A LOCAL LAW AMENDING CHAPTER 528 OF THE TOWN CODE REGARDING PARKING ON GLENWOOD ROAD”; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town and posted on the Town Clerk’s signboard; and

**WHEREAS**, said public hearing was duly held on the 7th day of October, 2024 at 5:30 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act, it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(c)(22) and (33); and

**WHEREAS**, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby adopts said local law as Local Law No. 9 of 2024 entitled “A LOCAL LAW AMENDING CHAPTER 528 OF THE TOWN CODE REGARDING PARKING ON GLENWOOD ROAD”; a copy of which is attached hereto and made a part hereof; and be it further

**RESOLVED** that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and be it further

**RESOLVED** that this resolution will take effect upon filing with the Department of State.

**CERTIFICATION**

I, Wendi Evans, 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 at Town Hall, 531 Old Front Street, Binghamton, New York on this 15th day of October, 2024. Said resolution was adopted by the following roll call vote:

Supervisor Michael Marinaccio     Aye      
Councilperson Sharon M. Exley     Aye      
Councilperson Thomas J. Burns     Aye      
Councilperson Danny F. Morabito     Aye

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Councilperson Steve M. Gardner     Aye    

Town of Dickinson Seal

Dated: October 15, 2024

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Wendi Evans  
Town Clerk of the Town of Dickinson

**RESOLUTION 2024-25**

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: SCHEDULE A PUBLIC HEARING FOR THE TOWN OF DICKINSON 2025 BUDGET AT 5:30 PM NOVEMBER 4, 2024.**

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.

**COMMENT:**

Attorney Cortese gave an update on the letter that the county sent to a lot of municipalities regarding the towns being charged a fee per taxable piece of real property within the town to account for the fact that they believe under a current court decision that they are no longer able to recoup their costs of doing so through the excess cost of foreclosures that they get that are over and above the taxes that are owed. Their office had a meeting to discuss this topic, and he has taken on the task on behalf of any of their municipalities who might be interested in what recourse they have to look at contracts and statutes on whether the county can actually do this. If or what extent that they can and to the extent that there are solutions available they will be providing them to anyone that is interested and if there is some kind of uniform, template letter of opposition to the extent that towns want to oppose the implementing of these fees they will be developing that as well. He expects to have some conclusions by the end of the week. Attorney Coughlin should be distributing information on it in the very near future.

**DEPARTMENT REPORTS**

• **Highway Department**

- Commissioner Kie commented that yard wastes stops Nov. 11<sup>th</sup>.
- Commissioner Kie commented that the issue with the “Stop sign” on the Ukrainian Church Rd. is an enforcement issue not a stop sign issue. The stop sign is not going to help the one street because there is hardly any traffic and the only time it will help the other street is on church day. The problem is the people drive right through the stop sign. They are going to make the law enforcement aware of the situation.
- Projects that were scheduled for this year have all been completed.

• **Code Enforcement**

**RESOLUTION 2024-26**

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: IMPLEMENTING THE NEW FEES FOR BUILDING PERMITS INVOLVING NEW CONSTRUCTION, ADDITONS/ALTERATIONS AND PEDDLER’S OR SOLICITOR**

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.

- Code Enforcer Doyle explained that a individual came into the town office and requested to know who owned the property behind the building. The individual had spoken with DEC, and they told him he could not hunt off of Ridge road but that he could hunt over here. Code Enforcer Doyle told him that the town owns that part of the property. He explained that as of right now we do not have anything in code that states no hunting is allowed. Another option would be to put Post-It signs if that would help incur people as well. Attorney Cortese commented that there are many reasons why he would not be able to do that. This location is hunting in public lands which is not permittable. Another reason you would be allowing people to use public land for free

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for their own benefit and that could conceivably violate the gift and loan clause constitution because you're taking animals off of public property for their own personable benefit. The board does not agree with anyone being able to hunt on the property.

- Code Enforcer Doyle gave an update on the Solar site. There was no screening as part of the review, so we are working currently with the developer to have something put in place. They are reviewing it as part of their plans. He has asked them for an update, and they are currently still reviewing and will let him know. He has gotten positive feedback from the site supervisor and said it shouldn't be a problem. Commissioner Kie commented that a plan will make it better but it's not going to solve the problem. There is no night work going on as they are completed at 5 or 6 each day. It should be completed at the end of November or the first part of December. He will keep the board informed as he is made aware of any information.

- **Planning/Zoning**

Nothing to discuss.

The meeting was adjourned on motion of Councilperson Morabito and seconded by Councilperson Burns at 7:45 PM.

Respectfully submitted,

Wendi Evans  
Town Clerk