

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, February 12, 2024 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 in attendance:

**Keegan Coughlin, Esq. Coughlin & Gerhart
Wendi Evans, Town Clerk
Code Enforcement Officer Kyle Doyle, Public Works Commissioner Joel Kie, Executive Assistant Darrell Dennison, and 5 guests**

CHAIR

SUPERVISOR'S REPORT

Supervisor's Report February 2024

Personnel: By order from the State of New York Court of Appeals, Randy Hall has been officially removed from the position of Dickinson Town Judge as of February 7, 2024. The Town Board, along with Judge Kathy Groover, will be meeting to discuss what options we now have in replacing Mr. Hall.

1. I reviewed the credit card monthly charges and found no issues.
2. We received a mortgage tax payment from the county for the amount of \$18,142.81.
3. Just a reminder of what I stated last week, A word of caution to all our staff and town officials regarding phone and internet scams: We have been experiencing many scam emails and phone calls, texts, etc. so everyone needs to be extremely aware of this.
4. We are receiving our property tax warrant payments from the county. One for \$280,000 and the second for \$300,000 with a balance owed of \$509,346.78. Total that was owed was \$789,346.78.
5. We received the 4th quarter payment of the Traffic Diversion program for the amount of \$30,600.
6. Another inspection of the BC Dog Shelter was conducted by Ag and Markets and most of the issues there were resolved with the exception of two, one dealing with repairs of walls and floors, the other with municipal written contracts.

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7. We received the 4th quarter 2023 sales tax distribution check \$294,118.11. The total for the year 2023 is \$1,119,409.01. We had estimated \$900,000 in our 2023 budget. For 2024, we estimated receiving \$1,000,000.
8. I attended a press conference on Friday, February 2, at the new softball fields that used to be the BASGSAI complex. The fields are extremely well done. The announcement was that the NYPHSAA will be holding their softball championships at this site as well as the basketball championships at the arena. This is fantastic news. We expect to have these events generate around 1 million dollars or more into our economy here with several thousand visitors attending these events.
9. A reminder to forward any photos, articles, etc. to me to be used in our 2024 Town Newsletter. I would like to complete the draft of the newsletter by the end of March.
10. I have asked Joel to look into our current Park Security cameras and advise of possible upgrades to the system.
11. With assistance from Councilman Gardner, Vestal Councilwoman Messina and Town of Binghamton Supervisor Rounds, we are attempting to revitalize the Broome County Association of Towns & Villages through letter writing and email messages. We are recommending some changes and finalizing these changes with membership authorization. More of this as we move forward.

12. Code Enforcement Monthly Report

Violations	
Property	Type
47 Adams St	Damaged Fence
367 Prospect St	Trash and Debris
40 N Moeller St	No Building Permit/Stop Work Order
46 Sowden St	Trash and Debris
48 Pulaski St	Trash and Debris
51 Pulaski St	Structural Issues
840 Upper Front St	Fire Inspection Violations
861/863 Upper Front St	Fire Inspection Violations
900 Upper Front St	Fire Inspection Violations
362 Prospect St	Trash and Debris
37 N Ely St	Trash and Debris
40 Downs Ave	Trash and Debris
52 Pulaski St	Trash and Debris
Permits Issued	

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Property	Type
212 Rundall Pl	Roof
558 Old Front St	Shed
40 Fuller St	New 2 Family Homes
Appearance Tickets	
Property	Type
48 Sowden St	Trash and Debris
26 Pulaski St	Trash and Debris
Fire Inspections	
Property	Location
861 Upper Front St	St Louis Manor
863 Upper Front St	Elizabeth Church Manor
840 Upper Front St	Broome County Farm & Home Bureau Campus
900 Upper Front St	Regal Cinema

2023 Code Enforcement End of Year Report

213 violations (118 last year), 83 Building Permits (37 last year), 63 Bld/Fire inspections (40 last year), 20 Court Appearance Tickets (20 last year)

Dog Control Officer Reports: Village & Town:

Town Of Dickinson/Port Dickinson Dog Control Summary January 2024:

2 Stray Dog Calls 2 dogs transported to the shelter. 29 Miles On Fenton DCO Van, 3 Calls pertaining to “other” animals. 6 Calls for other towns to be redirected. 12 phone calls received. 31 Phone calls made (including past due Reminder calls) 6 E-mails received. 6 E-mails sent. 5 Tickets issued. 0 court appearances

NYSEG Utility Shutoff Notices: No notices received.

Next Town Board Meetings

Work Session, Monday, March 4, 5:30 PM.

Regular Board meeting, Monday, March 11, 6:00 PM

PUBLIC COMMENTS

A guest commented on behalf of Martha Diezmann/ECA Solar regarding an objection letter that the Town received that the board was given at the previous meeting to review. The objection is regarding a property that has been under contract for a year and does not fall under the new Solar development law being voted on nor can they apply. ECA was told not to apply for permits because of the moratorium so they did not. The letter explains how they do not see any reason for the ¾ mile exclusion because what’s going to govern how much solar

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development there is on Glenwood Dr. is how much solar inner connection can be allowed at the sub station which will permit only 2 communities solar eligible projects be developed in that area. It seems arbitrary that there cannot be anymore development than the properties that have already been applied for which is understandable but the fact that no one else can apply for permitting seems arbitrary and they would like to ask the board to consider amending this regulation to eliminate that provision.

Attorney Coughlin explained and gave a brief overview of what the town has done in considering solar development. The town board took from the solar committee which included no elected officials. That committee presented options to the Town Board, those options included regulating solar by zoning district, it included regulating solar leaving it as it was, and eliminating solar altogether or the overlay district. The town board took those recommendations and considered what the goals and objectives of the town board which is to preserve the rural residential character of Glenwood Rd. and balance that struck currently in that area we have a lot of houses, we have some rural areas, we have BOCES, and we have the apartment complex in the neighborhood. The town board chose $\frac{3}{4}$ of a mile after reducing from 1 mile because 1 mile put outside of the town boundaries, so they did not want over density of solar development on Glenwood Rd. and strike a balance between the character of the community and that is where the $\frac{3}{4}$ of a mile was chosen.

The guest explained how it seemed unfair that his property becomes automatically excluded from applying and competing the American way with the others that you already allowed. She believes they are arbitrarily excluded. Attorney Coughlin explained that it was not arbitrary, it was a density concern to balance the existing allowed uses and the character of the neighborhood and the project above the cemetery went through the approved process and was a formally approved already project. That one was logically the first one added and from there the town thought about distance requirements from any existing site. The property owner is not sure what he will do with the property since no other solar projects are allowed to apply for development.

The owner of the property explained that he could go different directions with it that are going to be more invasive that are allowed. He says that it is a good use of the property. He wants to urge the board to consider it because the other options that I can do are allowed but may not be as desired as this. He would ask the board to go back and rethink what is going on with this current legislation and give it some reconsideration.

Supervisor Marinaccio explained that his property when purchased was zoned what it is today, which is R1 25 years ago. He explained that he took it as a threat as did Councilperson Exley but he understood where he was coming from. He explained that we were getting hit with many, many possible applications. We only had 2 formal applications, that is when they decided that a moratorium needed to be put in place to protect our neighborhoods as it would affect them. The committee spent hours and hours looking at this and they thought this would be the fairest way to handle it. We are a small town and we do not have a lot of land. 90% of our town is residential.

COMMITTEE REPORTS

• **PUBLIC WORKS**

Nothing to report.

• **WATER/SEWER**

- A leak was found on Longview. It has been fixed.
- Water/Sewer billing software has been purchased from Williamson Law but they are running behind so it should be in place after the next cycle.

• **FINANCE**

○ **SUPERVISOR’S REPORT**

Councilperson Gardner made a motion to accept the **December 2023 Monthly Financial Report** for the **Town Supervisor in the amount of \$1,801,092.45** seconded by Councilperson Morabito. All in favor.

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **January 2024 Monthly Financial Report** for the **Town Clerk** in the amount of **\$995.00** seconded by Councilperson Exley. All in favor.

○ **JUSTICE COURT REPORT**

Councilperson Gardner made a motion to accept the **December 2023 Monthly Financial Report** for the **Town Court** in the amount of **\$17,256.00** seconded by Councilperson Burns. State \$12,356.00 County \$165.00 Town \$4,725.00
All in favor.

○ **ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Exley to approve **abstract #2** dated **February 12, 2024** in the amount of **\$657,552.61**.

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. The abstract incorporated the closeout of December.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$657,552.61.

Voucher #02 for February 12, 2024 in the amount of \$657,552.61

<u>General Fund</u>	<u>\$126,162.89</u>
<u>Part Town</u>	<u>\$1,353.60</u>
<u>Highway</u>	<u>\$67,034.76</u>
<u>Fire Districts</u>	<u>\$117,130.00</u>
<u>Light Districts</u>	<u>\$5,977.70</u>
<u>Sewer Operating Dist.</u>	<u>\$257,494.43</u>

Water Operating Dist. _____ \$82,399.23

- **PERSONNEL**
Nothing to report.
- **PLANNING**
Nothing to report.

APPROVAL OF MINUTES

On a motion by Councilperson Gardner seconded by Councilperson Burns to approve the **January 02, 2024 Work Session Minutes, and the January 08, 2024 Regular Meeting Minutes**. All in favor.
Vote-5 Ayes, Nays-0, Absent-0.

ATTORNEY

RESOLUTION 2023-4

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: “A LOCAL LAW REPEALING AND REPLACING CHAPTER 460 OF THE TOWN CODE ENTITLED SOLAR ENERGY SYSTEMS.”

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. 4

**Resolution Adopting Local Law #1-2024 entitled
“A LOCAL LAW REPEALING AND REPLACING CHAPTER 460
OF THE TOWN CODE ENTITLED SOLAR ENERGY SYSTEMS”**

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 12th day of February, 2024, the following resolution was offered and seconded:

WHEREAS, the Town of Dickinson scheduled a public hearing for February 5, 2024 at 5:30 p.m. for Local Law No. 2 of 2024 entitled “A LOCAL LAW REPEALING AND REPLACING CHAPTER 460 OF THE TOWN CODE ENTITLED ‘SOLAR ENERGY SYSTEMS’”; 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 5th day of February, 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 Part 617 of the implementing regulations of the State Environmental Quality Review Act, it is determined by the Town Board that adoption of the proposed Local Law constitutes a Type I Action, as defined under said regulations. The Town Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Town Board adopts a negative declaration with respect to the Local Law; 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. 2 of 2024 entitled “A LOCAL LAW REPEALING AND REPLACING CHAPTER 460 OF THE TOWN CODE ENTITLED ‘SOLAR ENERGY SYSTEMS’”; 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 12th day of February, 2024. Said resolution was adopted by the following roll call vote:

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

Town of Dickinson Seal

Dated: February 12, 2024

Wendi Evans

Wendi Evans
Town Clerk of the Town of Dickinson

RESOLUTION 2023-5

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: “A LOCAL LAW CREATING THE SOLAR ENERGY SYSTEMS OVERLAY 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

Town of Dickinson

Resolution No. 5

**Resolution Adopting Local Law #2-2024 entitled
“A LOCAL LAW CREATING THE SOLAR ENERGY SYSTEMS OVERLAY
DISTRICT”**

At a meeting of the Town Board of the Town of Dickinson held at Town Hall, 531 Old Front Street, Binghamton, New York on the 12th day of February, 2024, the following resolution was offered and seconded:

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WHEREAS, the Town of Dickinson scheduled a public hearing for February 5, 2024 at 5:30 p.m. for Local Law No. 1 of 2024 entitled “A LOCAL LAW CREATING THE SOLAR ENERGY SYSTEMS OVERLAY DISTRICT”; 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 5th day of February, 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 Part 617 of the implementing regulations of the State Environmental Quality Review Act, it is determined by the Town Board that adoption of the proposed Local Law constitutes a Type I Action, as defined under said regulations. The Town Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Town Board adopts a negative declaration with respect to the Local Law; 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. 1 of 2024 entitled “A LOCAL LAW CREATING THE SOLAR ENERGY SYSTEMS OVERLAY DISTRICT”; 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 12th day of February, 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

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Councilperson Danny F. Morabito aye
Councilperson Steve M. Gardner aye

Town of Dickinson Seal

Dated: February 12, 2024

_____Wendi Evans_____

Wendi Evans
Town Clerk of the Town of Dickinson

PUBLIC WORKS

Nothing to report.

ZONING

Nothing to report.

CODE

Code Officer Doyle explained that a tractor trailer came through the town and he tried to get him to stop but he got caught up on Elms and Adams Dr. Made a little bit of a mess and had to get towed out. He was supposed to be on the other side of the city and got lost.

Commented that he did a follow up at Econo Lodge and Red Roof with Broome County Health. They have corrected the outstanding violations but while at the Econo Lodge he found some concerns with incense being stuck to the wall, lit and then the smoke was hitting the ceiling. It was an unoccupied room. Mr. Patel, the owner, is going to monitor the situation.

PUBLIC COMMENTS

Councilperson Exley commented that the planning board is looking at the comprehensive plan. As far as looking at development of new housing as a cluster of Tiny Homes are being built over on State St. She would like that to be considered and addressed. Supervisor Marinaccio agreed that it should be looked at and will talk to the planning board chairman more about that.

The meeting was adjourned on a motion by Councilperson Morabito and seconded by Councilperson Burns at 7:16 PM.

Respectfully submitted,

Wendi Evans
Town Clerk