

March 11, 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 Monday, March 11, 2024 at the Town Hall, 531 Old Front Street, Binghamton, New York.

The members of the Town Board present:

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, Deputy town Clerk
Code Enforcement Officer Kyle Doyle, Public Works
Commissioner Joel Kie, & 2 Guests

CHAIR

SUPERVISOR'S MONTHLY REPORT

March 2024

1. The 12/31/2023 Annual Financial Report file for the Town of Dickinson has been certified by the NYS Audit and Control
2. I reviewed the credit card monthly charges and found no issues.
3. Councilman Gardner and I attended many classes during the Annual AOT Conference in New York and found the classes to be extremely well conducted and helpful in our understanding of the various aspects of town government.
4. The New York State No Open Burning law goes into effect starting on March 16 through May 14. This could be extended pending weather conditions.
5. Councilman Gardner and I met with SUNY President Tony Hawkins on February 28 for lunch and discussion. We talked about the great working relationship we have had with SUNY Broome, the potential purchase of the Boland Property which is now off the table but could change and the sensitivity of anything being constructed on that property to the residents of Chenango Shores. We found the President to be very sincere and honest and enjoyed our time with him.
6. The exit 5 ramp lighting has been completed with new solar powered lights. It will become our responsibility to maintain them as we do with all street lighting.
7. I participated in a round table discussion that was planned by NYSEG. They gave us updates on their progress of installing smart meters and the various

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changes and installations of new equipment that will reduce long electric supply disruptions. We also saw the control center operations which was incredible on how electric and gas supply is monitored and assessed prior to any storms and during activities that could create outages throughout our service area as well as other parts of the country.

8. The Millennium Pipeline Pilot Agreement will end at the end of this year. Town Assessor Cahill is aware and will be working on assessment value. Our town should be receiving additional revenue starting in 2025.
9. I spoke to the Deputy Regional Director of the NYSDOT regarding the excessive use of jake brakes by truckers that approach the exit ramp from I-81 to RT. 17/86. He does not believe that there was anything they could do but he will look further into jake brake policies.
10. We received a notice from the Sheriff’s department that we will be receiving a check for \$57,277.82 for our annual Non-County Inmates payment and CPI increase.
11. We also received our Charter Communications Franchise fee for the amount of \$7,577.63.

12. Code Enforcement Monthly Report

Violations	
Property	Type
478 Glenwood Rd	Structural issues
40 Adams St	Trash & Debris
44 Downs Ave	Trash & Debris
25 Adams St	Trash & Debris
557 Old Front St	No Building Permit
650 Old Front St	Fire Code Violations
620 Old Front St	Fire Code Violations
700 Old Front St	Trash & Debris
62 Sowden St	Structural issues
68 Sowden St	Unsafe Stairs & Trash & Debris
33 Pulaski St	Trash & Debris
33.5 Pulaski St	Trash & Debris
864 Upper Front St	Debris
900 Upper Front St	Several Large Pot Holes / Sign Deteriorated
165 Bevier St	Structural Alterations No Building Permit
29 Sunrise Dr	Trash & Debris
Permits Issued	

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Property	Type
220 Lower Stella Ireland Rd.	Alterations
20 N Broad St	Roof
557 Old Front St	Garage
258 Lower Stella Ireland Rd	Roof
40 Sowden St	Garage Demolition
Appearance Tickets	
Property	Type
Fire Inspections	
Property	Location
620 Old Front St	Red Roof Inn - Follow up Inspection
650 Old Front St	Econo Lodge - Follow up Inspection

Dog Control Officer Reports: Village & Town:

Town Of Dickinson/Port Dickinson Dog Control Summary February 2024. 3 Stray Dog Calls, 3 dogs transported to the shelter. 36 Miles on Fenton DCO Van, 2 Calls pertaining to “other” animals. 8 Calls for other towns to be redirected. 22 Phone calls received. 41 Phone calls made (including past due Reminder calls) 2 E-mails received. 2 E-mails sent. 4 Tickets issued. 0 court appearance

NYSEG Utility Shutoff Notices: No notices received

Next Town Board Meetings

Work Session, Monday, April 1, 5:30 PM

Regular Board meeting, April 8, 6:00 PM

PUBLIC COMMENTS

A representative from The N.Y. Citizens Audit presented an update and would like the board to consider their support with the 2024 elections with the voting rolls being accurate and the attempt to fix the NY data base. Supervisor Marinaccio commented that the board will again review the information that she presented.

COMMITTEE REPORTS

- **HIGHWAY**
Nothing to report

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- **WATER/SEWER**

Councilperson Exley explained that the water billing software conversion should be active for the next billing.

- **FINANCE**

- **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **February 2024 Monthly Financial Report** for the **Town Clerk in the amount of \$1,160.12**. On a motion by Councilperson Gardner seconded by Councilperson Morabito. All in favor.

- **SUPERVISOR’S MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **January 2024 Supervisor monthly report** in the amount of \$2,717,704.73 seconded by Councilperson Exley. All in favor

- **SUPERVISOR’S MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **February 2024 Supervisor monthly report** in the amount of \$2,624,420.80 seconded by Councilperson Morabito. All in favor

ABSTRACTS FOR APPROVAL

On Motion from Councilperson Gardner, seconded by Councilperson Burns to approve **Abstract # 3**, dated **March 11, 2024** in the amount of **\$174,617.19**. 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 \$174,617.19.

Voucher #3 for March 11, 2024 in the amount of \$174,617.19.

<u>General Fund</u>	<u>\$39,921.20</u>
<u>Part Town</u>	<u>\$0.00</u>
<u>Highway</u>	<u>\$29,636.73</u>
<u>Fire districts</u>	<u>\$82,700.00</u>
<u>Light Districts</u>	<u>\$6,039.62</u>
<u>Sewer Operating Dist.</u>	<u>\$4,538.84</u>
<u>Water Operating Dist.</u>	<u>\$11,780.80</u>

- **PERSONNEL**

Nothing to report

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- **PLANNING**

Nothing to report

APPROVAL OF MINUTES

On a motion by Councilperson Exley seconded by Councilperson Burns to approve the **Work Session Meeting Minutes of February 5, 2024** and the **Regular Meeting Minutes of February 12, 2024**. All in favor.
Vote- Ayes-5, Nays-0, Absent-0.
All in favor.

ATTORNEY

RESOLUTION 2024-6

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: INTRODUCING A PROPOSED LOCAL LAW
“A LOCAL LAW ADDING A NEW CHAPTER 295 TO THE TOWN CODE
ENTITLED ‘FIRE PROTECTION 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. Copy on file in the Town Clerk’s office.

Town of Dickinson

Resolution No. 6

A RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW ADDING A NEW CHAPTER 295 TO THE TOWN CODE ENTITLED ‘FIRE PROTECTION SYSTEMS’” was introduced at this meeting; and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law.

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NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Town Board of the Town of Dickinson with respect to the adoption of the aforesaid Local Law on **April 1, 2024 at 5:30 p.m.**, or as soon thereafter can be heard; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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 on this 11th day of March, 2024. Said resolution was adopted by the following roll call vote:

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

Town of Dickinson Seal

Dated: March 11, 2024

Wendi Evans, Town Clerk
Town of Dickinson

RESOLUTION 2024-7

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: INTRODUCING A PROPOSED LOCAL LAW
A LOCAL LAW AMENDING CHAPTER 509 TRANSIENT RETAIL
BUSINESSES**

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. Copy on file in the Town Clerk’s office.

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Resolution No. _____7_____

A RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 509 TRANSIENT RETAIL BUSINESSES” was introduced at this meeting; and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Town Board of the Town of Dickinson with respect to the adoption of the aforesaid Local Law on **April 1, 2024 at 5:30 p.m.**, or as soon thereafter can be heard; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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 on this 11th day of March, 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 _____
Councilperson Steve M. Gardner	_____ aye _____

Town of Dickinson Seal

Dated: March 11, 2024

Wendi Evans, Town Clerk
Town of Dickinson

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RESOLUTION 2024-8

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: INTRODUCING A PROPOSED LOCAL LAW
A LOCAL LAW AMENDING ATTACHEMENTS 4 AND 5 OF THE
RESIDENTIAL ZONING REGULATIONS SCHEDULES**

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. Copy on file in the Town Clerk’s office.

Town of Dickinson

Resolution No. _____ 8 _____

A RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING ATTACHEMENTS 4 AND 5 OF THE RESIDENTIAL ZONING REGULATIONS SCHEDULES” was introduced at this meeting; and

WHEREAS, the Town Code requires referral of the proposed Local Law to the Planning Board for recommendation. The Town Board hereby refers it; and

WHEREAS, the Town Code requires referral of the proposed Local Law to the Broome County Planning Department for review. The Town Board hereby refers it; and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Town Board of the Town of Dickinson with respect to the adoption of the aforesaid Local Law on **May 6, 2024 at 5:30 p.m.**, or as soon thereafter can be heard; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

CERTIFICATION

March 11, 2024 – REGULAR MEETING

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 on this 11th day of March, 2024. Said resolution was adopted by the following roll call vote:

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

Town of Dickinson Seal

Dated: March 11, 2024

RESOLUTION 2024-9

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: INTRODUCING A PROPOSED LOCAL LAW
A LOCAL LAW ADDING AN ARTICLE XII TO CHAPTER 600 OF THE
TOWN CODE ENTITLED “OUTDOOR LIGHTING REGULATIONS”**

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. Copy on file in the Town Clerk’s office.

Town of Dickinson

Resolution No. 9

A RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW ADDING AN ARTICLE XII TO CHAPTER 600 OF THE TOWN CODE ENTITLED ‘OUTDOOR LIGHTING REGULATIONS’” was introduced at this meeting; and

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WHEREAS, the Town Code requires referral of the proposed Local Law to the Planning Board for recommendation. The Town Board hereby refers it; and

WHEREAS, the Town Code requires referral of the proposed Local Law to the Broome County Planning Department for review. The Town Board hereby refers it; and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Town Board of the Town of Dickinson with respect to the adoption of the aforesaid Local Law on **May 6, 2024 at 5:30 p.m.**, or as soon thereafter can be heard; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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 on this 11th day of March, 2024. Said resolution was adopted by the following roll call vote:

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

Town of Dickinson Seal

Dated: March 11, 2024

- **A Special Meeting will be held on March 18th, 2024 @ 5:30 to discuss the purchase of a fire truck with the Prospect Fire Co.**

PUBLIC WORKS – HIGHWAY DEPARTMENT ADMINISTRATION

- Commissioner Kie congratulated Supervisor Marinaccio on his new title “Vice President of Association Of Towns”. A big honor to receive.
CONGRATULATIONS SUPERVISOR MARINACCIO.

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- On a motion by Councilperson Exley seconded by Councilperson Gardner to AUTHORIZE THE PURCHASE OF THE NEW WATER/SEWER VAN AT \$51,472.00 AND THE PURCHASE FROM BINGHAMTON TRUCK BODY THE ADDITIONS AND ATTACHMENTS AT \$22,908.80. 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.

- On a motion by Councilperson Gardner seconded by Councilperson Morabito TO DECLARE THE OLD JUMPING JACK AS SURPLUS. AUTHORIZING COMMISSIONER KIE TO SELL AT AUCTION. 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.

CODE

Code Officer Doyle commented that 20 N. Broad St. has a new owner to that property. They started cleaning it out, moving all the debris and garbage so they can get a look at it structurally. They also started clearing the land at 40 Fuller St. for the housing duplex. That project is starting to move forward as well.

ZONING

A resident expressed his concerns regarding the Baseball field complex with the day long tournaments. If they have 2 dozen teams in there for day long tournaments it would make sense for them to encourage food trucks or someone to come in and park for concessions for the people. Attorney Coughlin explained that if they are parked on a town road, they could not do that but if they are doing it on complex depending on if it is for a profit venture then yes, they will need a permit. If the tournament is run by a 503C then no, they will not need a permit. The town has no say in what comes and goes into that as it is a county run program on County property. Supervisor Marinaccio commented that it would to our best interest to have a meeting with the county regarding it.

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On motion by Supervisor Marinaccio, the Regular Meeting was adjourned into **Executive Session** to discuss a personal issue on a motion from Councilperson Morabito and seconded by Councilperson Exley at 6:55 PM. All in favor.

On a motion by Councilperson Gardner and seconded by Councilperson Exley to return to regular session at 7:10 PM. All in favor.

- After a discussion with Commissioner Kie in reviewing the job description for a Laborer vs. a Motor Equipment operator Light it has come to the board's attention that the Highway Department laborers are actually Motor Equipment Operator Lights.

- On a motion by Councilperson Morabito seconded by Councilperson Exley TO AUTHORIZE THE CHANGE IN CLASSIFICATION AND GET THE REQUISITE PAPERWORK TO CIVIL SERVICE TO AMMEND THEIR CLASSIFICATIONS, IT WOULD BE APPROPRIATE TO DO SO. THAT WOULD HAVE THE EFFECT OF ELIMINATING THE POSITIONS OF LABORERS IN THE TOWN AND PROPERLY CLASSIFYING THEM AS MOTOR EQUIPMENT OPERATORS LIGHT . 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.

- On a motion by Councilperson Gardner seconded by Councilperson Morabito THE TIMELINE TO GET A CDL LICENSE WHICH IS A REQUIREMENT OF A MOTOR EQUIPMENT OPERATOR LIGHT POSITION TO GET THEIR LICENSE OR MAKE SUBSTANTIAL PROGRESS TOWARDS IT AT THE DISCRETION OF COMMISSIONER KIE AS THE HIGHWAY SUPERINTENDANT WITHIN 2 MONTHS. IT CAN BE EXTENDED IF COMMISSIONER KIE HAS FOUND REASONABLE PROGRESS HAS BEEN MADE BUT NO LONGER THAN THE END OF 2024. 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.

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On a motion by Councilperson Morabito and Seconded by Councilperson Burns to adjourn at 7:13 PM. All in favor.

Respectfully submitted,

Wendi Evans
Town Clerk