

## **August 19, 2024 – WORK SESSION & REGULAR MEETING**

**The Work Session and Regular Meetings of the Town of Dickinson Town Board were called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, August 19, 2024, in the Town Hall, 531 Old Front Street, Binghamton, New York.**

**This is the second of the regular meetings which begins the summer schedule of July, August and September combining our Work Session with the Regular Meeting on the second Monday of those months with a start time of 5:30 P.M.**

**The members of the Town Board present were:**

**Michael A. Marinaccio, Supervisor  
Stephen M. Gardner, Councilperson  
Sharon M. Exley, Councilperson  
Thomas J. Burns, Councilperson  
Danny F. Morabito, Councilperson**

**Also attending:**

**Keegan Coughlin, Esq., Town Attorney  
Wendi Evans, Town Clerk  
Public Works Commissioner Joel Kie,  
Town Engineer, Ron Lake  
Code Enforcement Officer, Kyle Doyle  
Six residents/guests**

### **August 2024, Supervisor's Report**

1. I reviewed the credit card charges and did not see any issues
2. Our NYS Equalization Rate is now at 52.4. This is the lowest rate that I can remember in 30 plus years. I spoke to Town Assessor Cahill, and he stated that no town action should be taken at this time in regard to reassessments.
3. Report from Code Officer Doyle: At 1:30 pm on July 22, the Chenango Fire Department was dispatched to a fire alarm activation at 904 Upper Front St. which is the PK Thai Food. When the Sheriff's Deputies arrived on scene smoke was scene from inside the store. Sheriff's Office Deputies forced entry into the building as Chenango Fire was arriving on scene. This was due to the store being closed for the day. It was found that a small fire had started in the back kitchen area. Quick work by Chenango Fire and Broome County Deputies kept the fire contained to the area of origin. I along with Broome County Fire Investigation, and Broome County Health Department were on scene as well. The store is currently closed till being cleared by the Broome County Health Department. Notifications were made to the property owner as well.
4. We are looking into some history of the Eli Park area that used to be in the Town of Dickinson. Our Assessor has some knowledge of this and is working on getting additional information. It is a very interesting story, and we will put that information in our next newsletter.
5. The Regal Cinemas are challenging their property assessment again. I believe that at this point this case will go to the State Supreme Court.

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6. Darrell and I met with our court Judges to discuss their request for additional budget information and updates. Due to the many changes that our court has gone through this year, the judges would like to get a monthly budget report which we agreed to do. Also, the judges will be sending both our court clerks to attend the annual training seminar for court clerks, and we will need to make a slight fund transfer with board approval. I do not have that figure yet. The court office will be closed from September 30 through October 4. Notifications will be sent out to all interested parties.
7. There has been several reports and complaint regarding persons riding their ATVs throughout the Sunrise Terrace neighborhood. The sheriff has been notified. It is unlawful to drive an ATV or any other unlicensed vehicle on public streets including our streets in the town.
8. Darrell is working on having direct deposit of various income to the town such as sales tax, jail income, etc., electronically. He was successful in having income from county sources making electronic deposits into our accounts.
9. Sales Tax revenue for the 2<sup>nd</sup> quarter to the town was \$318,655.63 up from 1<sup>st</sup> quarter that was \$275,986.34. Total for the year so far is \$594,641.97. We estimated total yearly income for our budget at \$1,020,000.
10. I attended the NY Annual Association of Towns retreat and Executive meeting last week. There will be many changes coming to the February Training in February and those changes will be finalized very soon. The dates remain in the same period of February: Feb. 16<sup>th</sup> through the 19<sup>th</sup>.
11. As I do every year, I sent a memo to all elected officials and department heads regarding the 2025 Town Budget. Darrell, Steve and I will review the department budget requests and be ready to share with the town board. Formal Preliminary budget review will be sometime in September.
12. I plan on attending the Broome County Executive’s budget address scheduled for September 12 at the Enjoi Golf Course

**13. Code Enforcement Monthly Report**

<b>Violations</b>	
<b>Property</b>	<b>Type</b>
40 Pulaski St	Trash & Debris
375 Prospect St	Trash & Debris
35 Pulaski St	Trash & Debris
22 Sunrise Dr	No building permit for roof work
39 Sunset Dr	Tall Weeds & Grass
929 Upper Front St	Tall Weeds & Grass
22 Bellaire Ave	Debris
478 Glenwood Rd	Property Maintenance
33 N Broad St	Tall Weeds & Grass

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330 Prospect St	Trash & Debris
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<b>Permits Issued</b>	
<b>Property</b>	<b>Type</b>
59 Sunset Dr	Roof
205 Lower Stella Ireland Rd	Roof
900 Upper Front St	Temporary Signage
900 Upper Front St	Transient Retail Business - Fireworks Tent Sale
155 Glenwood Rd	Porch
7 N Louisa St	Deck
26 Stearns Rd	Fence
136 Rosedale Dr	Roof
133 Adams Dr	Siding Replacement
915 Upper Front St	Roof
5 South College Dr	Sign
690 Old Front St	Portable Gazebo and Shed
22 Sunrise Dr	Roof
79 Terrace Dr	Roof
214 Rundall Pl	Roof
9 Clifton Blvd	Roof

**14. Dog Control Officer Reports and Shelter Updates:**

On July 12, there was another follow-up inspection of the BC Dog Shelter. There were 5 issues noted in the report.

From the BC Director of Security: I am writing today to advise that there is a change in management occurring at the Broome County Dog Shelter. As of 7/29/24 the current shelter manager has resigned from her position as Dog Shelter Manager. I am currently working through the process and will be hiring a new Dog Shelter Manager ASAP.

In the meantime, Sr. Kennel Person Elizabeth Falk will be in charge of the daily operations at the Dog Shelter.

Due to the change in management, we have changed the access code to the facility. Elizabeth is attempting to make contact with all the DCO with the new access code for the facility. In the event she is unable to reach all of the DCO before end of day, I wanted to share the new code with you all in hopes that it will reach the DCO if needed. Dispatch at the 911 center has the code as well during emergency afterhours care.

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**Village & Town:** Town of Dickinson/Port Dickinson Dog Control Summary for July 2024: 4 stray dog calls, 3 dogs transported to the shelter. 46 Miles on Fenton DCO van, 7 calls pertaining to “other” animals. 22 calls for other towns to be redirected. 42 phone calls received. 92 phone calls made (including past due reminder calls) 3 E-mails received. 3 E-mails sent. 0 tickets issued.

### 15. NYSEG Utility Shutoff Notices:

No shutoff notices have been received

### Next Town Board Meetings

Work Session and Regular Board meeting, September 9, 5:30 PM. This will be our last summer schedule meeting.

### PUBLIC COMMENTS

2 residents expressed their concern about the solar farm on Glenwood Rd. Their views have become obstructed by the solar farm, and they had some questions. The one resident has lived at his place for 48 years. They have done a lot of updating, added a deck, and landscaping as they are looking for a new house off of the hill. His concern is the view and wondered if the town plans on doing anything to help with that. Supervisor Marinaccio commented that he had gone to the residents’ house, and he totally understands the concern and yes, he did see how the view is obstructed. The resident explained that it snuck up on them and they didn’t know it was going to end up so close to their house. Supervisor Marinaccio explained that we are going to do everything we can to mitigate them. We have already started talking to the contractor and they are going to be doing some planting, but the town is going to require to see a plan that will help somewhat.

The second resident commented that he had spent \$15,000 having trees taken down to get the nice view and now he sees nothing but solar panels. His concern is the selling point of the house. He feels he will not be able to sell his house, and the value is going to drop. He explained that he does not read the newspaper or check the website for public hearings as that the solar farm was going to take place. Supervisor Marinaccio explained that there is another solar project being built a little further up on Glenwood. He gave a little history on the whole process of how a solar project has to take place. We posted public hearings, letters were not sent out as that is not required to do so, they were posted in the newspaper and also on the website. It then proceeds to our planning board who is in charge of a site plan review which that particular project stopped due to covid. It was on hold for 3 years. An update was put in the newsletter to keep people aware of what was happening. When they returned to us a moratorium was placed on it till, we could get a handle on getting the laws in place. Public hearings were posted for all meetings. He explained

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there will be no more solar projects in the Town of Dickinson. Attorney Coughlin explained that the solar company is responsible for all the upkeep and maintenance. The town is not responsible for any utilities as that is NYSEG but it is not suppose to have negative affects or impacts on surrounding residents. Code Enforcer Doyle explained that it's part of the agreement that the solar project has monitors that go from solar farm to solar farm to inspect them every day.

The question was asked if the property was zoned as commercial and Supervisor Marinaccio commented that it was not zoned commercial. The resident asked if it was required that we send notices to residents of a project like this, and Attorney Coughlin answered that it was not required. He questioned who would be responsible for this if he was to lose \$50,000 on his home. Supervisor Marinaccio commented it would not be the town. Attorney Coughlin explained that the town has nothing to do with property values. He requested a list of notifications and Attorney Coughlin explained that any information that he would like to request that he must submit a FOIL request through the Town Clerks office. Supervisor Marinaccio commented that we will do everything we possibly can to help him.

### **COMMITTEE REPORTS**

- **HIGHWAY**

- Councilperson Morabito commented that they are reviewing applications and resumes in the highway department and will be setting up interviews for that shortly.
- The streets have been milled and prepared to pave in Sunrise Terrace and Prospect Terrace. Paving should begin next week depending on the weather.

- **WATER/SEWER**

- Councilperson Exley commented that the side mirrors on the new truck are not working properly. They were supposed to be electric, and they are not. They have sent the truck back to have it fixed. They are still waiting on the box to come.
- 136 delinquent letters for water bills have been sent out. 30 of them were over \$1,000. 1 was over \$5,000.
- Broome Developmental Service we are waiting to hear back from them regarding their backflow water device that was installed. Phone calls have been made, a letter has been sent, phone calls have been made. A shutoff letter for the whole complex will be sent out to notify them of the date that it will be shut off.

- **FINANCE**

- **SUPERVISOR'S MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to approve the **July 2024 Supervisor monthly report in the amount of \$2,779,754.07**. On a motion by Councilperson Gardner seconded by Councilperson Exley. All in favor.

- **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **July 2024 Monthly Financial Report**

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for the **Town Clerk in the amount of \$1,962.80**. On a motion by Councilperson Gardner seconded by Councilperson Morabito. All in favor.

- **PERSONNEL**

No comments

- **PLANNING/ZONING**

No comments

**ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Morabito to approve **abstract # 8**, dated **August 19, 2024**, in the amount of **\$272,419.50** 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 \$272,419.50.**

**Voucher #8 for August 2024 in the amount of \$272,419.50.**

<b><u>General Fund</u></b>	<b><u>\$96,115.73</u></b>
<b><u>Part Town</u></b>	<b><u>\$0.00</u></b>
<b><u>Highway</u></b>	<b><u>\$14,904.14</u></b>
<b><u>Light Districts</u></b>	<b><u>\$4,163.46</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$27,993.77</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$129,242.40</u></b>

**APPROVAL OF MINUTES**

On a motion by Councilperson Gardner seconded by Councilperson Exley to approve the **Work Session and Regular Meeting Minutes of July 15, 2024**. All in favor. Vote Ayes – 5, Nays – 0, Absent -0.

Supervisor Marinaccio voting Aye  
Councilperson Gardner voting Aye

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Councilperson Exley voting Aye  
Councilperson Morabito voting Aye  
Councilperson Burns voting Aye

All in favor.

**ATTORNEY**

**5:30 PM: PUBLIC HEARING ON ‘CONSTRUCTION CODES, UNIFORM’  
REGARDING DRIVEWAY STANDARDS AND PERMITS.”**

Supervisor Marinaccio opened the Public Hearings at 6:32 PM noting 6 members of the public present.

**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 August 19, 2024 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 265 ENTITLED ‘CONSTRUCTION CODES, UNIFORM’ REGARDING DRIVEWAY STANDARDS AND PERMITS.”

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. Interested persons shall be entitled to be heard upon said proposed local law.

Communications in writing in relation thereto may be filed with the Town Board prior to the public hearing. 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.

Dated: July 25, 2024

Wendi Evans, Town Clerk  
Town of Dickinson

**DISCUSSION:**

Code Enforcer Doyle explained that if you’re just redoing your driveway, sealing your driveway or paving your driveway this law would not pertain to you. The issue is we have people throughout the town that have tried to expand their driveway. This is more so with rental properties as they are trying to fit multiple tenants on a small driveway, so they want to expand the driveway and are not leaving 50% green space that is required. People think they can make additions, but it affects so many things such as runoff, and it will also protect the neighborhood

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with green space. A permit will need to be issued and the Code Enforcer will look at each permit case by case.

Public Hearing Closed at 6:41.

**6:41 PM: PUBLIC HEARING ON ‘CONSTRUCTION CODES, UNIFORM’  
REGARDING DRIVEWAY STANDARDS AND PERMITS.’**

**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 August 19, 2024 at 5:30 p.m., or as soon thereafter as the matter may be heard, regarding a local law entitled “A LOCAL LAW ADDING A NEW CHAPTER 283 TO THE TOWN CODE ENTITLED ‘ELECTRIC VEHICLE CHARGING STATIONS.’”

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. Interested persons shall be entitled to be heard upon said proposed local law.

Communications in writing in relation thereto may be filed with the Town Board prior to the public hearing. 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.

Dated: July 25, 2024

Wendi Evans, Town Clerk  
Town of Dickinson

Public Hearing Closed at 6:45.

**BOLAND RD. DISCUSSION:** Councilperson Gardner commented that the resident on Boland Rd has another car for sale in his yard. Supervisor Marinaccio explained that he does not want to interfere with people’s rights if it is a licensed car, or its not licensed but they are allowed to have 1 unlicensed vehicle on their property. The issue is he is running a little business on his lawn. He would like to check with other towns to see how they handle it, we should address it but for now we will put it on hold. Attorney Coughlin commented that we may need to redefine what our home occupation law is under the town code as to restricting it to how many times it can happen in a year.

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**DEPARTMENT REPORTS:**

**PUBLIC WORKS – WATER & SEWER**

**A.) Highway Department**

- Public Works Supervisor Kie commented that the paving on Downs Ave, Francis, Adams, and Prospect will be getting done this week by the county. The Terrace will be done soon.
- Port Dick gave us a trench box. We have ours on an old trailer and it looks like it is falling apart so he would like to move that to surplus and needs board approval to do that.

**On a motion by Councilperson Morabito seconded by Councilperson Exley TO DECLARE THE OLD TRENCH BOX AS SURPLUS GOODS & AUTHORIZE JOEL TO DISPOSE OF OR SELL.**

**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.**

- Glenwood Rd. has someone that is consistently parking and blocking their mailbox. There should be no parking between Soden and True Ave to the intersection at Lower Sunset on either side. It's a county rd. and it's not marked. The town will need to supply the signs. The board will be scheduling a public hearing on Oct. 7th.

**B.) PLANNING/ZONING**

No comments made

**C.) CODE ENFORCEMENT**

- Code Officer Doyle explained that he has updated and separated out the permits to make them a little more official and make them correspond with the new laws that have been added recently.
- Econo Lodge is going independent and will be called "Hillside Inn and Suites". New signs and banners will be going up in a couple months.

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- The developer of the solar project has been cited for the water runoff at the solar project. They have been very responsive and are trying to correct the issue in a timely manner.
- Propect Fire Co. responded to a fire on 60 Soden St. There were multiple code violations. Pictures, and documentations were done as there were hoarding issues, electrical issues, supporting issues etc. They were cited for electrical issues within the residents. There is a huge safety concern there.
- An update on Old State Rd. is he has reached out several times to the property owners and has not received any response. They cited the property for property maintenance to try and get a response. They do have 30 days to respond so we are waiting on a response. Insurance will give no information.

**DISCUSSION:** Councilperson Exley commented that there was a notice in the paper for a public hearing at SUNY Broome on September 29<sup>th</sup> for BCC housing development Corp. Attorney Coughlin read the article, and it is regarding increasing the bond resolution of a current housing project. Supervisor Marinaccio confirmed the next day that it is regarding refinancing the current housing facility. There are no plans to build an addition.

The meeting was adjourned on a motion of Councilperson Morabito and seconded by Councilperson Burns at 7:25 PM. All in favor.

Respectfully submitted,

Wendi Evans  
Town Clerk