

May 8,2023 – 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, May 8, 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 in attendance:

**Nathan D. VanWhy, Esq., Town Attorney
Wendi Evans, Town Clerk
Public Works Commissioner Joel Kie,
Code Enforcement Officer Kyle Doyle and two members of the general public.**

The members of the Town Court:

**Stacy Thatcher, Town Court Clerk
Brad Wallace, Town Court Clerk
Judge Kathy Groover, Judge Michael Fedish, Judge Richard Blythe, Brian M. Loy, Alicia Gosney and Family**

APPRENTICESHIP PROGRAM RECOGNITION

Congratulations to Alicia Gosney, our 1st **Court Clerk Apprentice** of the Town of Dickinson, and the State of New York. She came to us as a graduate from the Paralegal program at BCC, has completed the apprentice program and now is the Town Court Clerk for the Town of Windsor under Judge Richard Blythe. Our next apprentice will begin on June 1st.

CHAIR

SUPERVISOR’S REPORT

**May 2023 Town Board Meeting
Supervisor’s Report**

1. I reviewed the credit card monthly charges and found no issues.
2. James P. Rusak was recently appointed to the position of Regional Director of the NYSDOT Region Nine Sector. I am looking forward to working with him.
3. We received our 1st quarter sales tax check in the amount of \$278,675.86. Sales tax in New York State is around 7% higher compared to the same time last year.
4. We also received our first quarter check from the Broome County Jail for \$21,731.32 plus the Annual Lump Sum check based on the CPI, for \$51,277.82

May 8,2023 – REGULAR MEETING

5. From Assemblyman Joe Angelino to Mandy Fallon, NYS Leg. Clerk regarding our request for a **Hotel Occupancy Tax**: Since my email to you back in March, I had to amend the bill below A.2640 for the Town of Dickinson to change the years from 3 to 2 years since the Senate is only doing 2-year timeframes. Attached are the amendments. Would you please let me know if Senator Webb is interested in carrying the same bill in the senate? Thank you.
6. Commissioner Kie informed me that he and Town Engineer Ron Lake, met with Delta Engineer President, Anthony Pannicia who is also a member of the SUNY Broome Board of Trustees to go over plans to work on the John St. drainage issue once the county/SUNY Broome takes over the Boland Property.
7. Received a message from Bill Sands, member of the Town Planning Board, requesting that the NYSDOT review and lower present speed limit on the new Front St. bridge which is currently 45 mph. Install Rotary sign on Front St. heading north from Bevier St. to first rotary. And concerned that pedestrians often do not use the designated crosswalks and instead, J walk across the traffic lanes in various locations by the traffic circle. I forwarded their concerns to the Regional Director.
8. The next BCATV meeting is scheduled for May 25, 6:00 PM, at the Little Venice Restaurant. The 2023 officers will be taking the Oath and will be administered by NYS Supreme Court Justice Oliver Blaise. Guest speaker Steven Franklin, the General Manager of Dick’s House of Sports, will be discussing the new complex coming to the Oakdale Commons in Johnson City.
9. I asked our Town Assessor to investigate the information that we received from our fire department regarding undervalued utility properties. Jack discovered that those properties were undervalued and had made the changes that will take effect next year. There will be at least \$6-\$7 K added to the fire district next year.
10. There will be a Court Clerk’s meeting on Monday, May 22, 9 am, in the Court Room for NARCAM Training by the NYS DOH. Just show up if you are interested in attending.
11. Code Violations/Appearance Tickets

In an effort to save paper, Kyle has developed a Code Violation/Building Permit Chart that will be sent to me every month. I appreciate his efforts in streamlining the reporting process.

Property	Type
1. 33.5 Pulaski St	Trash and Debris

May 8,2023 – REGULAR MEETING

- | | |
|------------------------|---------------------------------|
| 2. 12 Longview Ave | No Fence Permit |
| 3. 38 Fellows Ave | Trash and Debris |
| 4. 27 Jameson Rd | No Building Permit |
| 5. 11 Francis St | Trash and Debris |
| 6. 33 Market St | Trash and Debris |
| 7. 338 Prospect St | Trash and Debris |
| 8. 80 Sunset Dr. | Sign Displayed No permit in R-2 |
| 9. 117 Glenwood Rd | Trash and Debris |
| 10. 41 Pulaski | Trash and Debris |
| 11. 900 Upper Front St | Entrance Driveway in Disrepair |

Appearance Tickets

63 Adams St x2 Tickets,41 Pulaski St. ,2 True St., 47 Pulaski St., 62 Sowden St
26 Pulaski St.

Building Permits Issued

Property	Permit Type
30 Rosedale Dr	Roof
14 Stearns Rd	Res Shed
14 Stearns Rd	Roof
25 Rosedale Dr	Roof
27 Jameson Rd	Porch Roof
904 Upper Front St.	Com Sign
26 Stearns Rd	Roof

May 8,2023 – REGULAR MEETING

17 N Broome St	Roof
11 Forest Hills Blvd	Deck
21 Pleasant Court	Rebuild deck

Dog Control Officer Reports

TOWN: Total of 3 calls/incidents: dogs defecating on neighbor’s yard. Caller directed to get dog license in the city since they live at the Legacy Apartments. And a complaint of someone having 8 dogs but they were directed to call Town of Union.

VILLAGE: 1 call. Stray dog.

NYSEG Utility Shutoff Notices:
No notices received.

Next Town Board Meeting

Our next Town Board meeting is scheduled for June 5, **5:30 PM work session.**

PUBLIC COMMENTS

A resident has 2 concerns:

- She was concerned about the increase in her **water bill**. Her water bills in the last 2 or 3 years have been roughly a total of \$30.00, which includes the \$15.00 surcharge. Her current bill is now raised \$50.00 for surcharge plus their water usage. Councilperson Morabito explained that the \$50.00 is for a service charge to repair the water lines as everything has gone up in price, material, labor etc. not for water usage. The town is not making any money from this increase, it is just to cover the costs of doing the repairs in the Town of Dickinson. Supervisor Marinaccio explained that every year we will review where we are at with billing and if we can decrease the billing to residents we will try and do that.
- She was also concerned with **The BASAI** playing field with them adding lights and making it a turf field. Her concern was the runoff going into the Cutler Pond and also the noise from the fields. Evenings and weekends she would like to be outside in her yard and not hear dogs barking and girls playing softball. Supervisor Marinaccio explained he knows very little about the schedule that will take place at the fields. He could not comment on it any further until he had more information. She recommended a sound barrier. Supervisor Marinaccio is going to reach out to Brenda Gow with her concern.

PUBLIC COMMENTS CONT'D:

A second resident was concerned about his water bill also. He believes the more water used, the more their surcharge should be rather than charging every resident the same fee. The board is going to review his comments and maybe add some break off points on how much each household is using.

COMMITTEE REPORTS

○ **PUBLIC WORKS**

- Councilperson Morabito commented that **NYSEG** has completed their work on Terrace and Sunrise. They replaced some of the gas laterals to the houses where they needed to be replaced. The Sunrise Dr project has begun.

○ **FINANCE**

○ **TOWN COURT CLERK FINANCIAL REPORT**

Councilperson Gardner made the motion to accept the **March 2023 Monthly Financial Report** for the **Court Clerk** in the amount of **\$21,618.00**.

Councilperson Gardner also made the motion to accept the **April 2023 Monthly Financial Report** for the **Court Clerk** in the amount of **\$23,964.00** seconded by Councilperson Exley. All in favor.

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **April 2023 Monthly Financial Report** for the **Town Clerk** in the amount of **\$997.80** seconded by Councilperson Burns. All in favor.

○ **SUPERVISOR'S FINANCIAL REPORT**

Councilperson Gardner made a motion to accept the **March 2023 Monthly Financial Report** for the **Town Supervisor** in the amount of **\$2,232,803.75** On a motion by Councilperson Gardner seconded by Councilperson Exley. All in favor.

○ **ABSTRACTS FOR APPROVAL**

On Motion from Councilperson Gardner, seconded by Councilperson Burns to approve **Abstract #05** dated **May 8, 2023** in the amount of **\$289,035.04**.

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 \$289,035.04.

Voucher #05 for May 8, 2023 in the amount of \$289,035.04.

<u>General Fund</u>	<u>\$58,937.75</u>
<u>Part Town</u>	<u>\$406.93</u>
<u>Highway</u>	<u>\$6,405.13</u>
<u>Fire Districts</u>	<u>\$32,800.00</u>
<u>Light Districts</u>	<u>\$4,119.69</u>
<u>Sewer Operating Dist.</u>	<u>\$5,400.09</u>
<u>Water Operating Dist.</u>	<u>\$180,965.45</u>

○ **PERSONNEL**

Councilperson Gardner commented that we now have only 4 employees plus Supervisor Kie in the highway and water department, they are getting the job done, doing a great job and they are contributing a great deal to the work of the town.

○ **PLANNING**

Councilperson Burns talked to the Chairman of the planning board, Jerry Ford regarding the roundabouts and the concern of the speed limits. There will be meetings with State to evaluate the concerns.

APPROVAL OF MINUTES

On a motion by Councilperson Exley seconded by Councilperson Gardner to approve the April 3, 2023 Work Session Minutes, and the April 10, 2023 Regular Meeting Minutes. All in favor Vote-5 Ayes, 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.

ATTORNEY

RESOLUTION 2023-15

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: REGARDING A DETERMINATION OF TYPE OF ACTION AND SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR PROPOSED LOCAL LAW

WHEREAS, the Town Board of the Town of Dickinson is proposing to adopt a Local Law Amending the Town Zoning Code to Prohibit Commercial Battery Energy Storage Systems in the Town, which was presented to the Town Board at said meeting; and

WHEREAS, the Local Law has been discussed by the Town Board at length, and the Town Board has carefully considered the nature and scope of the proposed Local Law, and the Town Board now wishes to fully comply with its obligations under SEQRA and the regulations thereunder with respect to the proposed Local Law; and

WHEREAS, pursuant to the regulations, the Town Board has considered the significance of the potential environmental impacts of the Local Law by using the criteria specified in Section 617.4 of the Regulations, and examined the Full Environmental Assessment Form prepared herewith, together with other available supporting information, to identify the relevant areas of environmental concern, and thoroughly analyzing the identified areas of relevant environmental concern.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Dickinson as follows:

RESOLVED that the Town Board hereby declares itself lead agency pursuant to SEQRA for this action, finds and concludes that the proposed action is a Type I action within the meaning of 6 NYCRR 617.4 and therefore is subject to review under SEQRA and the regulations thereunder, and determines that the review is a coordinated review; and be it further

RESOLVED that because this action is an amendment of the Town’s local laws, no other agencies are interested or involved parties to this action; and be it further

RESOLVED that based upon an examination of the Full Environmental Assessment Form and other available supporting information, and considering both the

magnitude and importance of each relevant area of environmental concern, and based further upon the Town Board’s knowledge of the Type I action and such further investigation of the Local law and its respective potential environmental impacts as the Town Board has deemed appropriate, the Town Board finds and determines that no significant adverse environmental impacts are noted in the Full Environmental Assessment Form for the Local Law and none are known to the Town Board and, therefore, the Local Law will not have a significant adverse environmental impact as a consequence of the foregoing. This resolution shall serve as the Negative Declaration for adoption of the Local Law; and be it further

RESOLVED this resolution shall take effect immediately.

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.

RESOLUTION 2023-16

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: Adopting Local Law #2-2023 entitled
“A LOCAL LAW AMENDING THE TOWN ZONING CODE TO PROHIBIT
COMMERCIAL BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN”**

WHEREAS, the Town of Dickinson scheduled a public hearing for May 1, 2023 at 5:30 p.m. for Local Law No. 2 of 2023 entitled “A LOCAL LAW AMENDING THE TOWN ZONING CODE TO PROHIBIT COMMERCIAL BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN”; 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 1st day of May, 2023 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.

May 8,2023 – REGULAR MEETING

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 2023 entitled “A LOCAL LAW AMENDING THE TOWN ZONING CODE TO PROHIBIT COMMERCIAL BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN”; 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.

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.

RESOLUTION 2023-17

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: Award of the demolition contract- 36 Pulaski St. to LCP Group

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.

RESOLUTION 2023-18

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: Award of the asbestos monitoring contract – 36 Pulaski St. to Atlantic Testing Laboratories

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.

RESOLUTION 2023-19

The following Resolution was offered by Councilperson Gardner, who moved its adoption, seconded by Councilperson Morabito 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 June work session on the Local Law amending Chapters 265 and 296 of the Town Code regarding fence permits.

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.

RESOLUTION 2023-20

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: Schedule a Public Hearing for the June work session on a Local Law authorizing a real property tax exemption for Volunteer Firefighters.

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.

COMMITTEE REPORTS

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

- Highway Supervisor Kie commented on the paving that was completed on Front St.
- There are signs on the roundabouts but they keep getting knocked down that the State needs to address the issue.
- The Sunrise project is ongoing and going well.

CODE ENFORCEMENT

Code Officer Doyle is doing his best at managing his time between the garage and the office.

ZONING

Nothing to report.

The meeting was adjourned on a motion by Councilperson Morabito and seconded by Councilperson Burns at 6:43 PM.

Respectfully submitted,

Wendi Evans
Town Clerk