

## **DECEMBER 13, 2010 – REGULAR MEETING**

The Regular Meeting of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio on Monday, December 13, 2010 at 6:00 PM in the Town Hall, 531 Old Front St., Binghamton, NY.

The members of the Town Board present were:

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

Also attending:

Oliver N. Blaise III, Esq., Town Attorney  
Cheryl L. DePofi, Town Clerk

Supervisor Marinaccio opened the meeting by reading his Supervisor's Report for the month of December which included a recap of the year.

### **PUBLIC COMMENTS**

Both Bert Adams of Adams disposal and Tim Coughlin of Taylor Garbage were Present to ask the Town Board to vary the time for the Noise Ordinance from 7AM to 6AM. they explain that 7AM makes it a hardship for the route drivers picking up garbage. It was explained there have been complaints about the pick up times at both Elizabeth Church Manor and Broome Community College. The actual code was checked and it is indeed 10PM to 7AM, but could be suspended pending application to the Town Board. Both companies are willing to provide phone numbers and e-mail addresses to any resident who asks. A discussion followed. It was decided Supervisor Marinaccio will look into this matter and contact both companies and the Board.

On motion by Councilman Gardner, seconded by Councilwoman Exley to approve the Work Session Minutes of November 1, 2010 and the Regular Meeting minutes of November 8, 2010 as presented. All in favor. Vote Ayes – 5, Nays – 0.

On motion by Councilman Morabito, seconded by Councilman Gardner to approve the vouchers contained in abstract #12, dated December 13, 2010 for payment. General Fund - \$109,853.81, Part Town - \$397.00, Highway - \$34,862.45, Light - \$4,960.50, Refuse & Garbage - \$8,266.83, Sewer Operating - \$175,479.35 and Water Operating - \$78,410.87. Total abstract - \$412,230.81. All in favor. Vote Ayes – 5, Nays – 0.

### **RESOLUTION 2010 – 20**

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilwoman Exley, to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DICKINSON  
REGARDING THE REGULATORY PROPOSAL OF THE EPA RELATING TO  
THE CHESAPEAKE BAY**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

**RESOLUTION 2010-21**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilman Burns, to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

**RESOLUTION OPPOSING DOG LICENSING FEES FOR NEW YORK STATE  
AS OF JANUARY 1, 2011.**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

**RESOLUTION 2010-22**

The following Resolution was offered by Councilwoman Exley, who moved its adoption, seconded by Councilman Morabito, to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF THE YEAR 1020  
ENTITLED A LOCAL LAW FOR THE LICENSING OF DOGS.**

TOWN OF DICKINSON

LOCAL LAW NO. \_\_\_ OF THE YEAR 2010 ENTITLED  
A LOCAL LAW FOR THE LICENSING OF DOGS

Be it enacted by the Town Board of the Town of Dickinson as follows:

**Section 1. Purpose**

The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, domestic animals and deer from dog attack and damage.

## Section 2. Authority

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets

Dickinson four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall Section 3. Definitions

The definitions set forth in Section 108 of Article 7 of the Agriculture and Markets Law of the State of New York are incorporated herein by reference.

## Section 4. Dog Licensing Requirements

- (a) All dogs within the Town of obtain, complete and return to the Town Clerk a dog license application together with the license application fee, any applicable license surcharges

and such additional fees as may be established by the Town of Dickinson. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferrable.

(b) In the event of a change in the ownership of any dog which has been licensed pursuant to this article, the owner of record shall, within ten (10) days of such change, file with the Town Clerk a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

(c) If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, file with the Town Clerk a written report of such loss or theft. In the case of a loss of theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.

(d) In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal as set forth by the Town Clerk.

(e) When there is a change of address for the owner of record, the owner shall notify the Town Clerk of such change. If the change is still within the Town of Dickinson, the Town Clerk will make the appropriate updates to the dog license record. If the change is located outside the Town of Dickinson, the Town Clerk shall make a note in the record and cancel the license. The Town Clerk shall forward a copy of the license to the Clerk of the municipality to which the owner has moved, informing said Clerk that the dog now resides in their municipality. If the Town of Dickinson Clerk is notified by another municipality in Broome County that one of their licensed dogs has moved into the Town of Dickinson the Town Clerk will issue a

Town of Dickinson License at no charge for the remainder of the license year upon presentation by the owner of the old license.

#### Section 5. License Fee and Surcharge

(a) License Fee

The Town of Dickinson hereby establishes the fees for a dog license issued pursuant to this Local Law at \$15.00 for dogs that are spayed or neutered and \$25.00 for dogs that are unspayed or unneutered. However, guide, hearing, service, war, working, search, detection, police and therapy dogs are excepted from payment of the license fee.

(b) Statutory License Surcharge

In addition to the license fee established by Section 5(a) of this Local Law, each applicant for a dog license shall pay a surcharge of \$1.00 if the dog to be licensed is altered, or a surcharge of \$3.00 if the dog sought to be licensed is unaltered.

(b) Municipal License Surcharge for Enumeration

When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time enumeration is conducted.

(d) Late fee

The Town of Dickinson shall charge a late fee of \$5.00 for any license renewed 60 days or more after the date of expiration.

(e) Replacement tags

Replacement identification tags will be issued by the Town Clerk for a fee of \$5.00 per tag.

#### Section 6. Redemption Periods and Impoundment Fees

The owner of any dog impounded by the Town of Dickinson shall be entitled to redeem that dog within five (5) business days from the day the dog is impounded, excluding the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and the owner pays a fee of \$10.00 for the first impoundment; a fee of \$25.00 for the second impoundment plus a fee of \$3.00 for each additional twenty-four hour period; a fee of \$50.00 for a third and each subsequent impoundment plus a fee of \$3.00 for each additional twenty four hour period.

#### Section 7. Violations

Section 6. Redemption Periods and Impoundment Fees

The owner of any dog impounded by the Town of Dickinson shall be entitled to redeem that dog within five (5) business days from the day the dog is impounded, excluding the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and the owner pays a fee of \$10.00 for the first impoundment; a fee of \$25.00 for the second impoundment plus a fee of \$3.00 for each additional twenty-four hour period; a fee of \$50.00 for a third and each subsequent impoundment plus a fee of \$3.00 for each additional twenty four hour period.

Section 7. Violations

In addition to the actions set forth in subsections 2 (a) and (b) of section 118 of the Agriculture and Markets Law of the State of New York, an action or proceeding may be instituted in the name of the Town of Dickinson in a court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce any provision of, this Local Law. No action or proceeding described in this Section shall be commenced without the appropriate authorization from the Town Board of the Town of Dickinson.

Section 8. Separability

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 9. Repealer

This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the licensing of dogs within the Town of Dickinson and they shall be, upon the effectiveness of this Local Law, null and void.

Section 10. Effective Date

This Local Law shall take effect on January 1, 2011.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

Councilwoman Exley voting Aye

Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

**RESOLUTION – 2010-23**

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Burns, to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

**RESOLUTION TO INCREASE BOND PAYMENT ON NOTE FROM \$67,200 TO \$100,500**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

Councilwoman Exley voting Aye

Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

On motion by Councilman Burns, seconded by Councilman Gardner and all those present voting as follows:

Supervisor Marinaccio voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

Councilwoman Exley voting Aye

Councilman Gardner voting Aye

IT IS HEREBY ORDERED that a public hearing be held by the Town Board of the Town of Dickinson at the Town Hall 531 Old Front St., Binghamton, NY on the 10th day of January, 2011 at 5:30 o'clock PM prevailing time regarding Fire Protection Contract for Chenango Fire District #2 and Prospect Terrace Fire District No. 1 and that notice thereof is to be given forthwith

On motion by Councilman Morabito, seconded by Councilman Burns and all those present voting as follows:

Supervisor Marinaccio voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

Councilwoman Exley voting Aye

Councilman Gardner voting Aye

IT IS HEREBY ORDERED that a public hearing be held by the Town Board of the Town of Dickinson at the Town Hall 531 Old Front St., Binghamton, NY on the 10th day of January 2011 at 5:30 o'clock PM prevailing time regarding beginning condemnation proceedings against 50 N. Broad St. and that notice thereof is to be given forthwith.

**RESOLUTION 2010-24**

The following Resolution was offered by Councilwoman Exley, who moved its adoption, seconded by Councilman Gardner, to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

**RESOLUTION TO JOIN MUNICIPAL SELF-INSURANCE PROGRAM**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye  
Councilman Morabito voting Aye  
Councilman Burns voting Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting Aye  
Unanimously passed and noted as duly adopted.

**CHAIR**

Supervisor Marinaccio reminded those present of the swearing in ceremony tentively scheduled for January 1, 2011 at 4PM.

Mr. Marinaccio also reported receipt of a letter from Time Warner Cable advising the Town on the increase of their rates.

**PUBLIC WORKS**

A discussion was held on the detention pond. Ron Lake thinks it should be maintained as it was in the original drawings ( no trees) he feels otherwise it could become non-functional. Commissioner Kie will keep looking for the original plans and report back to the board.

Engineer Lake initiated a discussion on the Chesapeake Bay Resolution.

**ADMINISTRATIVE**

On motion by Councilman Morabito, seconded by Councilman Burns to approve the Supervisor's Financial Statement for October, 2010 as presented. All in favor. Vote Ayes – 5, Nays – 0.

On motion by Councilman Morabito the meeting was adjourned at 6:55 PM.

Cheryl L. DePofi  
Town Clerk