

July 9, 2012 – REGULAR MEETING

The Work Session and Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, July 9, 2012 in the Town Hall, 531 Old Front St., Binghamton, NY.

This is the first 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
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
Wanda R. Broczkowski, Town Clerk**

FLAP GATE STUDY

Supervisor Marinaccio introduced Rick Woitd of **Woitd Engineering & Consulting, P.C.**, an Engineer hired by the Town to present his findings of the northern part of Dickinson as a result of the recent flooding. He also introduced Richard Church, past Regional Director for DOT and Bob McCort, representative from DOT. In November of 2011, Richard Church submitted his findings of the same area about the flap gate installed back in the 1980's which runs under Front Street near the North College Drive entrance at Route 11 and runs under Route 81.

Rick Woitd for flood prevention presented his findings of the Flap Gate study:

- 1) Study description and location
- 2) Existing studies & hydraulic models
- 3) Hydrologic/hydraulic analysis
- 4) Conclusions and recommendations

He spoke of the 54" diameter CMP culvert underneath I-81 as the primary flooding source, noting the culvert is not equipped with a flap gate at the downstream end. During the last three floods in 2005, 2006 and 2011, flooding reached the BCC Campus, lower Boland Road, and the Nimmonsburg Methodist Church. After he performed a field investigation, he confirmed that high levels in the Chenango River, will affect these areas. A 2010 FEMA mapping was used as a point of reference. Rick Woitd commented that Mr. Church's November 2011 report was helpful and echoes his findings. Once the presentation was completed, various Council members and residents asked related questions to better understand the findings in layman's terminology.

Richard Church thanked the Town Board and David Wasser from the Planning Board for their help and interest in this matter and Rick Woitd's work. Initially he looked into the matter for the benefit of the Nimmonsburg Methodist Church over the past 3 floods in an attempt to flood proof the church property.

Bob McCort from DOT thanked the Town for bringing this matter to the attention of the DOT to resolve this issue. The Town did its part to make a DOT recommendation. The cost benefits would need to be identified. DOT will review the report and get back to the Town.

Supervisor Marinaccio thanked all for their time and efforts over the past several months regarding the flap gate study. A copy of the '*Nimmonsburg United Methodist Church & Vicinity Hydrologic & Hydraulic Study, June 28th, 2012*' is on file with the Town Clerk.

SUPERVISOR'S REPORT

Supervisor Marinaccio gave his report for the month of July. His report will be placed on file. Here are some highlights:

- Sales Tax formula change is being met with some hesitation as the County found a multi-million dollar deficit going into the later part of this year and is having more financial difficulty.
- A letter was received from Tom Gray of the Planning Board who resigned as of June 25th.
- Site Plan for the proposed Glenwood Road project has been received. Copies can be made at cost. Plan shows 2 buildings. 1.) Achieve 2.) **BOCES**. At this time it cannot be confirmed but the Achieve project may not happen. The site plan is under review by Code Enforcement and the Attorney for the Town.
- We have not received our annual reimbursement from the Binghamton/JC Sewage Treatment Plant which was due in May. This includes all of the user towns as well. Per Danny Miller the Sewer Board has appointed a new accountant, and is working on the return of money.

- We received our first quote for the June 13th, damage to building for \$18,654. The insurance company is only offering \$7,896.79 and even with a 30 % adder for prevailing labor wages it only takes it up to around \$10,000. Another quote is needed before turning over to the attorney.
- Received a copy of a 239 Review Submission Form from the Town of Union in regard to amending various Codes relating to grass, tall weeds, hedges, sidewalks, and temporary merchants.
- Supervisor Marinaccio will be meeting with representatives from BCC, per their request, to discuss a proposed Student Housing project that is to be built on the campus grounds.
- **Broome Community College** student housing is being considered on the former site of the Alms House, which was recently demolished. Dave Wasser of the Planning Board to meet with Broome Community College of the proposed housing on 7/12/2012 @ 11:00 AM. The President, Kevin Drumm needs approval.
- Complaints have been received from residents regarding **Waste Management** in garbage district no. 1 and extensions 1 and 2. – Supervisor Michael Marinaccio called them on NON-Pick-up of garbage.

PUBLIC COMMENTS

GLENWOOD ROAD PROJECT

Supervisor Marinaccio requested those wishing to speak to please stand in order to be heard. No need to identify yourself.

Resident question: Will there be fracking in the Town of Dickinson?

Response: No plans or discussions regarding fracking. At our meeting, we only got into the process of fracking but it had nothing to do with the Town of Dickinson. It was merely information that was passed on at our Town meeting in relation to fracking in our area. Attorney Blaise referred the speaker to the County GIS website for information regarding potential drill sites and leases.

Resident question: Would we change our zoning to regulate fracking?

Response: If there was a change it would have to come before the board. In regards to the recent Glenwood Road Project – Zoning would not change even with fracking. Supervisor Marinaccio responded that there are no leases or potential fracking sites in the Town of Dickinson at this time and directed interested residents to go to the County website.

Resident question: Are homes being taken on Glenwood Road to accommodate the BOCES/Achieve project?

Response: No there are not.

Resident question: Rosie Pudish of Maiden Lane questioned if there is a noise control ordinance. Trucks have been heard operating at 5:30AM in her neighborhood.

Response: Yes there is. DPW Commissioner Kie will take this as an action item.

Resident question: Rosie Pudish asked regarding the Glenwood Road project when the Town can say 'no' to the project, referring to the 2 proposed buildings for Achieve and BOCES.

Response: Attorney Blaise stated that the proposal appears initially to fit in R-1 zoning, which allows both buildings as an accessory use to an educational institution.

The site plan was submitted to the Town and is at the County Planning Department to review the project pursuant to General Municipal Law section 239. The Town of Dickinson Planning Board cannot approve or disapprove until review is completed by, the County.

There was a lengthy discussion about the various bodies that could be involved in reviewing the project: County Planning Department, Town Planning Board, Town Zoning Board, and possibly Town Board if a zoning change was requested. Proper process must be followed, no matter what. The County's review will include a traffic flow analysis.

It was discussed that the definition of educational and religious uses is not defined in the Town Code, but those terms would need to be interpreted by the Planning and Zoning Boards. Printing at BOCES operates two work shifts. Achieve residents are packing potato chips for the purpose of training and rehabilitation of those who are severely handicapped. Resident Ron Ruffo asked if BOCES ever explained why they are not contracting out their printing work? A variety of various reasons was speculated, but we do not really know why, nor is it the Town's business to find out.

Councilwoman Exley felt this proposal is not an educational project but a commercial project.

The public comment period closed @ 7:02 PM to go on with the regular business meeting of the Town Board.

REGUALR MEETING

At this time the regular meeting commenced at 7:05 PM.

APPROVAL OF MINUTES

On a motion by Councilman Gardner, seconded by Councilman Burns to approve the Work Session June 4, 2012 and Regular Meeting Minutes of June 11, 2012 and Special Meeting held on June 20th regarding the damage done to our building on June 13th as presented. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACT #7

Abstract Summary of Audited Vouchers for Funds in the amount of \$167,922.95. It should be noted it is high due to \$67K went to the State Comptroller. On Motion from Councilman Morabito, seconded by Councilman Burns to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

ATTORNEY

RESOLUTION 2012-31

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:

Broome County Hazard Mitigation Plan (HMP)

Grant was received by the County. Signed letter will be sent to Beth Egitto which will include as the POC as the Engineer for the Town, Ronald Lake, secondary as Supervisor Marinaccio. This plan must be updated every 5 years and municipalities participate to be eligible for FEMA funding. Copy of the resolution will be submitted to the County. 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.

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

All in favor: Resolution attached

PROPOSED - NUISANCE ORDINANCE FOR PROBLEM PROPERTIES

This would address nuisance of non property maintenance related code issues of problem properties. For example, the police department can shut down a property in the City of Binghamton. Town of Chenango code is faster and less expensive, but could be subject to legal challenge. The Town Code Enforcement Officer can close down a property for up to 1 year. The Town of Union requires an injunction from the Supreme Court. This is more expensive, but less risky and the property can stay closed indefinitely.

Supervisor Marinaccio wants to have Attorney, Blaise give his recommendations. Supervisor Marinaccio also spoke to Broome County Sheriff Harder and willing to work with us, since we do not have our own town police force. The Sheriff would provide records to support documentation regarding problem properties.

Attorney Blaise will email us samples of the two codes for the board to review prior to the next meeting.

PROPERTIES

13 BELLAIR AVENUE

Regarding the demolition of 13 Bellaire Avenue, we have clearance from Department of Labor to take the place down. Just waiting for LCP to schedule the date.

34/36 NORTH BROAD STREET

Mr. Blaise' office is following up with the owners about the transfer documents and the results of the title search are expected any day.

CHAIR

LOCAL LAW FOR APPOINTMENT OF ALTERNATE TO PLANNING AND ZONING BOARDS

Regarding alternate appointments of the Planning and Zoning boards Supervisor Marinaccio is still gathering data from other towns. In the meantime, the board is in the process of filling the vacancy of Tom Gray on the Planning Board, who is leaving the Town of Dickinson and resigned June 25th. Supervisor Marinaccio would like to have this resolved by the next meeting in August, if possible.

MARIA ZOBNIW DAY

Annual Maria Zobniw day is set for July 24th 11:00 AM near the Prospect Terrace fire station – Open to the public. If anyone would like to help, please contact Supervisor Marinaccio.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

1. Danny Miller of the water department is requesting money out of his 2012 budget to purchase supplies for the Pulaski Street project in order to save money as prices continue to escalate. The work would begin in 2013.
2. Danny has been filling resident swimming pools same cost as the town's water rate. Attorney Blaise recommend a release form be drawn up to protect the town if there was damage to their pool.
3. DPW Commissioner Kie requested approval to hire Patrick 'Rick' Vavra who would begin working for the town June 28th, replacing Rick Houseknecht, who recently retired. Councilman Burns, chair of the highway department recommended to proceed and seconded by Councilman Gardner. All in Favor.
4. Mr. Kie requested the attorney to expedite the completion of the revisions to the Employee Handbook.
5. Kie recommend special parking rules to be considered during tournaments at the Sunrise Terrace baseball field. There was a discussion of some remedies. Supervisor Marinaccio wondered if we could get permission to use the Motel parking lot across the street. A resident complained about people leaving cigarette butts at the Sunrise Terrace Park. It should be noted the scoreboard is not working properly.

MONTHLY FINANCIALS

Monthly financial reports for the months of December 2011, January and February 2012 need approval. On motion from Councilman Morabito moved to approve, seconded by Councilwoman Exley. All in favor.

TRANSPORTATION FUNDING

Congressman Hanna responded to a letter from Supervisor Marinaccio regarding the lack of funding and requesting an increase in the dollars for bridges and roads in our area. It appears that funding will remain steady at recent levels. This also includes Tioga County.

BUILDING REPAIR

Estimates for the building repair are still undetermined. We still need one more quote. Also, there is quite a discrepancy from the quote that came from a contractor solicited by the Town versus what the insurance company of the driver who caused the damage, State Farm, is willing to cover under their quote.

ZONING BOARD None

CODE ENFORCEMENT

VIOLATIONS

Code enforcement has managed to address violations and have resolution by August within the Court system.

FLAP GATE

The state is responsible for installing. New York State required a study be done in order to install and maintain the flap gate.

270 GLENWOOD ROAD PROJECT

Educational uses need to be defined under R-1 zoning. We will follow up on this although it will not apply for this current project but for future projects.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 8:15 PM

Respectfully submitted,

Wanda R. Broczkowski
Town Clerk