

October 9, 2012 – 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 6:02 PM on Tuesday, October 9, 2012 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

Wanda R. Broczkowski, Town Clerk

SUPERVISOR'S REPORT

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

- Student housing on the Broome Community College campus. Supervisor Marinaccio had several discussions with Kevin Drumm from BCC and he informed him the original Front Street location for the proposed Student Housing project has been changed and they are now locating the project near the BCC library.
- The 2013 budget will be presented at our Public Hearing on November 5th, 5:30 pm. At this time, an increase in the levy is just below the tax cap. The budget is still a work in progress but he believes that it will be a good budget with no loss of services and will cover much needed infrastructure work for our public works department. Also included in the budget is the addition of a part-time clerk for the Court. More on that when we hold the public hearing.
- Employee Handbook. Bev and Mike have been meeting and reviewing the revised Employees Hand Book and will continue to do so. We are making a few more changes and updates and when completed, will pass on to the board for their review and comments. Once we are all in agreement, we will meet with department heads and get their comments, once that is completed and all changes are made, we will present the hand book to our staff.

- Sales Tax. Mike met with Debbie Preston and her staff last week to discuss the sales tax formula. As of today, the county will begin to change the formula in steps until we are back to the 50/50 split. This process begins in 2013 and we should see an increase in revenue.
- The next association of Towns & Villages meeting is scheduled for Thursday, November 1, location to be at McGirk's. The guest speaker will be the new executive Director of the NY Association of Towns.
- The Supervisor attended the breakfast meeting sponsored by the Chamber on September 13 at the Riverwalk Hotel to discuss issues that affect the Greater Binghamton economy. Guests included Andrew Kennedy, from Governor Cuomo's office who is the Asst. Secretary for Economic Development; Ken Kamlet, attorney from HHK, who will discuss the TIF Program (Tax Increment Financing), and Ryan McAllister, Senior Counsel, NYS Senate. The meeting was interesting but it seems that the TIF Program will not have any impact on our town.
- Bev Wike and Mike attended a ½ day Law Seminar sponsored by Coughlin & Gerhart. This was a very informative seminar which covered Labor & Employment Law.
- In regard to the smoking issue with BCC, Mike has met with the BCC President and his staff once again voicing our serious concerns about students, teachers and others gathering in our Chenango Shores neighborhood to smoke due to the No Smoking Policy on Campus at BCC. He had been asked to write a letter illustrating our concerns and send it to the BCC Trustees. That was done and I am waiting for a reply or a plan of action from the Trustees to mitigate this issue.
- Coughlin & Gerhart is once again conducting the Annual Municipal Law seminar which is scheduled for Saturday, November 3 with registration starting at 8:30 am. The program will be from 9 am to 12 noon. I encourage everyone, town board, planning & zoning, town clerk, budget officer, etc. to attend this seminar. Please pre-register before October 24.
- We recently received a notice of resignation from Dianne Brutvan, assistant to the Town Assessor. Dianne's last day is November 30. Dave Hamlin has conducted an interview and is recommending that we hire Susan Cerretani, a resident of the town, to replace Dianne. This is a part time position. Dave also requests that Susan start around November 6, 2 days per week, to work with Dave and Dianne for training purposes. The hourly rate will remain the same. I will ask for board approval during our business portion of this meeting.
- NYSEG is performing tree trimming along its right away along the hill behind us and along Sunrise Terrace.
- There were two (2) NYSEG warning letters issued due to unpaid accounts.
- There were six (6) Code Violations issued and four (4) of those were vehicles openly stored without license plates.
- Dog Control Officer's report has not been submitted yet for August and September.

PUBLIC COMMENT

Residents reported how the BCC smoking policy was affecting their neighborhood:

One of the residents wanted to know about the content of the BCC smoking policy letter that Supervisor Marinaccio sent to the Board of Trustees.

Supervisor Marinaccio included: Quality of life, butts, loitering. We recognize smokers have rights as well as the residents of the Town. Since the College Board created the problem we request they resolve the issue with their staff and student body. One resident who lives across the street reported it was a frequent occurrence for brush fires on campus summoning the campus fire service and janitors. Also, there are four (4) houses touching the area and that they are all elderly or single residents who are affected. Residents of the Town are encouraged to voice their complaints by sending their own personal letters of concern and to be sure to copy the trustees of the college.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Gardner to approve the Work Session and Regular Meeting Minutes of September 10, 2012. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACT #10

Abstract Summary of Audited Vouchers for Funds in the amount of \$274,818.85. 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 2012-36

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:

Approving an application for Justice Court assistance program grant which includes software, furniture and office equipment.

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.

PUBLIC HEARING(S) SET

Several Public Hearings need to be scheduled for next year's budget, water and sewer rates, and the sewer regulations. One motion was made setting public hearings by Councilman Gardner and Councilwoman Exley to proceed. An amended motion setting the time(s) for the hearings was made by Councilman Gardner and Councilwoman Exley. All in favor.

2013 BUDGET

Monday, November 5th at 5:30 PM

REVISION WATER AND SEWER RATES

Monday, November 5th at 5:35 PM

IMPLEMENTATION OF SEWER REGULATION RATES

Monday, November 5th at 5:40 PM

PROPOPERTY NUISANCE LOCAL LAW DISCUSSION

Supervisor Marinaccio requested we wait on this, he feels there is more research to be done before we proceed with the public hearing to finalize as law.

RESOLUTION 2012-37
34/36 NORTH BROAD STREET

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:

Authorizing Supervisor to sign documents transferring ownership of 34 & 36 North Broome Street to the Town.

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. Once the deed is recorded we will get the updated demolition quotes and award the contract. Status to be reviewed further in November.

CELL TOWER LOCAL LAW

The FCC earlier this year revised its regulation of approval on cell tower sites and we must update our local code to upgrade cell towers to meet the federal criteria which streamlines the process. Steve Rafferty advised that our current law requires upgrades to be performed with a special permit. The only one we have is located on Glenwood Road and has already been upgraded several times. We may not need to do anything for code changes as our current law may already comply with federal changes. Attorney Blaise to review further.

RESTRICTING ANIMAL OWNERSHIP IN THE TOWN

Regarding a resident’s inquiry, to purchase two (2) African Pigmy Hedge Hogs. The code was reviewed and there was nothing about our code of limiting or restricting exotic pet ownership. The discussion brought us to “Is there a state law on these items?” Food for thought.

DEFINITION OF EDUCATIONAL AND RELIGIOUS USES IN R-1 ZONE

No further comments have been heard on the educational and religious definitions from the residents' committee. It was a scaled down model of the Hempstead zoning law. The committee now is waiting to hear back from us. Next step is to submit to the County for 239 review. We will look for comments from the Planning and Zoning Boards by the November Work Session, then need to hold a public hearing before Town Board. (Town Clerk will resend.)

ASSESSOR

Approval is required to name a replacement to the Assistant to the Assessor to hire Susan Cerretani. Councilman Burns commented the Assessor, Dave Hamlin recommends her and we should go with his recommendation.

On a motion by Councilman Morabito seconded by Councilman Burns to approve Mr. Hamlin's recommendation. 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.

FOIL REQUEST FOR 556 OLD FRONT STREET

A FOIL was filed requesting copies of Code documents and records of 556 Old Front Street, next to **Foland's Lumber**. This is zoned as C-2. There is a law suit by the tenant against the owner. Code Enforcement Officer Rafferty went back to records of 1969 when the first ever permit was issued in the Town of Dickinson for the years 1968-1969. Prior to this, the Town used State regulations. It was unclear of what their attorney was requesting. Was the TOD first resolution with a uniform code (statutory law of 1983) a state code? Per attorney Blaise the Code Enforcement and the Town Clerk is to send them a chart of the C-2 code.

CHAIR

INTERMUNICIPAL COOPERATION AGREEMENT – SEWAGE DISPOSAL SERVICES UPDATE

Ron Lake, Engineer for the Town is not here this evening to review the sewage rates with the Board. We are looking for some reimbursement from other municipalities using the Town's sewer lines.

BUDGET

Very little changed for the 2013 budget from the preliminary budget.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

1. Joel Kie reported leaf pick-up will begin the week of October 15th.
2. Bigelow Street will be paved by the City of Binghamton. The town will assist them with it next week.
3. On the corner of Iris and Terrace Drive a resident reported the side of their garage was hit by a chunk of cement the size of a rock. This is approximately 150 feet from the road. It seems impossible this could have been the case. Joel will take a look at the resident's garage.
4. Joel Kie and Rick Vavra will go to Cortland to get their water license the week of October 22 – 26th. Danny Miller is out with a foot injury. The board made a decision to have them obtain their licensing to handle the water department in his absence.

PLANNING BOARD

The Planning Board welcomes Dave Hamburg as a replacement for Thomas Gray. Patrick Doyle, Chair is currently updating the Town Comprehensive Plan which was last updated 10 years ago. It will include working on updating the population changes, zone, Broome Community College flooding, proposed Interstate 86 upgrade and the definition(s) of Educational and Religious uses in an R-1 zone.

ZONING BOARD

None

CODE ENFORCEMENT

None

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:32 PM

Respectfully submitted,

Wanda R. Broczkowski

Town Clerk