

## **November 5, 2012 – WORK SESSION**

**The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, November 5, 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**

### **PUBLIC HEARING(S)**

#### **2013 BUDGET**

The public hearing on the 2013 Town of Dickinson budget was opened by Supervisor Marinaccio at 5:30PM. He gave an overview with some highlights of the budget, stating there have been reductions in many departments, no services to our residents have been changed or were reduced. The Retirement contribution to New York State has not changed from 2012, which is based on their estimates to us. Our health insurance has increased by 13%. As a reminder we have eliminated health insurance to most of our elected officials so the town has saved approximately \$125K annually. Spending looks to be up but this is because we continue to pay the only remaining bond at an accelerated rate. The only bond outstanding is our flood mitigation bond for Sunrise Terrace and Chenango Shores to be paid off by November of 2013. The original amount for the bond was \$670K which it is being paid off way ahead of schedule. The only major payment is for our Town Hall building mortgage; legally it cannot be changed based on what we originally signed on to. Eventually we will look to remortgage it at a lower rate. As a town, we continue to have an excellent Moody's financial analysis rating of A+ rating.

For 2013 there will be a 3% salary increase for appointed employees and elected officials. There will be no salary increases for Planning and Zoning boards, Assessor, Historian and Constable.

Surplus money will be used for lighting districts for residents to save the tax payers money. Surplus money will be used for the garbage district, covering a service fee. Revenue will be a 3% increase in property taxes, calculate to \$5.40 increase for a residence assessed values properties or \$90K or more. We are under the 2% Tax Cap. There is 3% on property tax. \$5.40 increase on residence assessed over \$90K. Under tax cap, we are under 2%.

Sales Tax budget will be the same because even though the formula gives us a bump up, from last year, it was due to spending after the 2011 flood.

As for the Broome County correctional facility, we are down \$16K. This is because we are losing money from the county sending inmates out of the area causing less inmates coming into our facility as a host community. Revenue is down due to a loss of hosting other county inmate housing. The Town is not selling as many plots at Glenwood Cemetery as we have in the past few years.

We are using surplus revenue to offset property tax.

Note, every department is controlling costs, lowest property taxed of all towns. The budget is up by one (1) per cent, and note that last year it was \$3,549,592.00.

Supervisor Marinaccio asked if there was anyone present with questions on this 2013 budget. There were none.

The hearing was closed at 5:39PM.

### **REVISION WATER AND SEWER RATES**

The public hearing on the adoption of a Local Law that would amend sections 447-6 and 557-7 of the Town Code, pertaining to sewer rents and water rates was opened by Attorney Blaise at 5:40PM.

We are not changing the rate at which water is charged but rather he explained, there will be a flat fee on the first 100 cubic feet of usage. It equates to \$15 for sewer and \$10 for water. There are approximately 20-30 users who fall in this category. We are losing money on these small accounts because we must still maintain the water and sewer system for those residents as well as any administrative costs associated with those accounts. Councilman Gardner stated we are doing this because we need to cover the Towns costs.

Eventually, over time, the overall rate will go down. We have been working on this for years, and many of have been hesitant to implement a flat rate, but the time has come to address these accounts. The Water Department noted the Town of Dickinson is the only Town in the area that does not have a flat household rate.

We recognize residents will certainly call on this, so it was suggested Beverly Wike of the Water Department include a note on future billing. A note explaining the flat rate will be included on the January bill.

Supervisor Marinaccio closed the hearing at 5:50PM.

## **ATTORNEY**

### **UNIFORM TRAFFIC TICKET WITH VILLAGE**

Attorney Blaise reviewed the uniform traffic ticket with the Village of Port Dickinson. In the past, we have been quite lenient with the ticketing process. The state has a prohibition on charging flat fees for traffic tickets. Mr. Blaise's office researched whether the tickets can include set fines for traffic offenses. The Attorney's office decided we will. There are 600+ other municipalities in the state that they would have to come after us. We are looking to change some sections of the code for the Town and Village to match up with our court, print a uniform ticket to be turned into the court and tracked in the Court. The charges could be different but the forms would be the same. Streamline the Court process. Just entering the proper code and entered into the system. We still need to finish the ticket and hold a public hearing before we can implement it.

There is some legal precedent indicating this should not be done, but it is a very common practice across the state.

### **PROPERTY NUISANCE LOCAL LAW**

17 Market Street continues to have major issues of criminal activity in the neighborhood. Supervisor Marinaccio spoke to residents and wonders how they can live there. It is out of our jurisdiction for these criminal events that are going on. The State Police and the Broome County Sheriff's department continually respond to situations over there. He spoke to Sheriff David Harder of the constant traffic of bad language, fights and disruptive behavior. The board is surprised we have not had more people coming here to complain.

A Public Hearing will be set for the December meeting. This is a very negative situation and needs to be addressed as soon as possible. We will need a compilation of the calls on that parcel from the Sheriff's office in order to incorporate them into the petition. Once this is passed, we would send a copy of this to the owner of this property. The hope is that the owner would have taken care of this himself. We need to have Captain Frederick Akshar present as we will need a compilation of calls to move forward.

### **PROPERTY UPDATES TITLE AND TAX EXEMPT ISSUES/STATUS FOR CONDEMNED PROPERTIES**

#### **34 & 36 N. BROOME STREET**

We officially own 34/36 N Broome Street property. Attorney Blaise has been in touch with Kevin Keough of BCRP (Broome County Real Property) and will forgive all taxes and place it on the exempt roll. The taxes will be forgiven as well on 13 Bellaire, 213 Bevier now in foreclosure, 50 N. Broad back up in the woods to be given a final 90 day notice. The demolition done in 2011, the demo was included in taxes. The County cannot

pay for the demolition costs so we must pay them for the demolition costs. Final notice December with payment due in February.

Supervisor Marinaccio recommended we take this \$16,569 out of the contingency fund to pay the County back for this. To cut a check, a resolution is needed at the regular meeting, November 13<sup>th</sup> to approve payment to Kevin Keough, at BCRP (Broome County Real Property). Mr. Blaise will notify Kevin Keough this is what the Town will do.

Again on all of the condemned properties, Kevin Keough of Broome County Real Property will then waive any tax arrearages for these properties.

### **ACCESS ROAD NEEDED TO ROGER'S WAY**

This then led to another venue from over five (5) years ago in that same area. Marianne Burke, a resident up there in that area requested a change in the zoning for a trailer park venture that she had in mind. We would be interested in single residential homes for the town in that area. Previously Burke was offered a parcel but was not interested in it since we would not entertain a change in the zoning for a trailer park.

Furthermore, Supervisor Marinaccio reminded the board we need to create an access road to Roger's Way. The railroad tracks block the road and back up traffic for as much as two hours. There is only one way into and out of Roger's Way. Our fear is there could be an emergency preventing law enforcement, rescue and fire vehicles from getting to the scene.

### **COMMITTEE: DEFINITIONS OF EDUCATIONAL AND RELIGIOUS USES IN AN R-1 ZONE**

Attorney Blaise awaiting response from Patrick Doyle of the Planning Board who was requested to make final comments on the committees proposed definitions for educational and religious uses in an R-1 zone. Patrick has been in China for three weeks. In the interim we are waiting for him to proceed with the updating the Comprehensive Plan. We need to get going on the comprehensive plan.

### **INCLUSION OF BJCSTP REGULATIONS IN TOWN CODE**

Finally after months of requesting and pleading with Johnson City we finally received copies of the data for the new regs to put them in local law. Several towns, like Kirkwood, Conklin, Town of Dickinson and Port Dickinson could join forces to do all we are supposed to do and hire one person. The City of Binghamton did show interest. Ron Lake commented, we are a small town, and we would prefer to NOT hire someone full time, but to share it with other municipalities. The draft will be ready by November 13<sup>th</sup>, for the next meeting in preparation for a Public Hearing in December.

Supervisor Marinaccio requested the Engineer for the Town, Ron Lake help explain the regs. It is very confusing, so we need to find a way to define it in language and a manner the public can comprehend. Ron is still waiting on information in order to get with the City of Binghamton. In the meantime, it is recommended Ron Lake put together a proposal to include all four (4) towns.

### **WAYNE AVENUE SEWER PIT IN VILLAGE OF PORT DICKINSON**

Port Dick presented us a sewer and water pit bill for \$695 for the first 6 months of 2012; with a proposed bill for the remainder of 2012 due December for \$695 for \$1,390 annually. This is from a lapsed agreement signed in 1981, between the Village of Port Dickinson and the Town of Dickinson on a water/sewer pit on Wayne Avenue. Over the 31 years we had not been billed.

The sewer pit is situated on Wayne Avenue in the Village of Port Dickinson, which starts off at the top of Old State Road meandering down through the village and emptying into a sewer pit on Wayne Avenue. The agreement lapsed in 2001. The board decided we will not pay this sewer bill until Attorney Blaise will contact the attorney for the Village of Port Dickinson further information on the matter.

### **CHAIR**

### **MUNICIPAL LAW TRAINING**

Several members of the board and the town attended training sponsored by the law firm of Coughlin & Gerhart LLP. They learned much at the seminar on the moratorium on fracking.

### **BROOME COMMUNITY COLLEGE SMOKING BAN UPDATE**

This is still an ongoing problem at Broome Community College and for the surrounding neighborhood. The latest development has been witnessed by Supervisor Marinaccio, students playing street football on Hickory. Residents on the corner of Boland and Hickory are getting a petition signed to present to the college trustees. Supervisor Marinaccio met with President, Kevin Drumm and continues to hound him but has not received any information on resolving this issue. The BCC College trustees do not meet until December and our hope is they come up with a new policy to provide their own smoking hut on the campus.

### **HURRICANE 'SANDY'**

Supervisor Marinaccio spoke of how Broome County Emergency Services was prepared on the situation. He called the DOT and found out the flap gate for the Boland Road area which was ordered according to Tom Williams.

**SEWER FLOW MANAGEMENT  
FLAPGATE**

During preparations for “SANDY” Supervisor Marinaccio learned the flap gate was ordered according to Tom Williams of DOT. They are starting to do work on it. If flood would have developed, they would have rushed to install a temporary gate. Work will be completed in 2013.

**SEMINAR OF FUTURE TECHNOLOGY AND BUSINESS**

Supervisor Marinaccio will attend a seminar at Binghamton University on the Binghamton City Campus November 13<sup>th</sup> about Future Technology and Business Development.

**BUILDING REPAIRS COMPLETE AFTER ACCIDENT IN JUNE 2012**

Supervisor Marinaccio reported the building renovation is now complete. He will be meeting with FAHS to review the final contract.

**EMPLOYEE HANDBOOK**

Supervisor Marinaccio stated comments from Councilman Morabito and Councilwoman Exley made comments on the latest ‘draft’ revised version. The next draft version will be available by Tuesday 11/6 – for review again and will be ready for the department heads and the last go over with the staff. Copies of this draft will be made available to the board.

**PUBLIC WORKS**

**SOLICITING BIDS FOR DEMOLITION OF 34/36 N. BROOME STREET A  
CONDEMNED PROPERTY**

Public Works Commissioner Kie reported he is waiting for bids and should have them by the next regular meeting.

**WASTE MANAGEMENT HOLIDAY SCHEDULE COMMUNICATION(S)**

Dennis Ede regional manager is no longer with Waste Management. His successor is Jerrod Blake. Also, Waste Management would like to provide an information flyer to the residents in Garbage District No. 1 and Extensions 1 and 2 with their timetable for waste and recycling during Christmas week and New Year Day schedule(s).

**LEAF PICK-UP AND HIGHWAY**

Supervisor Marinaccio praised the highway crew on the excellent job. He has received numerous compliments from various residents.

**FOIL REQUEST – JOHNSON CITY**

In regards to the sewer system on Glenwood Road, the Village of Johnson City needs to provide more information to us before Ron Lake can come up with a final dollar amount. Supervisor Marinaccio will contact the Mayor, Gregory Deemie to follow-up on the FOIL request made to the Clerk. We filed it a few months ago regarding certain water and sewer lines for approximately one mile of sewer lines. We need to move forward on the BJCSTP regulations.

**CODE ENFORCEMENT**

None

We are reminded the next regular meeting is scheduled Tuesday, November 13<sup>th</sup> due to the Veteran's Day Holiday, Monday, the 12<sup>th</sup>.

On motion by Supervisor Marinaccio, the work session was adjourned by motion of Councilman Morabito and seconded by Councilman Burns at 6:40PM

Respectfully submitted,

**Wanda R. Broczkowski**

**Town Clerk**