

December 3, 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, December 7, 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**

CHAIR

PUBLIC HEARING(S)

LOCAL LAW ADOPTING REVISED RULES AND REGULATIONS OF BJCSTP

The public hearing was opened promptly at 5:30PM by Supervisor Marinaccio regarding a Local Law to implement revised regulations to the Binghamton Johnson City joint sewage treatment plant based on federal guidelines. Outside users agree to abide by these regulations. This gives the sewage treatment plant the authority to monitor those out of compliance with the regulations. Basically it is passing the same Local Law the same as the towns of Conklin, Kirkwood, Dickinson and Village of Port Dickinson. This allows Danny Miller of the Water Department the ability to investigate users who may be out of compliance or if a violation occurs. Resolutions will need to be passed at the December 10th meeting. Supervisor Marinaccio closed the hearing at 5:34PM.

PROPERTY NUISANCE LOCAL LAW

The public hearing was opened promptly at 5:35PM by Supervisor Marinaccio to review the Property nuisance local law. The discussion centered on the purpose of this law which is based on the Town of Union's Local Law. This gives the Town the authority to lock down or close down a residence or business if it can be demonstrated to a Supreme Court Judge. An injunction is issued and it can be closed for up to a year if it is demonstrated that the residents engage in criminal activity, drug trafficking and prostitution, etc., or other disruptive conduct. The law does not address property conditions but rather the activities being conducted at the property.

Resident Jim Love of Orchard Road posed a few questions regarding the Sheriff and

State Police authority in these situations. Attorney Blaise stated if there is an issue the Town commences a judicial action. The Judge will review what has already been recorded at the property through police and code enforcement records. In reference to the Town of Union's law, how effective has it been for them? Ours was made more streamlined. According to Code Enforcement Officer Rafferty, Union has not used their laws to the fullest extent, but it should be noted it has been very useful regarding landlords. This law is based on what law enforcement does or already has recorded within the system. The law would rely on Law Enforcement agencies to present what has gone on in the past for the law to be successful.

With no further questions from the Town board Supervisor Marinaccio stated it will be voted on at the next week's board meeting December 10th. The hearing was closed at 5:44PM.

ATTORNEY

UNIFORM TRAFFIC TICKET WITH VILLAGE

Attorney Blaise met with Constable Kie and Port Dickinson Chief of Police Krause. We are making progress.

VILLAGE OF PORT DICKINSON WAYNE AVENUE WATER PIT AGREEMENT

This lapsed 20 year agreement was reviewed by Danny Miller of the Water Department and Ron Lake our Town Engineer based on the following bill.

The billing from Port Dickinson of \$1,400 annually covers and includes:

- The electric bill
- 10% of the salary

The basic question within the agreement was how to calculate the payments. Per Danny the dollar amount is reasonable. If Port Dick was ever to change the rate, it would be acceptable that they should notify us a few months ahead. Mr. Blaise asked Danny to go through it and to make notes on anything he wants changed before he would contact and notify Herb Kline, the Village's attorney of our response. Danny Miller of the Water Department will meet with Engineer for the Town, Ron Lake.

In summary, it appears all of the charges are legitimate. Recent repairs brought this agreement to light. Over the decades and in the past, all work under shared services was done without any corresponding paperwork. In today's world we record any shared services.

TITLE & TAX EXEMPT ISSUES/STATUS FOR CONDEMNED PROPERTIES

The Town of Dickinson now owns 34/36 North Broome Street. It is condemned and is now on the tax exempt list. Also, 213 Bevier is closer to foreclosure; any day now. In addition, 50 N. Broad Street is in foreclosure and will probably transfer by spring 2013. 13 Bellaire is in the final stages of the assessment of the property and several parties have expressed interest in it. The Town will work with **Broome County Real Property** until all these property transfers have been completed. Soon the assessed values of all of these properties will be completed and hopefully, the Town can list them on the real estate market to get them back on the Town's tax rolls. It would be less work for Joel Kie of the Highway Department to keep them mowed and within code.

REVISIONS TO CELL TOWER LOCAL LAW

Nothing to report.

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

The Planning Board is to come up with revisions and present them to the board.

In the interim Code Enforcement officer, Steve Rafferty and Attorney Blaise met and reported they are both satisfied with the religious and educational definitions from the committee. A proposal on the table is they would need a 'special permit' for a church to operate other venues as an accessory use. For example, if a used clothing operation or even a day care facility is proposed, then it is not a religious thing. They would need a 'special permit' to operate it on the property. They will be incorporated into what the advisory committee sent in and it should also be reviewed by the board before hand. If there are any questions please forward them to Mr. Blaise. It should be noted, the Planning Board meeting went very well. A public hearing would be scheduled in January or February.

CHAIR

BCC SMOKING ISSUE

There is nothing new to report regarding an alternate smoking site on the BCC campus. Councilman Burns noticed the BCC Campus Security was stopping people and requesting them to stop smoking on Boland Road, which is off campus. Mr. Marinaccio reported Binghamton U campus is included in a proposed statewide no smoking ban on SUNY campuses. It will be interesting to see how this will turn out.

REVIEW OF EMPLOYEE HAND BOOK

Supervisor Marinaccio stated there were few changes and will sign off with each department. It will then be presented to all employees. His comment is that it is a document we need to have in place for current or new employees. No major operating changes and thanked all of the Board for their input.

DATE OF DEMOLITION OF 34/36 N. BROOME STREET

No dates yet. Contracts need to be prepared by Attorney Blaise to LCP and Jennings Environmental. The demo would probably be early next year.

MEETING SCHEDULES FOR 2013

No major changes. Note meetings will be held on a Tuesday when the prior day is a Monday Holiday. After a survey by the employees, the majority vote was Martin Luther King Holiday would be traded to Good Friday. These are the days the Town Hall is closed. Vote on it at the January 14th meeting.

17 MARKET STREET

There has been lots of stuff going on at this address. Two (2) more law enforcement calls were made.

BJCSTP REGULATIONS

The Town received a reimbursement check, not a credit, in the amount of \$104,605K that goes through and including 2010. This goes back into the sewage account. Danny Morabito asked Oliver how we know the amount is accurate. Supervisor Marinaccio response over one year ago which the Binghamton Press reported, the formula was incorrect. It so happened, a New York State Comptroller audit and a new person working there, who is now the controller, supposedly gets involved to calculate the data. Danny Miller of the water department stated they got behind and now they have a new way of billing. Every January they review the formula so it's different every year. We only owed them once in the past and that was several years ago. At one point, Johnson City challenged their \$1million bill so it caused them to go back and perform an audit. They have put the plant on 'alert' to act responsibly and in a fiduciary manner. The check has been deposited.

HANDICAPPED PARKING REQUEST

Supervisor Marinaccio reviewed the handicapped policy and followed up on the correspondence regarding a request to designate a handicapped parking spot to a lady who is renting at 31 Pulaski Street. He stated it cannot be a spot for one (1) person. In the meantime, Mr. Marinaccio drove by to better understand the street dynamics. This street is on an incline and is quite narrow. There is no room on the street.

It should be noted, when Town snow trucks are plowing or salting, it is even difficult for the Highway Department to operate safely and without sliding into vehicles parked on the street. Since she was disappointed in his answer she went to the **Office for the Aging** of which he received a call by the agency. After a conversation, the agency will call him back after they contact the land lord of the property and the renter.

SUPERVISOR TO SPEAK AT CORNELL COOPERATIVE EXTENTION

Supervisor Marinaccio agreed to be the key note speaker at the Cornell Co-Op Extension, at their next meeting, located at 840 Front Street.

Supervisor Marinaccio asked if there were questions pertaining to his portion of the meeting, there were none.

PUBLIC WORKS

SEWER FLOW MANAGEMENT FOR INCLUSION OF BJCSTP REGULATIONS IN TOWN CODE

Engineer for the Town, Ron Lake reviewed the report he provided to the Town board. It is very confusing, so we need to find a way to define it in language and a manner the public can comprehend so he went into detail of his report findings. Outside users pay 1 and ½ times of what we pay to Binghamton and Johnson City Joint Sewage Treatment. We need to compare it to our annual costs of what Dickinson will charge. We could get approximately 1/3 of our costs back.

After he reviewed several pages of formulas to the board, Danny Miller, of the Water Department, stated this is all of house meters not on wet flow. It is suggested that we have an agreement prepared first and then we can go back to amend it. They could challenge the engineer's Flow Management figures. We'll work with whatever is later presented. It should be noted that recorded water readings of four (4) municipalities and during a heavy rain we notice a greater flow because this includes rain and all rain gutter flow. A smoke test will also be carried out.

After a lengthy discussion the question is, 'Do we anticipate any major problems with Binghamton?' If there are, we will work through this. As a town we need to maintain these pipes and we want to do the right thing. Ron Lake confirmed we can use these formulas.

In conclusion, Supervisor Marinaccio recommended we offer to meet with each individual municipality to review our number by sending a letter.

SUNRISE TERRACE WATER TOWER FENCING

Danny Miller stated if anyone is interested in driving by the water tower in Sunrise Terrace to see the work being done on the fencing project which is near completion. Comment by Mr. Miller: We dropped down to number four on the use rate list of sewage flow. We used to be up there but now it is less.

CODE ENFORCEMENT

Councilman Morabito asked if there is anything new regarding the trailer located on Iris Drive and a boat parked on the property. It should not be there because it is not licensed. Since they were already sited, we need to issue an appearance ticket by Code Enforcement. We have been extremely lenient but now it's time to act. Attorney Blaise requested once it is done to scan a copy to the appearance ticket to his email account.

On motion by Supervisor Marinaccio, the work session was adjourned by motion of Councilman Morabito and seconded by Councilman Burns at 6:54PM

Respectfully submitted,

Wanda R. Broczkowski

Town Clerk