

November 13, 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, November 13, 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

Also attending:

Oliver N. Blaise III, Esq., Town Attorney

Wanda R. Broczkowski, Town Clerk

Absent: Stephen M. Gardner, Councilman

SUPERVISOR'S REPORT

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

- Councilman Steve Gardner, Ron Lake, 3 members from the zoning board, 1 from the planning board and Supervisor Marinaccio attended the Coughlin & Gerhart sponsored Annual Municipal Law seminar that was held Saturday, November 3rd. The seminar was found to be very educating and covered many topics that we deal with as municipal leaders.
- Supervisor Marinaccio is continuing to discuss the smoking issue with BCC. We are now waiting to see if the BCC Trustees amend their original policy so to allow a smoking area/hut on campus.
- The head wall for the flap gate has been installed and DOT is now waiting for the gate to be delivered. That should happen in the next month or so. DOT made arrangements to install a temporary gate during the recent storm in the event that we incurred river flooding.
- We continue to see problems at 17 Market St. The Sheriff and State Police have been called in to investigate various issues there. Supervisor talked to the Sheriff and he informed him that the property is being watched.
- Supervisor Marinaccio attended the Binghamton University sponsored program that deals with future technology and business development.
- He wanted to thank Broome County emergency services and administration for the very effective planning that took place with the anticipated weather from Hurricane Sandy. He believes that we were well prepared for emergencies due to well established communication amongst all municipalities. He also wanted to thank Joel Kie and his crew for working through the weekend to make sure our streets and storm basins were kept clear of leaves.

- The repair work on our building is complete. We need to meet with Fahs to go over the completed work and sign off on the contract.
- Bev Wike and he met with two representatives from Viridian, a company that purchases and sells green power generated from wind and solar. We are awaiting a proposal from them to see if there is any savings on the use of electricity within our town operations.
- In regard to our present loan for our town hall and town highway buildings, we were informed that we had signed a 10 year, no change policy and we are now eligible to seek a new loan with better interest rates.
- Supervisor Marinaccio received a letter from a Pulaski St. resident asking where the handicapped parking is for that street. She stated that her landlord does not provide parking.
- He received a certified letter from Time Warner stating that they have completed an internal reorganization and that the cable system operation of TW will be conducted through 7 regional entities designed to simplify management reporting and create a more geographically rational structure. The letter also stated that the transaction will have absolutely no impact on the cable system, its operations or our local staff or management.
- There was one (1) NYSEG warning letter issued due to an unpaid account.
- There was one (1) Code Violation issued for two (2) vehicles openly stored without license plates with a couch at the curb not picked up by garbage service.
- Dog Control Officer's report has been received.

PUBLIC COMMENT

Jeanne Compton reported four (4) Zoning Board members attended, all except for Jim DeGennaro.

Leonard Gee extended a sincere 'thank you and gratitude' to the board for the town approving a light pole be installed on the corner near his property on N. Ely Street. Since the installation, he stated 'it makes a big difference in the neighborhood'.

Remortgage: Town Hall Attorney to look at refinancing it with JP Morgan Chase.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Burns to approve the Work Session of October 1, 2012 and Regular Meeting Minutes of October 9, 2012. All in favor. Vote -4 Ayes, Nays-0.

ABSTRACT #11

Abstract Summary of Audited Vouchers for Funds in the amount of \$184,375.26. On Motion from Councilman Morabito, seconded by Councilwoman Exley to approve. Vote Ayes – 4, Nays – 0.

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

Unanimously passed and noted as duly adopted.

ATTORNEY

RESOLUTION 2012-38

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:

Authorize reimbursement to County for demolition costs at 50 N. Broad Street. This was reimbursing the Town for unpaid taxes on this property. Attorney Blaise will contact Kevin Keough at the County we will cut a check and pay the County directly. 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 – 4, Nays – 0.

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

All in favor: Resolution attached.

RESOLUTION 2012-39

The following Resolution was offered by Councilwoman Exley, 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:

No adverse environmental impact for change to water & sewer rates.

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 – 4, Nays – 0.

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

All in favor: Resolution attached.

RESOLUTION 2012-40

The following Resolution was offered by Councilman Burns, 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:

Adopting local law revising sewer rates. All sewer customers, measured by water usage will be charged \$15.00 for 1-100 cubic feet of water. The rate for 101-99999 will remain the same at \$5.58 per 100 cubic feet of water.

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 – 4, Nays – 0.

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

All in favor: Resolution attached.

RESOLUTION 2012-41

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:

Adopting local law revising water rates. All sewer customers will be charged \$10.00 for 1-100 cubic feet of water. The rate for 101-99999 will remain the same at \$4.05 per 100 cubic feet of water.

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 – 4, Nays – 0.

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

All in favor: Resolution attached.

RESOLUTION 2012-42

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:

Adopting the 2013 Budget approval.

Discussion showed it was a fair budget by all departments by controlling costs and keeping under the 2% Tax Cap. 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 – 4, Nays – 0.

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

All in favor: Resolution attached.

PUBLIC HEARING(S) SET

Several Public Hearings need to be scheduled for Sewer Regs from the Joint Sewage Treatment Plant and a Public Nuisance Law.

On a motion by Councilman Morabito seconded by Councilman Burns for authorization to hold the two public hearings on December 3, 2012. One at 5:30PM and the second at 5:35PM. All in favor.

CELL TOWER LOCAL LAW

The FCC earlier this year revised its regulation of approval on cell tower sites. Attorney Blaise has nothing new on this and he will continue to look into the Federal Regulations.

PLANNING BOARD - DEFINITION OF EDUCATIONAL AND RELIGIOUS USES IN R-1 ZONE

Patrick Doyle was in the process of setting up a meeting to review the Comprehensive Plan as well as the Special Exception Permit(s). Supervisor Marinaccio will contact him to confirm the date and time of the meeting and will look for comments from the Planning and Zoning Boards before we can hold a public hearing.

TIME WARNER CONTRACT

Nothing changes substantively on this.

CHAIR

Supervisor Marinaccio reported the Broome County Sales Tax reimbursement was received for the 3rd quarter. We are a little ahead. \$185,247 was received for the 2012 3rd quarter.

The Cumulative Comparison is:

- \$539,000 2011 Through 3rd Quarter
- \$544,000 2012 Through 3rd Quarter

CODE

A Code report was filed regarding 42 Sowden Street, in Prospect Terrace, the current owner was sited with a code violation.

HANDICAPPED PARKING REQUEST

Supervisor Marinaccio received correspondence regarding a request to designate a handicapped parking spot to a lady who is renting at 31 Pulaski Street. Her landlord does not have a designated handicapped spot on this property. He will contact this resident to see about the situation.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

34/36 NORTH BROOME STREET DEMOLITION PROJECT BIDS RECEIVED:

Public Works Commissioner Kie presented the quotes.

Demolition of trailer and site restoration; includes planting grass:

- Gorick \$9,400
- LCP \$8,700

Asbestos project monitoring & air sampling/testing:

- Jennings Environmental Proposal accepted
- Delta Engineering Proposal rate was almost twice as much as Jennings

After a discussion, the board recommended the contracts be awarded to the lowest bidders. On a motion by Councilwoman Exley seconded by Councilman Burns to approve the awards of the contract(s) to LCP and Jennings Environmental. All in favor. Vote -4 Ayes, Nays-0.

1. Joel Kie reported he and Beverly reviewed the heating and cooling system contract we currently hold with Air Temp. The current annual contract is \$5,660. We learned they no longer are the authorized dealer for the NOVAR computer system. We compared it with Climate Control Technologies who would charge \$5,110. Another option would have been to go through a dealer located in Syracuse. After a discussion the board decided it was not worth the minimal savings and would leave it alone. Supervisor Marinaccio complimented them on taking the time to compare contract pricing.
2. Joel Kie proposed a cost saving measure for the garage lighting system by \$4,300 annually. We recently had an energy audit. The cost is \$5,000 to re-wire and replace with new LED fixtures. Even though the light fixtures will cost more, there is a significant cost savings to switch to fluorescent for a cost of \$3,000 annually. We will be eligible for a \$1,500 rebate. We will put guards on the lights when rewiring this project. This makes sense because we will get our savings back within one year.
3. The last brush and leaf pickup will be November 19th. It will be listed in the Press.
4. The Highway department will be performing work around the Sunrise Terrace Tank, digging around it to eventually put up a fence around the tank.
5. Supervisor Marinaccio reported we finally have the flow rate from Johnson City by him contacting Mayor Deemie. We can now get things going for the Sewage Treatment plant.
6. Joel made note pole lights are out at the corner of our street. We are investigating.

FINANCE

On a motion by Councilman Morabito seconded by Councilman Burns to approve the August 2012 Monthly Financial Report. All in favor. Vote -4 Ayes, Nays-0.

PLANNING BOARD

Councilwoman Exley posed the question of when the Public Hearing on the change of the Code to the definition of Religious and Educational use would be held. Within the process it takes the County 30 days to render a decision, which is the first step. Code Enforcement Steve Rafferty reminded us it is important to get it formatted. The problem is with the definition regarding regulations, we will make it specific. Supervisor Marinaccio passed on the issue raised or a concern from Patrick Doyle of the Planning Board it locks in and leads us to going down one path. He feels it is not broad enough.

LEGISLATIVE AND CONGRESSIOAL REPRESENTATIVES FOR THE TOWN

Councilman Burns asked who represents us here in the Town. In the Legislature, it would be Mike Sopchak. Richard Hanna is our Congressman who handles all of Broome County. Sometime during 2013, Supervisor Marinaccio will request Congressman Hanna to come to one of our Town Board meetings to speak

REAL ESTATE INQUIRY PROSPECT TERRACE

A representative of Pyramid Real Estate, a commercial real estate, contacted Supervisor Marinaccio regarding the vacant Northwestern Mutual building in Prospect Terrace. There are 2 principles who own it. One wants to sell it and the other does not. The current zoning, R1/R2 limits what can go in there? If that were rezoned to Commercial it would have to be the whole area. Spot zoning is illegal. We are unsure of what our plan should be or what we want there. Oliver commented it could be Planned Unit Development (PUD) or Contract zoning. The neighborhood is currently made of rental properties. This is a very high traffic area near the Interstate and the cross roads to the new Wal-Mart Plaza and it is linked to several communities. Supervisor Marinaccio is asking us to think long term to take a look at the area if something comes up on it.

ZONING BOARD

None

CODE ENFORCEMENT

None

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:55 PM

Respectfully submitted,

Wanda R. Broczkowski