

**February 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. The members of the Town Board present were:**

**Michael A. Marinaccio, Supervisor  
Danny F. Morabito, Councilman  
Thomas J. Burns, Councilman  
Stephen M. Gardner, Councilman  
Sharon M. Exley, Councilwoman**

**Also attending:**

**Oliver N. Blaise III, Esq., Town Attorney  
Wanda R. Broczkowski, Town Clerk**

**PUBLIC COMMENTS**

**SPEAKER RICK WOIDT, ENGINEER DESIGN ENGINEER FLAP GATE STUDY**

Supervisor Marinaccio introduced Design Engineer, Rick Woidt who designed the local flood walls which include those located at Lourdes Hospital and United Health Services (UHS). We have called him to perform a flap gate study specific to Chenango Shores which includes Nimmonsburg Church, upper Front Street and Route 11. This would also involve the area which crosses under Route 81 and Route 88. The Department of Transportation (DOT) is concerned to not make matters worse by installing a flapgate. Supervisor Marinaccio passed around a small map of Chenango Point dated 1797. It is necessary to conduct a collection of data before Rick can make recommendations.

*After his presentation, several council members made the following inquiries: One question posed by Councilman Morabito, are there specific dates for when the study would take place? Councilman Gardner wondered of the DOT, who would be involved and when and how it would be communicated, verbal or written? Once approved, DOT would do the work and would be responsible to maintain it. Councilman Burns wondered could the flap gate be automatically controlled. At the Lourdes Hospital site, it is automatic and also has a manual switch.*

*At this time residents came forward to provide information and insight, as well as those residents to voice their concerns.* Nancy Ramsey had two points to present. The first point, she asked us to keep in mind there always was a flap gate in years gone by. Second, once the rain had stopped during the 2006 flood and afterward once the sun was shining, then the waters came in. Jack Ramsey referred to the 1964 flood and that the flap gate was in place. He noted when Interstate 88 was built; the road was constructed over the old Chenango River bed. His recommendation was to locate documents or look for DOT records on the building and construction of Route 88 East. At this time Rick Woitd stated he would be able to gain access to these records. It should be noted, drawings show a flap gate during the I81 construction. Resident Jim Love of Orchard Road, referred to storm river beds and that this was at the old water gardens site where the current Days Inn is located. If one was to drive near those properties today you would see the water which lies there. Jim has historic maps dating back from 1866, 1876 and 1903 that he would be willing to share with Rick Woitd. Rick Woitd's approach is he will perform his data collection, preliminary study and present his final analysis.

At this time Supervisor Marinaccio would like to share Rick Woitd's website address with all of us on order to forward any information Rick might find useful during the investigative process. Nancy Ramsey thanked all of the town board for their help. As residents they are all desperate for our help. Supervisor Marinaccio stated the board would hopefully vote on it tonight and review any history on the flap gate, to be made available. It should be noted the Richard Church study, former Regional Director of NYSDOT concerns what affect or benefit the flap gate have if it is installed.

The town board feels the funding for this study which New York State requires prior to doing the work, is worth the estimated \$12,000 to perform the study. It would add protection to Chenango Shores and all those properties in the immediate area. Supervisor Marinaccio is willing to find the money from the contingency fund. It was noted that the Board has carefully studied this issue from September to February to come to this juncture of proposing a resolution to approve this flap gate study.

Supervisor Marinaccio has a historical 2011 flood book of aerial photos to share with us. Jack Ramsey, resident stated Broome Community college has equipment to measure water across the way near the PLAZA.

The Supervisor thanked all residents for coming to the meeting. Public comment period for the flood gate topic was then closed. At this point the board went on to conduct the business of the regular monthly meeting.

Supervisor Marinaccio gave his report for the month of February and will be placed on file.

### **MEADOW WOODS DEVELOPMENT PROJECT**

Supervisor Marinaccio announced that the **Meadow Woods**, project of the more than 100 unit residential development off of Glenwood Road appears to be back on track. It is a 46-acre tract of land initially proposed for development back in 2006. Little has changed and the plans are basically the same. He is excited about it as it will help our town's tax base. The next step is approval by the Planning Board so the plans will be on hold until their review is finalized.

### **2011 FLOODING ISSUES NEAR WAL-MART AND MARKET STREET AREA**

Resident Carl Podlinsek, who has been a resident of Market Street since 1950, spoke about his observations and theory regarding the 2011 flood. (Town sent a letter to the Village of Johnson City about our concerns at that time.) His theory is the Gannett Press and Sun Bulletin building created a wall, flooding Market Street, up to and including Lake Avenue. He thought the Press Building could have been built on the old Endicott Johnson Paracord manufacturing site because prior to this it never flooded.

Supervisor Marinaccio noted the water near Wal-Mart receded quickly. His question was "Why was it gone in one hour"? He also notes we got more rain in a short period of time including one week- prior to the flood. Under these circumstances, the area was doomed to flood. How this happened, is explained within the Flood Task Force. Supervisor Marinaccio does encourage people to attend the meetings which are open to the public meeting.

### **MANLEY MIGHTY MART BRIGHT LIGHT AND LOUD SPEAKERS NEAR MARKET STREET**

Also, Carl Podlinsek asked could we look into the lighting and noise situation on Market Street and vicinity. He pointed out that the Manley's Convenience store operates their loud speakers 24/7 with annoying advertising over their loud-speakers. It spills out in the neighborhood and is very distracting.

### **ROUTE 17 AND I81 LIGHTING**

Supervisor Marinaccio commented that after four months all the street lights are now working at the kamikaze curve portion of Route 17 (future 86) and I81.

### **DOT HAS SET-UP ANOTHER HIGHWAY CONSTRUCTION STAGING AREA FOR INTERSTATE 81.**

The Johnson City staging area is located at the interstate exchange of Airport Road and Prospect Terrace. Construction sites for interstate 81 we will just have to get used these. Photographer Ed Aswad, will take aerial photos of 17/81 highway area as this construction progresses over the next few years.

**LIGHT POLE FOR N ELY**

Public Hearing status regarding the light pole near the residence of Leonard Gee. Public Works Commissioner Kie states they would need an easement granted by Leonard Gee’s neighbor before a hearing can even be scheduled. Joel suggested they put it on an existing pole to speed up this process. Supervisor Marinaccio asked Public Works Commissioner Kie to look into these matters.

**PUBLIC COMMENT PERIOD CLOSED**

Board went into the town’s regular business meeting.

**APPROVAL OF MINUTES**

On a motion by Councilman Morabito, seconded by Councilman Gardner to approve the Work Session and Regular Meeting Minutes of January 9, 2012 as presented. All in favor. Vote -5 Ayes, Nays-0.

**ABSTRACT #2** – Abstract Summary of Audited Vouchers for all 2012 Funds in the amount of \$195,336.43. On Motion from Councilwoman Exley, 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.

**RESOLUTION 2012-6**

The following Resolution was offered by Councilwoman Exley, who moved its adoption, seconded by Councilman Gardner to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Resolution approving a public hearing on the proposed Code of Ethics local law is scheduled for the March 5<sup>th</sup>, Work Session.

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 2012-7**

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:

Resolution approving a public hearing scheduled for the March 5<sup>th</sup> Work Session for the purpose of installing a pole light on JT Boulevard near Lower Stella Ireland Road.

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.

After the vote, it was decided we are to notify the residents in the area within 500 feet. Attorney Blaise will provide a legal notice for publication for the Press.

**RESOLUTION 2012-8**

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:

Resolution approving the availability and posting of the documents to be considered by the Town's boards prior to each town meeting. See attached resolution. Supervisor Marinaccio wants to know how much flexibility we have if we have an additional item. Attorney Blaise stated it is OK as situations come up that need to be address. 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 2012-9**

The following Resolution was offered by Councilwoman Exley, who moved its adoption, seconded by Councilman Gardner to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Resolution approving calling on the New York State Department of Labor to waive asbestos removal fees for structures obtained through the flood buyout program. See attached resolution. 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

A copy must be submitted by the Town Clerk to Frank Evangelisti, Chief Planner, Broome County Department of Planning and Economic Development

All in favor.

**EMPLOYEE HANDBOOK**

Supervisor Marinaccio reported Beverly Wike is continuing to work on it.

**SAMPLE SEWER USE AGREEMENT**

The Town of Fenton and the Village of Port Dickinson have an agreement for the use of municipal sewer lines. Supervisor Marinaccio stated we will use their sample of the agreement as we need to come up with fees, agreements and line uses. Examples of where such an agreement could be used: Town of Union, Village of Johnson City, Binghamton (e.g., the Ely Park area. We need to determine where the lines enter into our Town of Dickinson. We need to maintain and monitor our lines to ensure we only pay what for use by our town.

**PROPERTY STATUS**

36 N. Broome Street - This property has an abandoned trailer on it. If nothing changes, then next month the recommendation will be to condemn the property.

**BROOME COMMUNITY COLLEGE SMOKING BAN SPILLING INTO NEIGHBORHOOD**

Debbie Morello, representative of Broome Community College, is starting to see some problems with the new non-smoking campus policy. The college policy says ‘you can smoke in your car’. Students are congregating on residential streets such as Hickory Road and College View Road, leaving cigarette butts all over the road. “What can be done?” Ongoing communications will be open between us and the college on this matter.

**RESOLUTION 2012-10**

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:

Resolution proclaiming February 18<sup>th</sup>, 2012 as Robert Locker day.

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 2012-11**

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:

Resolution approving the town hires Rick Woidt to conduct a study on the flap-gate and not to exceed \$12K.

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.

## **CHAIR**

### **TOWN NEWSLETTER DEADLINE REMINDER:**

March 15th

## **FLOW MANAGEMENT**

Engineer for the town, Ron Lake reviewed a GHD Summary and Recommendations document with the town board entitled. Everything from "Why a Flow Management Program" See copy of memo, attached. DEC states others already are in compliance. Supervisor Marinaccio stated to try to avoid hiring someone to manage the Town's compliance issues we should plan to use shared services. It should be noted that section 4.3 - #2 is where most of our work will come in. DEC is pushing cities and towns for new agreements. There will be a meeting February 28<sup>th</sup> on infiltration problems.

*Questions were raised by Council members:* Councilman Morabito how are we going to manage this? Need a person to handle all of management in each municipality. DEC will be enforcing this. Councilman Burns is this state or federally mandated? There are nine users of this system.

## **GUN DISCHARGE LAWS**

Gun discharge laws will take awhile per Attorney for the town, Oliver Blaise. There is a need to review and discuss it at his law firm before any action could be taken by the Town.

## **COMMITTEE REPORTS:**

### **PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT**

1. Public Works Commissioner Kie reported Old State Road has had reported break-ins at resident's property and car. No parking signs try to avoid this. People walk the area. Currently sheriff cannot do anything about it. Just call the Broome County Sheriff. Look into this further
2. Public Works Commissioner Kie will attend the annual Code Class in Syracuse sometime in the month of April.
3. Public Works Commissioner Kie reported the refurbished BCC generator will be delivered on Wednesday, February 15<sup>th</sup>.
4. The 2011 Code Report was completed by Steve Rafferty, Code Enforcement Officer.
5. In regards to Code Enforcement, Supervisor Marinaccio is glad to see we have cited those people who are violators.



**ROGER'S RECORD STORAGE**

Councilwoman Exley stated before the town meets with Rogers Moving and Storage, regarding town record storage, she reminded us we are also teaming with Broome County on a grant for county-wide storage of records through Susan Etherington of the New York State Archives of Region 6. There is a possibility of refurbishing an old building or build a new one. Decision is due Mid-March by the County.

**ZONING BOARD** None

**CODE ENFORCEMENT** None

The Board went into executive session regarding the potential acquisition of real property and issues that could affect the price thereof. The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 8:10 PM

Respectfully submitted,

**Wanda R. Broczkowski**

**Town Clerk**