

January 14, 2013 – 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 6:00 PM on Monday, January 14, 2013 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 Marinaccio held a moment of silence on the passing of Jake Wilfley, former Mayor of the Village of Port Dickinson.

SUPERVISOR'S REPORT

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

- In regard to the BCC No Smoking on campus policy: The Supervisor was informed that this policy of no-smoking on campus grounds will be adopted by all NY colleges in the very near future. Because of that, BCC will not have a designated area on campus for smokers. There has been some discussion on BCC erecting a fence along the area in our Chenango Shores neighborhood where students and others have been smoking. This has caused a great deal of concern amongst our residents there and we are trying to take steps to prevent students from smoking there. We met with Debbie Morello from BCC for further discussion on this very important issue. We can have an open discussion on the outcome of the meeting during our business segment.
- As far as our revised Employee Handbook goes, the final draft is completed and we can now begin to meet with our department heads and staff to discuss the changes and additions to the hand book.
- 34-36 N. Broome was to be torn down last Friday, 1-11-2013 but due to the Pa's Woodshed Fire, the owners, LCP, had to demolish what was left of the building instead of demolishing our condemned property. A new date will be forth coming.
- In regard to our annual news letter, just a reminder that we are beginning the process immediately. Bev and Supervisor Marinaccio will be sending out notices to everyone who contributes to the newsletter so that they can begin to send us articles and other news relating to our town.

- As a reminder, the Annual Prospect Terrace Fire Company oath of office and our State of the Town will take place on Saturday, February 9th at around 6:00 PM
- Planning Board meeting on Monday, January 28th at 6:00 PM.
- The Association of Towns meeting is scheduled for Thursday, January 24th at McGirk's, 5:30 PM.
- There was one (1) NYSEG warning letter issued due to an unpaid account located at 33 Pulaski Street of \$1,610.10.
- Code Enforcement Officer Rafferty has completed his Local Government Uniform Code Administration & Enforcement report.
- Code Violations issued – One (1) appearance ticket issued to 112 Iris Dr. Sunrise Terrace due to various property violations. Past Code Violation notices have been ignored. It's speculated someone has been living in the trailer. We will pay attention to this.
- 33 Stearns Road, currently being rented out has a violation of water not discharged into the sewer line, but being discharged from the washing machines into floor drain going into the ground.
- Dog Control Officer's report has been received.

PUBLIC COMMENT

Supervisor Marinaccio asked if anyone had any questions before we started. There were none.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Burns to approve the Work Session of December 3, 2012 and Regular Meeting Minutes of December 10, 2012. All in favor. Vote -4 Ayes, Nays-0.

ABSTRACT(S) #13 Pre-pay 12-31-2012 & Voucher #1

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$243,346.89 and \$247,027.84. 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 2013-1

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:

Addressing Organizational matters for Town operations in 2013. 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 2013-2

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:

Schedule a Public Hearing for local defining educational and religious accessory uses residential addressing Organizational matters for Town operations in 2013. February 4th a public hearing will be held we will vote on this 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 – 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

UNIFORM TRAFFIC TICKET WITH VILLAGE

Attorney Blaise reported there will be a change in the fine structure which escalates as days pass. We are close to the final revision by February and could approve it in March.

VILLAGE OF PORT DICKINSON WAYNE AVENUE WATER PIT AGREEMENT

Attorney Blaise, Herb Kline the Village's attorney and Ron Lake, Engineer for the Town met to review the new Intermunicipal agreement to replace the lapsed 20 year agreement with Port Dick. It is intended for adoption at the February meeting. The dedicated sewer line is in question and wonders whose responsibility it is to maintain it. Question: Who pays and maintains this line.

During a lengthy discussion, Engineer for the Town Ron Lake, says our sewer line is approximately 1,000 feet. Unfortunately, there is no map available to show the ownership. We want to correct it and we feel we are responsible.

The current district 6 lines run through a swamp and it takes care of Old State Road at Route 7 and where the old Chenango Canal used to operate through Chenango Street. Initially the line was supposed to go back and then up to the light and dump it into a line running to Chenango Street. It appears that the plan was not followed and instead it took the path of the swamp due to better flow. Attorney Blaise questioned who owns the land?

Per Mr. Lake, we are only users of the line. We could sign the agreement and add an addendum once we clarify whose responsibility it is to maintain it. Before the next meeting, Ron Lake will see if he can find out any more info on it as well as verify with the DOT if they have any records or maps. Attorney Blaise stated no matter what, we need to know for the future if the line needs repair who is responsible. No matter what, we probably have to pay for the repairs so Mr. Lake believes we can do the work cheaper. Before any work can commence, it should also be noted there is lot of work to clear away the trees in this area.

Attorney Blaise will notify Herb Kline the attorney to let him know there is a new wrinkle on this issue. The new intermunicipal agreement will take effect June 2013 although Supervisor Marinaccio said we have more work to do.

DELINQUENT WATER AND SEWER BILLS - PROCESS REVIEW

Delinquent water and sewer bills have always been a problem and the board decided to think about how to go about resolving these issues especially when it involves a business. In particular we currently had one delinquent for over \$30K. Under the Town Code we have the authority to shut down an account within five (5) days via a written notice. It's recommended when these things occur the board would be notified and take a vote whether or not to shut off their water service.

Councilman Morabito asked if we did shut it off, what is the process. One recommendation, is if it is unpaid for one (1) year, then we could begin a process to notify the customer and if not paid within the 5 day period then would the service be shut off. Beverly Wike suggested a service reactivation fee of \$50 be charged. What would happen if it's over the week-end? Would it be more?

Beverly Wike will be asked to forward the information to Mr. Blaise and he will review the situation. We do not want to shut off the service, but they must pay. It was the consensus of the board it is not fair to residents and other businesses who pay them in a timely manner. We need the money to run the water and sewer department in the Town. Ron Lake and Steve Rafferty were all OK with this.

The discussion then turned to how to handle residents. Per Attorney Blaise, how do we differentiate between commercial and residential and we would have to be consistent and treat them the same. Supervisor Marinaccio stated, we have a code and we should follow the code across the board by sending a certified warning letter.

Supervisor Marinaccio will request Beverly to give us a report for our March 2013 meeting of the number of accounts overdue after the current billing period by residential and commercial and the dollar range(s).

CHAIR

34/36 N BROOME STREET DEMOLITION

LCP was scheduled Friday, 1/11/2013 to demolish the trailer on the 34/26 N. Broome property when the old PA's Woodshed building caught fire and then were called to the scene to demolish parts of the structure. The LCP demo agreements can be signed with the understanding the missing insurance certifications are received prior to proceeding with the demolition on 1/15/2013. Highway Commissioner Kie will follow-up on this to get the job done.

EMERGENCY MANAGEMENT

Supervisor Marinaccio stated the office of **Emergency Management** of New York State and FEMA, received a check from them in the amount of \$59,369.69. It will go to the general fund account.

CONGRESSMAN HANNA'S OFFICE HAS MOVED

Congressman Hanna has moved his office from to the Metro Center in downtown Binghamton.

BJCJST REQUIRES COPY OF LOCAL LAW & MUNICIPAL USER APPLICATION FORM

Supervisor Marinaccio received a letter from the **Joint Sewage Board** requesting a copy of our Local Law confirming we pass the law pertaining to adopting their regs. Also a specimen copy of the **Municipalities Application** form required for a new user to hook up to the sewage system. Engineer for the Town, Ron Lake will get one if we cannot locate ours.

BCC SMOKING ISSUE

This issue is continuing with the most recent possible measure being recommend by Broome Community College (BCC) to safeguard the neighborhood is to install an 8 foot high cyclone fence. Highway Commissioner Kie measured the area and estimated they probably would need 300 feet of fencing. Supervisor Marinaccio realizes we are in a quandary over this followed by a lengthy discussion. Councilman Burns says at this section of the road it would be in the middle of the road with 150 feet on each side. If we were to block this area off, students would be forced to go left or right leading them to go through other residents' backyards to get on and off campus. We recognize the residents would not appreciate this. Would the college consider a privacy fence for those affected residents. We wondered if this could possibly be civil trespass or right-of-way at the corner of Hickory and Sears Road. We certainly do not want to be spending manpower to monitor the neighborhood. The college is looking to spend thousands of dollars to erect a fence, but this is still not the answer or is it an easy fix.

Councilman Burns wondered if there was a way to agree to allow a place on town property for the students smokers. Attorney Blaise stated liabilities would be at stake for our Town. It was decided we should not accommodate the college in regards to the smoking ban.

The discussion then changed direction. It might be better if instead of Debbie Morello who has been representing the college as the point-of-contact we instead need to encourage Kevin Drumm to convince the New York State Chancellor to erect a hut on site for their student smokers. The Supervisor is willing to send a letter on our behalf to support this site for smokers on all campuses. Supervisor Marinaccio would meet with the neighbors before anything ever gets decided. They created the situation and it's their problem to solve. If all colleges put forward this ban, we suspect there will be repercussions by students state wide.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Danny Miller of the water department met with Broome Community College (BCC) and Delta Engineering regarding the proposed dormitory buildings to be erected on the BCC campus for 312 students. He estimates usage at 24,000 gallons per day in addition to the other students on campus. There will be a variable speed flow system as proposed by Delta Engineering. Engineer for the Town Lake was asked if he had any concerns, not at this time.
2. Mr. Miller wondered for the State Road tank repairs could we use the self-help option. Bid spec we put out would have to explicitly state this option. What was in bid that would not be road work for which self-help is targeted for. After a lengthy discussion about repair rehabilitation of \$170K or \$311K replacement it was determined it would be best to purchase a new tank. It avoids purchasing expensive paint, dealing with emptying the tanks and coming up with an alternate water source while they are being worked on. Danny was directed to obtain bids on new steel and glass fused tanks and also the cost for one for a rehab. All board members are OK with it.
3. After a recent water inspection they found five (5) leaking fire hydrants leaking needing repairs. The Otsiningo Park water main new installation repair was done.
4. Highway Commissioner Kie report the new lights were installed in the garage and bulbs were changed in the Court.

PLANNING BOARD

None

ZONING BOARD

None

CODE ENFORCEMENT

None

PUBLIC COMMENT

Resident Leonard Gee, had a question regarding fencing his neighbor has proposed to erect. Specifically how many feet away should it be when it could surround or deter firemen from accessing a fire hydrant near the property. Also the resident has been known to have parked cars on the lower edge of his property. Fencing would make the situation worse. At the point the resident owns up to and including to the right-of-way. How far down is he allowed to park cars on edge of the property and the right-of-away near the road to get the snow plowed properly. It appears to be a civil situation. He will talk to Highway Commissioner Kie regarding same.

At this point, Supervisor Marinaccio requested the board consider the Town proposes a better code on fencing. It has always been an issue and he believes it is time to begin thinking about enhancing the CODE.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:26 PM

Respectfully submitted,

Wanda R. Broczkowski