

## November 12, 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 promptly at 6:00 PM on Tuesday, November 12, 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**

**Stephen M. Gardner, Councilman**

Also attending:

**Oliver N. Blaise III, Esq., Town Attorney**

**Wanda R. Broczkowski, Town Clerk**

### CHAIR

### SUPERVISOR'S REPORT

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

- The next **Association of Towns & Villages** meeting is this Thursday, November 14, 6:30 pm at the Spot Restaurant. **SUNY Broome's** Fran Battisti is the guest speaker in place of President Kevin Drumm. I also hope that a nomination committee is formed for the 2014 slate of officers.
- Supervisor Marinaccio plans on attending the Coughlin & Gerhart information meeting this Friday regarding the county highway road preservation law.
- Tonight the Town board will be voting on yet another very well constructed Town Budget for 2014. No increase in property taxes. All services preserved.
- Mr. Marinaccio received a very interesting invitation to a Press Conference and reception which will take place this Thursday, same time as our association meeting. Though the reason for the meeting has been kept under wraps, He believes that it will be about another entity wanting to build a casino right here in Broome County.
- Received a copy of Congressman Richard Hanna's "**Empire Growth Agenda**". This agenda focuses on agricultural and industrial growth in New York, especially in Upstate NY.
- At our December work session meeting, I will present the 2014 holiday and meeting schedule for the boards review and consideration.

- Our 3<sup>rd</sup> quarter sales tax revenue is 189,612. Year to date the town is \$560,423. A letter was received from the BC Health Department regarding the water supply sanitary survey: No significant deficiencies were noted. Noted improvements were: a new water storage tank on Old state Rd., Campus and Terrace storage tanks are on a 3 year inspection schedule. They were last inspected in 2012. A wireless telemetry system is nearly complete, outside meter reading devices have been installed throughout the town, 1,500 ft. of water main and new hydrants installed on Pulaski St. On Old State Rd. the pump station was refurbished with new pumps, piping and controls.
- Looks like the Color Run is a go. Date of the event will be announced soon.
- NYSEG warning letters-None received.
- Code violations – 270 Lower Stella Ireland, tall weeds and grass.
- Dog Control Officer's report - Received September Dog Control Report. Stray dogs, dogs not on a leash, and an animal abuse complaint. All issues were addressed.

## **CHAIR**

### **SUNY BROOME SMOKING BAN PUBLIC COMMENTS**

The Town has been working with the College to resolve this problem coming up on 2 years. Mr. Marinaccio asked Debby Morello to address the Town Board and the residents of the affected neighborhood.

Debby Morello a Vice President expressed **SUNY Broome** is at an impasse in the school's attempt to go smoke free 3 years ago. They are considering erecting a gazebo and set-up an obscure picnic table area. Going back to the problem of students loitering in the street on Hickory Road, which has gotten worse, the town is not in favor of erecting a variety of signs such as no loitering or no cigarette butts which would require our Constable to police and enforce the area. Photos were sent to President Kevin Drumm. It is no win situation as students will continue to smoke. Supervisor Marinaccio expressed we will not resolve this at this meeting tonight as the college board of trustees has to be approached to the idea of a gazebo.

Regarding the idea of erecting a fence with a gate, it is not acceptable if there would be an emergency. Most likely, the students will find a way around it. It was discussed there could be space behind the new dorms since this would be considered non-campus property.

Angie, a resident, recommended removing the large stones near the street. It would help discourage the smokers, as they feel comfortable and encourages their sitting on them while smoking. Councilman Burns recommended to Debby Morello to take back to the **College Board of Trustees** that where ever the college places it to make it convenient for them while attending classes so they do not come back to Hickory Road. One idea offered is to reserve 4 or 5 designated parking spots for them to smoke in their personal cars. Jim Love, a town resident, shared an example where the **U New Hampshire** chose to initiate behavior modification where have escalating fees added to their tuition with denial of grades and graduation rights for smoking violations. He report all laws in New Hampshire have survived legal challenge.

Supervisor Marinaccio thanked residents for coming this evening and will let them know as things develop. Supervisor Marinaccio will work with the college and has recommended the board and others to walk the parameter of the campus to ascertain the proximity of the location. Mr. Marinaccio closed the open comment period at 6:40pm.

### **APPROVAL OF MINUTES**

On a motion by Councilman Morabito seconded by Councilwoman Exley to approve the Work Session October 7 and Regular Meeting Minutes of October 15, 2013. All in favor. Vote -5 Ayes, Nays-0.

### **ABSTRACT for Voucher #11**

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$105,448.06. On Motion from Councilman Gardner, seconded by Councilman Burns to approve. 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

Unanimously passed and noted as duly adopted.

**ATTORNEY**

**SUPERVISORS & HIGHWAY SUPERVISORS SEMINAR**

A seminar sponsored by **Coughlin & Gerhart** will be held Friday, November 15<sup>th</sup> 6:00pm at their Corporate Drive office in Kirkwood. Supervisor Marinaccio will attend.

**BROOME COUNTY ROAD USE AGREEMENT**

Attorney Blaise had nothing new to report on the **Broome County Road Use Agreement** and is waiting for feedback on the questions his office submitted to Delta Engineering.

**EXTENSION OF PHELPS STREET**

Attorney Blaise reported there has been no word from Ms. Burke's attorney and will contact him again. This right-of-way will connect **Brandy Wine Heights** to **Rogers Mountain Way**.

**PTFC FIRE PROTECTION CONTRACT**

Supervisor Marinaccio will contact the **Prospect Terrace Fire Company** to sign off as soon as possible.

**RESOLUTION 2013-38**

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: **2014 Budget** (Copy on file in Town Clerk's office).

**RESOLUTION ADOPTING ANNUAL BUDGET FOR 2014**

WHEREAS, this Board having, on the 4<sup>th</sup> of November, 2013 commencing at 5:30 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2014 including the budgets for all special districts for 2014, and having heard all persons desiring to be heard in the matter of the budget for this Town for such fiscal year, and having been fully discussed and considered,

NOW, THEREFORE, BE IT RESOLVED that said Preliminary Budget approved and filed as aforesaid, including all special districts for 2014, and is hereby approved and established as the annual budget for this Town for the fiscal year beginning January 1, 2014 and that such annual budget be so adopted in detail in the minutes of the proceedings of this Town Board, and be it further

RESOLVED, that the Town Clerk of the Town shall prepare and certify as provided by law, duplicate copies of the said annual budget hereby adopted, shall attach thereto an exemption report in compliance with the requirements of Chapter 258 of the Laws of 2008, and deliver one of such copies to the Supervisor of the Town, and that the Supervisor shall present such copy to the Board of Legislators of the County as required by law.

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**

### **34-36 N. BROOME STREET FOR SALE OFFER**

As a result of a signed posed on the property, the town received an offer over the assessed value of **34 & 36 N. Broome Street**. Councilman Burns thought we should accept the offer and move on. Councilman Morabito thought we should place an ad in the **Press & Sun Bulletin** to ensure we reach a broader search of the population. Town Assessor Jack Cahill, Mr. Kie, and Mr. Blaise will review the ad for publication. It was agreed to give the Fosters, the couple who made the first offer, the right of first refusal. In the meantime Mr. Blaise will ensure their interest and them. Councilman Gardner suggested we post a deadline of December 9<sup>th</sup>, our next regular scheduled meeting and at that time the board will put it to a vote.

### **TOWN PARK NO SMOKING BAN A THE SUNRISE TERRACE PARK**

Mr. Marinaccio proposed no smoking at the park. The Town has no jurisdiction on the playground itself. It was suggested we enact non-smoking at our baseball park and look at posting a simple sign. Oliver will review if it should be a Policy OR Local Law to be reviewed at the December 2<sup>nd</sup> meeting to discuss this topic.

### **BROOME COUNTY ASSOCIATION OF TOWNS AND VILLAGES**

Mr. Marinaccio stated a couple of towns are angry at the **New York AOT** to support home rule amicus brief in the Dryden & Middlefield gas drilling cases. They are attempting to form a coalition of local towns, but most towns are not in favor of this, including Dickinson.

## MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the 2013 Monthly Financial Report(s) for the month of September. On motion of Councilman Morabito and seconded by Councilwoman Exley. All in favor.

## COMMITTEE REPORTS:

### PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Public Works **Commissioner** Kie reported this would be the last week of yard waste pick-up. Leaves will continue to be picked up until November 25<sup>th</sup>.
2. Danny Miller of the water department that at the school sewer station upgrades will cost \$34,600. The Glenwood Road Project will cost \$430,000 down to \$295,000. Keep as much off the road as possible. No digging in County road, only into BDC. Upper sunset to Legacy Bay. Use self-Help DeVincentis. What else besides water. Is sewer involved? Sewer good all the way up. Sewer is coated with asbestos do not want to do this. Ron Lake will take a look at this project. Regarding the cost and covering how we will borrow. Beverly of the water department, will lump with the water tank of 55K borrow for 2014 waterline 76K water tank could get a bond for longer period of time for a bond. Morabito – Have 2 bonds instead of just one? Chase only allows \$500,000 minimum Bev will approach NBT. The work has to be done so we just need to work out a plan to possibly stretch out on a bond. Bev will look into this. Work will be done in the spring of 2014. The decision must be made 12/9/2013. Easements will be needed all OK w/ state. Anny work on this too. Some work to do. BCC everyone OK with it? Yes.
3. Public Works **Commissioner** Kie reported the roads needed to be salted today.
4. Ron Lake, Engineer for the Town state CMONS all done. MS 4 meeting on grants will OK for \$100,000 from all Towns.
5. Danny Miller reported there was a water main break, Friday afternoon, October 11<sup>th</sup> on Glenwood Road. It affected **BDC, BOCES** and residents on Sunset Drive. There have been several water main breaks within the past 20 years. Unfortunately the initial installation was less than efficient which probably was installed around 1978. The **City of Binghamton** reported a loss of 1 million gallons of water. The Town will need to repair and replace 4,000 feet of pipe from Sunset Drive to Glenwood Road. Mr. Miller will obtain an estimated cost and the town will explore a way to cover the repair.

6. The dorms at **SUNY Broome** need a sewer station upgrade of \$39,000. If we can get the current upgrade under \$35,000 then it would not be required to go out to bid. Competitive bid would have to write a spec and that will be an additional fee over the cost of the upgrade. Mr. Miller provided the college with a work plan. **SUNY Broome** will reimburse all of the cost to the Town.
7. The 3 year **Health Department** water inspection was completed throughout the whole town. The inspector was impressed and stated he has never been in such a clean environment. The report will be filed and copy will come to the town.
8. **SUNY Broome** campus engineer presented a recommendation to remove the old water tank on campus property. This will cover all of the north side of the town. This will involve everyone getting involved from the **County** including their engineer, insurance company and fire department before the tank can be removed.
9. Milling and paving will be done next week on the Old State Road spur.
10. Public Works Commissioner Kie reported on the various properties the town will offer for sale. For sale signs will be posted on the properties of 34 and 36 N. Broome Street as well as 213 Bevier Street. 50 N. Broad Street property is on HOLD, waiting for foreclosure. Mr. Kie will be the contact for interested parties.

### **PLANNING BOARD**

The draft of the **Comprehensive Plan** will be ready for January 2014 time frame. They would like to post a simple survey on the website.

### **ZONING BOARD**

Jeanne Compton, Chair of the Zoning board, informed the board will have a public hearing scheduled on November 19<sup>th</sup> at 7:00pm regarding the variance hearing for a setback and other issues for the proposed **Microtel Hotel**. Later the Town Board will have to consider whether to change the current zoning. Currently it's R1-R2, as 2-family. It is necessary to change it to **Planned Unit Development (PUD)**.

## **CODE ENFORCEMENT**

Code Enforcement Rafferty did not have anything to report.

At this time our new assessor, Jack Cahill proposed the Town Board look at properties at 146 – 164 Terrace Drive prior to them going to County auction. Cumulatively, the total assessment value is \$5,900. They are all land locked and too steep. Never do anything with them. We could purchase each parcel for \$1.00 each. The Town will contact Dave Hamlin of **Broome County Real Property** to express our wanting to purchase them before they go to auction. Paper road was to connect to Linda way back in the day. Each lot size is 50 to 60 feet. Supervisor Marinaccio suggest take interest.

## **SELF-HELP BIDS**

Per attorney Blaise a Legal add for **Self-help** will be placed in the **Press & Sun-Bulletin** for bid deadline of December 9<sup>th</sup>.

## **WEB SITE**

Supervisor Marinaccio called Mark Scudder our web master. We are in the process of engaging a new web site manager, **Blue Storm**, our current IT provider for approximately \$3,000. At minimum get our IT provider to establish and test a new site prior to turning off the current site. Mr. Scudder has been notified we no long require his services.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:23 PM

Respectfully submitted,

**Wanda R. Broczkowski**  
**Town Clerk**