

December 9, 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 Monday, December 9, 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
Stephen M. Gardner, Councilman

Also attending:

Cheryl Sacco, Acting Attorney for Town
Wanda R. Broczkowski, Town Clerk

Absent:

Sharon M. Exley, Councilwoman
Oliver N. Blaise III, Esq., Town Attorney

CHAIR

SUPERVISOR'S REPORT

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

- The next **Association of Towns & Villages** meeting is this Thursday, November 19, 6:00 pm at Atrio in Endwell. Members can bring a guest for this meeting.
- Supervisor Marinaccio participated in a press conference last week at **SUNY Broome** to officially announce the **Color Run** that will take place in April of next year. The 5 k run/walk will take place around the SUNY-Broome campus and along Front St.
- The next **BMTS** meeting is scheduled for Wednesday, Dec. 18. 2pm at the county office building.
- As you see in the 2014 appointments schedule, I have not filled the 1 vacancy on the zoning board but will announce one at the January meeting.
- Supervisor Marinaccio met with SUNY-Broome President and Mr. Drumm stated that there is agreement with the board of trustees to build a smoking hut. Location was not mentioned. I did inform the president that the town is considering establishing a **NO LOITERING** Zone at the present location where smokers have been gathering. Even if a hut is erected, Mr. Marinaccio would suggest we continue to look at the No Loitering Zone issue.
- Mr. Marinaccio will be participating in the tree lighting ceremony at **Cutler Gardens** this Saturday at 4pm.
- **NYSEG** warning letters-None received.

- Code violations – There were 6 violations for trailers, SUV’s and cars with no plates stored openly. Mattress and furniture stored openly to a Stop Work Order in violation of Town Construction Code/Building permits.
- Dog Control Officer’s report - Received for November of unlicensed dogs, dogs running lose and barking dog. All issues were addressed.

PUBLIC COMMENTS

No one requested to speak.

APPROVAL OF MINUTES

On a motion by Councilman Burns seconded by Councilman Gardner to approve the Work Session November 4 and Regular Meeting Minutes of November 12, 2013. All in favor. Vote -4 Ayes, Nays-0.

ABSTRACT for Voucher #12

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$311,226.17. On Motion from Councilman Gardner, seconded by Councilman Morabito to approve. Vote Ayes – 4, Nays – 0.

- Supervisor Marinaccio voting Aye
- Councilman Morabito voting Aye
- Councilman Burns voting Aye
- Councilwoman Exley voting Absent
- Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

ATTORNEY

The Attorney for the Town Cheryl Sacco, in the absence of Attorney Blaise, opened the only **Self-Help** bid package. Out of four (4) logged requests, only one (1) bid package was received by the Town Clerk from **R. DeVincentis Construction, Inc.** for a total of \$1,267.00. Attorney Sacco requested **Public Works Commissioner** Kie to review the package to ensure it meets all **Self-Help** criteria. We will go back to this later on in the meeting.

BAN RESOLUTION FOR WATER TANK AND GLENWOOD ROAD PROJECT

Beverly Wike researched all borrowing options and spoke to our attorney Bob Smith in New York City. If we decide to go to loan with an interest rate of 1.00 to 1.25% it would be for a total of \$750,000 covering the SUNY Broome water tank for \$400,000 and the Glenwood Road water pipe repair for \$400,000. After several scenarios were discussed Beverly would verify the amount we need to cover. Attorney Sacco will prepare the resolution to include a **SEQRA resolution** once the terms have been set. She will revise and submit it to the Town Clerk for inclusion in the minutes.

RESOLUTION 2013-39

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: **a resolution authorizing the issuance and sale of a bond anticipation note for the financing of a water storage tank and replacement of a water service line.**

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 Absent
Councilman Gardner voting Aye

All in favor.

Town of Dickinson

Resolution 39-2013

**A RESOLUTION AUTHORIZING THE ISSUANCE
AND SALE OF A BOND ANTICIPATION NOTE
FOR THE FINANCING OF A WATER STORAGE TANK
AND REPLACEMENT OF A WATER SERVICE LINE.**

WHEREAS, this Board, by resolution, has authorized the advertising for and the purchase and installation of a new municipal water storage tank; and

WHEREAS, this Board has also authorized the replacement of the water service line on sections of Glenwood Road (collectively referred to as “the items”);

Now, therefore,

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

Section 1. For the object or purpose of purchasing said new items, and to provide funds to defray the cost thereof, a \$750,000 Bond Anticipation Note of the Town shall be issued pursuant to the provisions of New York Local Finance Law.

Section 2. \$750,000 is estimated as the maximum cost of said new items.

Section 3. The plan for financing of the purchase of said new items consists of the issuance of a Bond Anticipation Note (“BAN”) in the principal sum of up to \$750,000, to be issued pursuant to Local Finance Law.

RESOLUTION 2013-39 Continued

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is 30 years, pursuant to section 11.00 of Local Finance Law. It is further determined that the maximum maturity of the Bond Anticipation Note herein authorized will not exceed one year, or the maximum allowed by the Local Finance Law, whichever is greater.

Section 5. The faith and credit of said Town are hereby irrevocably pledged to the payment of the principal of and interest on such BAN as the same, respectively, becomes due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such BAN becoming due and payable in such year, unless said BAN is refinanced by the Town. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such BAN as the same become due and payable, unless said BAN is refinanced by the Town.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell a Bond Anticipation Note in anticipation of the issuance and sale of the BAN herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such note shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Supervisor, consistent with the provisions of Local Finance Law

Section 7. The validity of such a BAN may be contested only if:

- a. Such BAN is authorized for an object or purpose for which said Town is not authorized to expend money, or
- b. The provisions of law, which should be complied with at the date of publication of this resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication, or
- c. Such BAN is authorized in violation of the provisions of the Constitution.

Constitution.

Section 8. Pursuant to 6 NYCRR 617.5(c)(1) and (2), the replacement of the water service line on a section of Glenwood Road is a type II action; which requires no additional environmental review under the State Environmental Review Act (SEQRA).

Section 9. Pursuant to 6 NYCRR 617.5 (c), the new municipal water storage tank is a type II action; which requires no additional environmental review under the State Environmental Review Act (SEQRA).

Section 10. The term shall not exceed a 5 year term.

Section 11. This resolution shall take effect immediately.

BROOME COUNTY ROAD USE AGREEMENT

Public Works Commissioner Kie is to review the **Road Preservation Law** to be renewed and strengthened. Hold until the next meeting when Attorney Blaise can report back on the **Broome County Road Use Agreement** regarding feedback from **Delta Engineering**.

EXTENSION OF PHELPS STREET STATUS

Public Works Commissioner Kie to review the plan. We cannot take any action on this tonight. Attorney Blaise reported there has been no word from Ms. Burke's attorney and will contact him again regarding the right-of-way to connect **Brandy Wine Heights** to **Rogers Mountain Way**.

RESOLUTION 2013-40

The following Resolution was offered by Councilman Morabito, 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: **To make 34 & 36 N. Broome Street surplus property.**

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 Absent
Councilman Gardner voting Aye

All in favor.

RESOLUTION 2013-41

The following Resolution was offered by Councilman Gardner, 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: **To sell the property of 34 & 36 N. Broome Street to Mr. and Mrs. Robert Foster in the amount of \$12,100.00 per their offer letter dated November 3, 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 Absent
Councilman Gardner voting Aye

All in favor.

20 LINDA DRIVE RIGHT-OF-WAY

Public Works Commissioner Kie and Councilman Burns went to the road where the owner, Joshua Graupman wants to build a home requesting a release of the right-of-way. It was suggested we do more research and verify why the right-of-way was initially granted and might it been carried over on a deed from very long ago. Mr. Rafferty of Code told the owner to have his attorney review it. Councilman Burns recommended Mr. Grysman come in person to the Town meeting to address his request to the board.

BEST VALUE

Since Attorney Blaise was not present it was decided to put this purchase process on hold.

17 MARKET STREET

Supervisor Marinaccio stated no activity there to date.

RESOLUTION 2013-42

The following Resolution was offered by Councilman Burns, 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: **Accept the Self-Help bid from R. DeVincentis Construction, Inc. for a total of \$1,267.00.**

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 Absent
Councilman Gardner voting Aye

All in favor.

CHAIR

SUNY BROOME SMOKING BAN PUBLIC STATUS

The Town has been diligently working with the college to resolve this problem coming up on 2 years. Mr. Marinaccio spoke to president, Kevin Drumm. Dr. Drumm knows our problem and he apologizes for it and how it has affected the neighborhood. He seems to have a remedy but we need to wait on it until he contacts Mr. Marinaccio.

TOWN PARK NO SMOKING BAN AT THE SUNRISE TERRACE PARK

Mr. Marinaccio recommended we HOLD this until the January 2014 meeting. Most places enact and uphold the Policy or Local law that would be invoked.

FRANCIS STREET & DOWNS AVENUE LIGHT POLE REQUEST

Mr. Kie and Councilman Burns went to the area to review the request regarding the light pole request on the corner of Francis Street and Downs Avenue near the NYSEG station. Mr. Kie thinks it is very dark near the NYSEG station area and that is where lighting should be proposed. They will go there again but instead drive by at night to be sure.

ATTORNEY

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.

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

Supervisor Marinaccio requested John Kolly be reappointed to the zoning board as his term expires on December 31st, 2013.

MONTHLY FINANCIAL REPORTS

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

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. **Public Works Commissioner** Kie reported there was a water break this past Monday, December 2nd at **SUNY Broome**.
2. **Public Works Commissioner** Kie reported the **Otsinengo Park** water issues continue. Mr. Kie contacted Public Works Commissioner, Mr. Schofield of the County because they are ignoring the leaks and problems. Their meter is in front of Applebee's. Currently they are construction a maintenance building at the Park property.

CODE ENFORCEMENT

Code Enforcement Rafferty did not have anything to report.

PLANNING & ZONING BOARD

Nothing new to report on either board.

PUBLIC COMMENT

Supervisor Marinaccio opened the meeting to public comments. Resident Jim Love of Orchard Road wondered if the **Glenwood Road** project as anticipated in the 2014 budget Bonds of the total in our Debt limit. Mr. Marinaccio stated that of the latest **Moody's** report within New York State we have low debt and low taxes.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:51 PM

Respectfully submitted,

Wanda R. Broczkowski
Town Clerk