

May 13, 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 6:03 PM on Monday, May 13, 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 May. His report will be placed on file. Here are some highlights:

- 17 Market Street: Joel, Steve, Attorney Blaise and Supervisor Marinaccio met with the owner of 17 Market St. He has agreed to let us in to inspect the property which was completed last week. Steve or Joel can update us on that. The owner also agreed to manage his property more closely, speak to his current tenants about acting as good citizens. The owner was told that if there are any additional police callings to this address, the town will begin proceedings to close this residence for up to a year. Our attorney will be sending a letter to the owner that will cover our discussion.
- Supervisor Marinaccio attended a **Workshop for Municipal Officials: Gas well drilling and Private Water Supplies**. This workshop was held at Cornell Cooperative Extension on Thursday, April 11th. Topics discussed: basic management of private water wells, gas well drilling (regulations to protect water resources, wastewater management, etc.), Water testing Strategies (pre-drilling testing) by industry, voluntary and land owner testing, Understanding water test reports, and solving water quality problems.
- Received **239 Review Submission** form from Village of Johnson City. Changes in various chapters of their Village Code.

- Mr. Marinaccio had several inquiries on the property located at 925 Front St. which is a single family home located in an R-1 zoning district. All were interested in a commercial development.
- Supervisor Marinaccio attended the **ACHIEVE** open house event for their new offices which are located at 47 Riverside Dr. Some of their departments had to relocate due to renovations at the Front St. site. This site is over 22,000sq. ft.
- Mr. Marinaccio met with the officers for the **Prospect Terrace Fire Company** on April 15th. A discussion was held on the procedures for contract renewal and possible developments within their fire protection district.
- The Town received the First Quarter billing from the Joint Sewage Treatment Plant and has noticed that they have raised their rates collectively at about 32%. This equates to over \$50K increase over last year's invoice. Times 4, we are looking at a \$200K increase in sewage rates. There was no communication from the plant to us or any other municipal user that there would be such a large increase. I have called the city comptroller but he has not returned my calls. Village Trustee Robert Aagre was in the audience this evening from the Village of Port Dickinson. It is reported the village increase is 25% and again, no warnings from the plant. The Village and the Town will continue to stay in touch. Mr. Marinaccio left messages also with other towns and I am awaiting their response. This is unacceptable and the town will be notifying the public on this.
- Mr. Marinaccio is planning on attending the next **Flow Management Steering Committee** meeting scheduled for Wednesday, May 29, 5:30 PM at the BU Physical Facilities Building.
- The **Prospect Terrace Fire Company's** annual chicken barbeque will take place at the station on Saturday, May 19th, starting at 11AM. Price is \$8.50 per dinner.
- Supervisor Marinaccio received several calls in regard to possible development of the old North Western Insurance building and the properties along Glenwood Road. Senior housing, hotel, are possible developments. He has asked the potential developers to send us a plan for us to review.
- Coughlin & Gerhart will be conducting a seminar on Thursday, May 30th at 5:30 PM at their offices in Kirkwood to review how the recent court decisions regarding land use and fracking impact our municipalities.
- Mr. Marinaccio will be attending the 16th Annual Partnership for excellence event which will take place at BOCES, June 5th, 3:30 PM. This event recognizes the accomplishments of various students throughout the county school districts.

- The next planning board meeting is scheduled for May 20th, 6:00 PM.
- NYSEG warning letters-354 Prospect St, Notice of discontinuation of services due to unpaid bill of 382.62.
- Code violations – 12 were issued. They varied from exterior structure violations, furniture left at the curb, toilets, garbage, TV's, and kitchen cabinets. Several were also issued appearance tickets due to continuance of violations. With due process, they could be issued court appearance tickets if not action is taken.
- Dog Control Officer's report - Received April Dog Control Report; Loose dogs, strays.

At this time Supervisor Marinaccio recognized Bob Aagre, Port Dickinson Village Trustee in the audience and a guest of Attorney Blaise, Kevin Domanico, and a Summer Intern from Coughlin & Gerhart.

BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES (BJCJST) FLOW MANAGEMENT UPDATE

Regarding the \$200,000 **BJCJST** bill the Town received Supervisor, Marinaccio expressed his frustration. There was no prior communication this bill was forthcoming. He contacted Mr. Purcell, who prepared the bill, says it represents the damage done due to the collapse of one of the walls a few years ago is the reason and that the **FEMA** money is not yet available. Mr. Marinaccio would request we make sure we get credit once the **FEMA** money does come in. The members of the Town Board are questioning if the personnel running the plant are qualified of which Mr. Purcell has no control over. The County is concerned of the affect it will have on the residents of all municipalities. In addition to this, the flow management rate has increased. Marinaccio is looking for detailed explanations on all matters. The City of Binghamton and the Village of Johnson City are not affected.

FLOW MANAGEMENT MEETING MAY 29TH

The next flow management meeting is scheduled for May29th at 5:30. Supervisor Marinaccio plans to attend.

CODE VIOLATIONS ISSUED ARE UP

There was a discussion on the record number of violations issued by our Code Enforcement Officer, Mr. Rafferty. Supervisor Marinaccio inquired if any of these are repeat code violation offenders and if so how many.

PUBLIC COMMENT

Supervisor Marinaccio asked if anyone had any questions or concerns before we started the meeting. Resident Jim Love reported a County Engineer was walking the property lines of the Broome County Dog Shelter located on Cutler Pond, to consider expanding capacity and future development. Mr. Marinaccio appreciated the information.

APPROVAL OF MINUTES

On a motion by Councilman Gardner seconded by Councilwoman Exley to approve the Work Session of April 1, 2013 and Regular Meeting Minutes of April 8, 2013. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACT for Voucher #5

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$444,757.19. On Motion from Councilman Morabito, seconded by Councilwoman Exley 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

RESOLUTION 2013-21

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:

Town of Dickinson

Resolution No. 21-2013

Proclamation Honoring Municipal Clerks Week, May 5 - 11, 2013

Whereas, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, the Office of the Municipal Clerk is the oldest among public servants, and

Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

Whereas, the Municipal Clerk serves as the information center on functions of local government and community, and

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, therefore, be it RESOLVED and PROCLAIMED that the Town of Dickinson does hereby recognize the week of May 5 through May 11, 2013 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks, Wanda Broczkowski and Susan Cerretani, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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.

UNIFORM TRAFFIC TICKET WITH VILLAGE

Regarding the status of the uniform traffic ticket with the Village, Attorney Blaise stated he will be speaking to the judges on May 28th regarding the tickets.

STATUS: BROOME COUNTY REAL PROPERTY OF:

Attorney Blaise spoke to Kevin Keough of **Broome County Real Property** about the parcels. We will be given a written formal response stating we own the properties and any overdue taxes discharged. The status is as follows:

- 13 Bellaire Avenue – Town of Dickinson owns with back taxes due
- 34/36 N. Broome Street – Town of Dickinson owns with back taxes due
- 213 Bevier Street – Town of Dickinson owns; deed may not yet be recorded
- 48/50/52 N. Broad Street, 47 and 49 N. Louisa – The Entire block of 5 properties should transfer to us by year end 2013 or early 2014 before courts the foreclosure order. The deeds will come to us once they track down by law any infants, military or incompetents interested; is why the process takes so long.

CHAIR

Broome County LEGISLATURE, SALES TAX RESOLUTION

The BC legislature will table the sales tax resolution to September 2013. Supervisor Marinaccio feels the County got themselves in a hole by \$9 million. The 1st quarter the revenue was down. Mr. Marinaccio wants to see the County become whole which will take 7 years according to their plan. We depend on the County to inform us what the sales tax rate is but it keeps changing the formula which makes it difficult for all towns and villages to plan their budgets. The tax cap increases every year. We shall wait and see what happens.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Public Works Commissioner Kie reported the TYMCO sweeper is working well and will be able to sweep the Village of Port Dickinson streets, for a fee.
2. During the May 8th conservation meeting it was announced there will be an upcoming three day seminar. Commissioner of Public Works Kie or Engineer for the Town, Ron Lake, will plan to attend.
3. The conversation turned again to the **BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES (BJCJST)** and the need for a sewer rate increase. This \$200,000 bill and the increase are not yet in our budget. After a lengthy discussion, Mr. Marinaccio stated a public hearing will need to be held and a press release too in order to set the rate increase. A motion was made by Councilman Morabito and seconded by Councilman Burns to schedule it Monday, June 10th at the regular meeting. All in favor.
4. Along the same topic regarding the **BJCJST** Councilwoman Exley wondered is there anything we can do to or have a say in the administration of the plant. Supervisor Marinaccio says we have no say. These contracts were made 20 years ago and they are life time contracts. Why they don't borrow the money is not understood.
5. Public Works Commissioner Kie inquired about our marketing plan regarding the parcels the Town gained from condemned or abandoned properties. Once the County assures us they belong to the Town, Attorney Blaise stated we just need to make sure we get market value for them. Residents in those neighborhoods should be sent a letter of these properties up for sale.
6. Mr. Kie is asking us to update the Code on Chapter 462-11 for solid waste. The interpretation is that plastic bags are allowed to be placed near their waste can container. Now residents are just using plastic bags and the bags get broken into by animals, strewing garbage all over. Supervisor Marinaccio agreed we review the code.
7. The annual **MS4** report will be submitted 5/14/2013.
8. Lake, Engineer for the Town reported **CMON** is moving along.

PLANNING BOARD

Their updates of the Comprehensive Plan are ongoing.

ZONING BOARD

Attorney Blaise inquired about the variance request on 29 Pleasant Court to install a shed. Mr. Rafferty commented the neighbor had requested she apply for a variance so as not to view as much of it as possible.

CODE ENFORCEMENT

Code Enforcement reported nine more code violations were issued today in addition to what was already on the initial report.

PUBLIC COMMENT

Supervisor Marinaccio asked at this time if anyone had any questions or concerns before we close the meeting. There were none.

The meeting was adjourned on motion of Councilman Gardner and seconded by Councilman Burns at 7:05 PM

Respectfully submitted,

Wanda R. Broczkowski