

June 10, 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 6:04 PM on Monday, June 10, 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 June. His report will be placed on file. Here are some highlights:

- Mr. Marinaccio plans on attending a discussion the **NY Tax Free zones** which will be held at BCC on June 11, 1PM Deputy Secretary of State for Local Government, Dede Scozzafava will be the presenter.
- The next **Flood Task Force** meeting is scheduled for June 11, 2 PM.
- Mr. Marinaccio attended the 16th Annual Partnership for excellence event at **BOCES**, June 5th, 3:30 PM. This event recognized outstanding students from high school throughout Broome County.
- The next planning board meeting is scheduled for June 24th, 7:00 PM at the **Prospect Terrace Fire Hall**. The Board is seeking comments from our residents in regard to revising our Comprehensive Plan.
- **NYSEG** warning letters-None received.
- Code violations – 16 were issued. They varied from exterior structure violations, furniture left at the curb, openly store vehicles and boats without plates.
- Dog Control Officer's report - Received June Dog Control Report; Loose dogs, strays and aggressive pit bull.

PUBLIC COMMENT

Supervisor Marinaccio asked if anyone had any questions or comments before we started the meeting. Resident Thomas Laskowski of 15 Bellaire Avenue expressed interest in purchasing 13 Bellaire Avenue. The appraised value of \$4,200 would be his offer and he would be responsible for any legal fees. We could take action after our Executive Session at the end of the meeting.

Resident Jim Love commented about the sewage treatment issues. Regarding the \$200,000 **BJCJST** bill feels we cannot continue to proceed but town needs to take action. Does it come back to the contract? Per Attorney Blaise, in the mid to late 60's these contracts were signed. Contract does not say the Board should be presented with details. There is a formula and they use that formula and flow rate.

In the 1990's the outside users got together from all the users asking for accounting procedures. A financial analysis would cost us thousands of dollars.

Towns got together with best lawyers and found out we cannot change the contract. It is a little better today vs. 10 or even 5 years ago. Yes, there is incompetence. Mr. Blaise stated it's a very complex contract. Unfortunately, when the plant was built it could not take the combined flows yet they allowed additional municipalities to be added on even though they knew the plant was faulty.

Resident Leonard Gee asked if the 33% increase is across the board for all the towns. Supervisor Marinaccio responded, the answer is yes. The communication will it get better? We hope it will and stated it has to improve. Resident Love spoke for another 10 minutes and he felt the town should not pay the \$200,000 bill.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Morabito to approve the Work Session of May 6, 2013 and Regular Meeting Minutes of May13, 2013. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACT for Voucher #6

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$233,633.03. He noted it was a little high but there were highway bills for necessary projects. On Motion from Councilman Burns, seconded by Councilman Morabito 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 2013-22

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: **Schedule public hearing requiring trash cans for disposal of household waste to delete the language of Bags to Town Wide.**

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 this it is now with the village for final review.

RESOLUTION 2013-23

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: **Secretary of State as Agent for receipt of Notices of Claim**

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.

RIGHT OF WAY FOR PHELPS STREET PROPERTY

Regarding the status of this property, it will be discussed in the Executive Session.

GARBAGE DISTRICT BID PACKET

Attorney Blaise will put the bid package together for the July 8th meeting.

SUMMER SCHEDULE

July 8th begins our summer schedule of July, August and September combining our Work Session with the Regular Meeting on the second Monday of those months with a start time of 5:30 P.M.

CHAIR

SEWER RENT INCREASE SCHEDULE PUBLIC HEARING

There is a need to increase the sewer rent due to the rate increase from the **Binghamton-Johnson City Joint Sewage Treatment Facilities (BJCJST)**. Supervisor Marinaccio requested a motion for a public hearing on July 8, 2013 to:

- Increase the rate to \$7.50 per 100 cubic feet
- Conduct two (2) 'special' readings; July and September
- Incorporate quarterly billing; December/March/June/September
- 'Special' Reading during the months of July and September
- Flat rate users bill be split or divided by four (4)

On a motion by Councilman Gardner seconded by Councilwoman Exley to approve the Public hearing for the Sewer rent increase to be held on July 8th, 2013. All in favor. Vote -5 Ayes, Nays-0.

BC LEGISLATURE, SALES TAX RESOLUTION

Sales tax on hold until September 2013.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Public Works Commissioner Kie reported the materials for the Old State Road water tank project are in and plan to complete this phase by the end of the week.
2. Public Works Commissioner Kie stated the curbs on Rosedale will have back fill and top soil installed.
3. Mr. Kie will begin paving when he can obtain the milling machine.
4. Mr. Lake, Engineer for the Town reported **CMOM** is moving along.

PLANNING BOARD

Their updates of the Comprehensive Plan are ongoing.

ZONING BOARD

None.

CODE ENFORCEMENT

Code Enforcement Rafferty was contacted by Hulbert Engineering that by mid-July will be ready for presenting their progress to the Planning Board sometime in July.

MS4

Ron Lake, **MS4** proposal June 1st. Mr. Lake will submit it to the Town Clerk.

Public Works Commissioner Kie and Danny Miller of the water department are saving money on the tank.

MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the 2013 Monthly Financial Report(s) for the months of January and February. On motion of Councilman Morabito and seconded by Councilman Burns. All in favor.

ASSESSOR RE-APPOINTMENT

Supervisor Marinaccio needs to re-appoint the assessor as the six (6) year appointment period. It was decided to hold the appointment for the July meeting. Assessor for the Town David Hamlin will be taking on a position with **Broome County Real Property** so we will be looking for an assessor to replace him. We feel we should advertise this position.

WATER TANK SERVICES

Engineer for the town Ron Lake, stated we need to sign the agreement for Keystone Engineering for services performed on the water tank project to stabilize the tank to settle uniformly. It should be noted, this service will guarantee any workmanship on this project. It was between 10 to 15 hours of labor, but not to exceed 15 hours. Mr. Lake will call Keystone to obtain the invoice. On motion of Councilman Morabito and seconded by Councilman Burns. All in favor.

BROOME COUNTY ROAD USE AGREEMENT

Councilwoman Exley inquired of our interest in the **Broome County Road Use Agreement**. We need questions answered before we commit.

EXECUTIVE SESSION

Executive session convened at 7:10PM to discuss the disposition of real property on two (2) parcels.

Executive Session disbanded at 7:40 PM. A decision was made to sell 13 Bellaire Avenue to Thomas Laskowski of 15 Bellaire Avenue for the market value amount of \$4,200.00 plus all legal costs and fees. On motion of Councilman Exley and seconded by Councilman Gardner. All in favor

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:45 PM

Respectfully submitted,

Wanda R. Broczkowski