

## July 8, 2013 – WORK SESSION & REGULAR MEETING

The Work Session and 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 5:30 PM on Monday, July 8, 2013 in the Town Hall, 531 Old Front St., Binghamton, NY.

This is the first of the regular meetings which begins the 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.

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 Marinaccio postponed the public hearings to later in the meeting and welcomed **Daniel Schofield of the Broome County Legislature** to review and speak regarding the reworking of the December version of the **Broome County Road Preservation Law** intended to be passed in August or September at the latest.

Mr. Marinaccio favors a uniform law but is still gathering more information before we decide and that is why he requested Mr. Schofield to speak. He stated the County is reworking the old law because they were concerned it would potentially penalize long standing businesses. The county has an agreement with **Delta Engineers, Architects & Land Surveyors, P.C.** Delta surveys the roads under the agreement of each participating town to determine a baseline. There is a one-time fee the county covers for those who participate. The money is deposited in an escrow account to draw from when and if the roads become damaged. They are repaired under the agreement with no additional cost to the municipalities. The town would most likely charge a \$50 application fee to the applicant or business requesting a permit. At that time, the applicant would provide the route they would follow when using that Town's road to transport their goods.

Board members questions were answered and according to Mr. Schofield we realize policing is the problem. We know our roads and can identify if repairs would be needed, and he admitted you learn as you go. Under the **Delta Plan** the engineers come back to do updates with no future cost to us. The discussion continued for about 15 minutes. All in all Attorney Blaise and Supervisor Marinaccio feel it is a good program for all of the towns because the County and the Towns do not have the staff to do these road reviews. Supervisor Marinaccio thanked Mr. Schofield for his time to speak with us this evening.

## CHAIR

### SUPERVISOR'S REPORT

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

- Mr. Marinaccio attended a meeting of the **NY Tax Free Zones** which was held at BCC on June 11, 1PM. **Deputy Secretary of State for Local Government, Dede Scozzafava**, was the presenter. Mr. Marinaccio voiced his concerns regarding negative effects on existing businesses, employees not paying income tax, and taking up much needed space on campuses.
- Our tentative 2013 State Equalization rate is 65.00
- Mr. Marinaccio reported there is a July 25<sup>th</sup> meeting scheduled for the Association of Towns & Villages. He is encouraging everyone to attend this meeting. The focus will be on the statements made by Conklin and Windsor supervisors regarding pulling out of the **New York State Association of Towns** and forming our own association. This is a bad idea in the view of Supervisor Marinaccio and he also believes that the agenda for these supervisors focuses on gas drilling. He voiced his opposition to this movement and he believes that most towns and villages agree with Mr. Marinaccio.
- **Maria Zobniw Day** – July 23rd at 10:00.
- **NYSEG** warning letters- 354 Prospect St. warned of discontinuation of service due to unpaid bill of \$904.43.
- Code violations – 3 were issued. They varied from camper parked too close to road, garbage on front porch, washer in side yard, and grass in excess of 10 inches.
- Dog Control Officer's report – None on file as of today.

**PUBLIC HEARING(S)**

**NEW SEWER RATES AND REVISE BILLING FROM TRI-ANNUAL TO QUARTERLY**

The public hearing was opened at 5:55 PM by Supervisor Marinaccio regarding a Local Law pertaining to **New Sewer Rates and revise billing from Tri-Annual to Quarterly**. Attorney Blaise explained the rationale behind this is the \$200,000 **BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES (BJCJST)** deficit the Town received for the damage done due to the collapse of one of the walls a few years ago is the reason and that the **FEMA** money to recover costs of flood damage to the plant is not yet available. It is not us; it is the BJCJST plant that is responsible for the rise in rates. The new rate will be \$7.50 after the first 100 cubic feet of water used. Resident Leonard Gee, the only resident present at the hearing, asked “if there would be an opportunity to change this rate in the future?” The response was “No”; we cannot depend on the charges that the Town is assessed by the **BJCJST**.

Supervisor Marinaccio offered an idea and possibility of the Town of Chenango to allow us to hook into their sewage treatment facility at minimum for a few of our areas such as Sunrise Terrace and Chenango Shores. Per Mr. Blaise, legally we and the other municipalities are stuck under the current contract.

Councilman Morabito wondered if we can get them (**BJCJST**) on not keeping with the contract terms and on default of the contract. It would be based on incorrect billing, no backup details of refunds, construction jobs poorly engineered or constructed over the past 10 years. Could we not list these points with a judge? The accounting data is important, which Mr. Blaise says may give us some leverage. We have never ever experienced an increase like this. It feels like us letting down the residents. The billing will go to quarterly. We don't charge a maintenance cost or fee. After review of the proposed local law by attorney Blaise the public hear was closed at 6:12 PM.

**ELIMINATION OF PLASTIC BAGS AS PERMITTED RECEPTACLES UNDER SOLID WASTE MANAGEMENT LOCAL LAW**

The public hearing was opened at 6:13 PM by Supervisor Marinaccio regarding a Local Law pertaining to **elimination of plastic bags as permitted receptacles under Solid Waste Management local law**

Attorney Blaise reviewed the rational for the purpose of revising the current law to eliminate plastic bags requiring garbage be placed in receptacles. Numerous residents have lodged complaints of torn and broken bags, and the potential of dogs and animals getting into the debris strewing garbage over resident's properties.

The public hearing was closed at 6:15 PM.

**PUBLIC COMMENTS**

Supervisor Marinaccio asked if anyone had any questions or concerns before we started the meeting. There were none.

**REGUALR MEETING**

At this time the regular business commenced at 6:16 PM.

**APPROVAL OF MINUTES**

On a motion by Councilman Gardner, seconded by Councilwoman Exley to approve as corrected with minor corrections to the Work Session June 3, 2013 and Regular Meeting Minutes of June 10, 2013. Also we will resume providing hard copies to the board members. All in favor. Vote -5 Ayes, Nays-0.

**ABSTRACT #7**

Abstract Summary of Audited Vouchers for Funds in the amount of \$455,211.19. Supervisor Marinaccio requested we go back to distributing hard copies to all board members. On Motion from Councilman Burns, seconded by Councilman Morabito to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

**ATTORNEY**

**RESOLUTION 2013-24**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley to wit:

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

**Negative environmental impact pursuant to SEQRA re: local law revising sewer rates and changing from tri-annual to quarterly billing**

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: Resolution attached

**RESOLUTION 2013-25**

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:

**Approving local law revising sewer rates and changing from tri-annual to quarterly billing.**

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: Resolution attached

**RESOLUTION 2013-26**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley to wit:

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

**Negative environmental impact pursuant to SEQRA re: eliminating plastic bags as receptacles under solid waste management local 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: Resolution attached

**RESOLUTION 2013-27 – TABLED**

The following Resolution was offered by Councilwoman Exley, 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:

**Local law eliminating plastic bags as receptacles under solid waste management local law.** Councilman Morabito is against the enforcement of it and feels it would be difficult to police. Right now this is only in effect in Garbage District No. 1 and extensions 1 and 2. A 25 minute discussion followed and thus it led to the tabling of this resolution. A motion was made to withdrawn by Councilwoman Exley and a seconded motion to withdrawn by Councilman Gardner. The question of adoption of the foregoing resolution is tabled.

**RESOLUTION 2013-28**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley to wit:

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

**The Governing Body of the Jurisdiction Name authorizing the adoption of the Broome County Multi-Jurisdictional All-Hazard Mitigation Plan**

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: Resolution attached

**PROPERTIES**

**13 BELLAIR AVENUE**

Mr. Laskowski contacted Attorney Blaise’s office regarding the sale of 13 Bellaire Avenue for him to purchase and it is now in progress.

**RIGHT OF WAY FOR PHELPS STREET PROPERTY**

Attorney Blaise’ office is following up with Ms. Burke’s attorney regarding our offer and proposal. She is interested but wants a re-zone. The Town not interested in a re-zone but interested in a right-of-way. Her Lawyer said she was disappointed about the rezone and will work it out within reason and would like to review the specs and plans before she agrees. The road will be built one way or another. Mr. Blaise says now in the hands of Engineer for the Town, Ron Lake and Commission Kie to draw-up the specs and will increase the area by 1,000feet –

Councilman Morabito suggested we review all utilities for incorporating lights (NYSEG) and any water and sewer. Supervisor Marinaccio stated the first priority is safety and also suggested we get the plans for the Phelps Street access road and if later Mr. Lake review this when drawing up the plans for those in the Roger’s Mountain Way district.

It would make it easier to install water lines to Rogers Mt. Way residents if we do it at the same time. First we need to review with a survey to be ready to go by spring 2014. Then see about the utilities.

**GARBAGE DISTRICT BID PACKET**

Attorney Blaise has the Garbage District No. 1 and Extensions 1 and 2 bid packet which is a two (2) year contract and includes 517 estimated household units. August 9<sup>th</sup> at 4:00 PM will be the deadline for packages to be due to the Town Clerk. The bid packages will be opened on August 12<sup>th</sup>. The contract will be awarded in September.

**RESOLUTION 2013-29**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley to wit:

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

**Revised Proposal for the Town of Dickinson Water Tank with Keystone.** 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: Contract on file.

**RESOLUTION 2013-30**

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:

**Approval of Mr. Lake’s MS4 for the 2013 – 2014 year and not to exceed \$9,000.** 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: Contract on file.



## **CHAIR**

### **COMMITTEE REPORTS:**

#### **PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT**

1. Public Works Commissioner Kie reported a problem on N. Moeller Street, 9:30 PM, last Sunday night. The drainage issue was with the catch basin during the latest rainfall. It collapsed the pipe and broke it off. We need to re-engineer and change the design for a cost of \$10,000.
2. Railroad crossing on Phelps Street needs maintenance for 2 pipes in the culvert. We are not allowed to touch the Railroad property; Commissioner Kie will send a letter to Railroad with review by Attorney Blaise.
3. Flap gate performed well at the Boland Road and Regal Theater part of the Town.
4. Catch basins were all OK during this past rainfall. Handled water very well.
5. The recent Rosedale Drive – After installation of the curbs, we lost about 1 foot total or 6 inches each side; cars parked on the upper part had difficulties. Also Pleasant Court, Ferndale and Iris have various parking issues.

#### **MONTHLY FINANCIALS**

Monthly financial report for the month of March needs approval. On motion from Councilman Morabito moved to approve, seconded by Councilman Burns. All in favor.

#### **ROAD USE LAW DISCUSSION CONTINUED**

Attorney Blaise brought up the road use local law issue again. Other towns are exploring whether to adopt it. The Town must have a public hearing. Supervisor Marinaccio asked of the board what they think on the advantage to issue permits; uniformity is the key advantage.

In the Town of Dickinson, we have approximately 10 miles of local road. Little of it would be used for the gas drilling and the positives outweigh the negatives. We can always rescind this law if need to be done. We need to clarify in the interim how we will cover the cost. Some of the money will come from sales tax and we can always rescind this law. Per attorney Blaise we would probably need two public hearings, one to adopt the County's local law and one to revise our existing road use local law so it does not conflict with the County's law...

On a motion by Councilman Burns, seconded by Councilman Morabito to schedule a public hear date for Monday, August 12<sup>th</sup>, 2013. All in favor. Vote -5 Ayes, Nays-0.

**TOWN ASSESSOR**

Supervisor Marinaccio stated officially the Town Assessor's resignation would be as of October 1<sup>st</sup>. The Assessor of the Town of Fenton is interested in this 6 year appointment. It should be noted, there are very few assessors and they must have credits in the assessor system. The plan is to advertise this position.

**PLANNING & ZONING BOARD**

None

**CODE ENFORCEMENT**

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:49 PM

Respectfully submitted,

**Wanda R. Broczkowski**

Town Clerk