

December 2, 2013 – WORK SESSION

The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio promptly at 5:30 PM on Monday, December 2, 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

ATTORNEY

2014-2015 SELF-HELP BID PACKAGES

Attorney Blaise described the details and purpose of the **Self-Help** bid. The highway department utilizes labor and equipment services of an outside vendor for large projects. Since the town does not have a large number of personnel we rely on them to assist us to complete necessary work. The Town Clerk to date has had three (3) bid package requests, but no bids have been submitted to date. The deadline is Monday, December 9th, 2013.

BROOME COUNTY ROAD PRESERVATION LAW STATUS

Attorney Blaise is in the process of preparing a pro and con chart of the proposed law. His office has not yet heard back from **Delta Engineering** and their law firm about proposed change to the proposed law, about which Mr. Blaise has some serious reservations. For example, it is unclear who would bear the survey costs after future road repairs, so he is wary that later on we could be on the hook. This means there could be a limited shelf life to the road survey initially provided to the Town at no charge. Also, the manual of technical specifications for analyzing the roads is a copy righted process. The proposed law is such that you “cannot” see the specifications. No permission would be granted from **Delta** to the copyright paperwork. There are various other concerns.

Supervisor Marinaccio is aware of these concerns. Attorney Blaise said most of the towns have the same law that we passed in 2010. We could rewrite this law for the sake of uniformity since most local towns are represented by **Coughlin and Gerhart**. Our current law covers everyone, not only the gas drillers. Attorney Blaise sees potential for a law-suit against the Town and the County for singling out a specific industry, and the County will not defend the Town. Hopefully he will have something next month to report back on.

**CONTRACT FOR PROSPECT TERRACE FIRE DEPARTMENT (PTFD)
SIGNATURES**

Attorney Blaise reported the contract has been signed returned and placed on file with the Town Clerk.

34 & 36 N. BROOME STREET RESIDENT OFFER ON PROPERTY

Attorney Blaise contacted the Foster's to verify they are still interested in purchasing the property. The Fosters conveyed to Mr. Blaise they are concerned their offer would not be considered but Attorney Blaise assured them they are primary and the Town is doing its due diligence to ensure we get a fair price for the property. Following further discussion, it was determined to advertise on the Town website and The Press. In the interim, Attorney Blaise will contact Mr. and Mrs. Foster to confirm their interest and advise them the board will consider their written offer.

EXTENSION OF PHELPS STREET

Attorney Blaise reported that Ms. Burke's attorney contacted him and they are waiting to speak to Ms. Burke who has been traveling. This right-of-way will connect **Brandy Wine Heights** to **Rogers Mountain Way**.

213 BEVIER STREET DEED

Attorney Blaise reported after the December auction the County would officially deed the property to us in January 2014 under R1-R2.

BEST VALUE LOCAL LAW FOR COMPETITIVE BIDDING

Attorney Blaise reported that if some other town or municipality has a bid you can piggyback on their bid. Also if they were a local bidder and if their track record is very good could they be considered as a qualified bidder.

RESOLUTION FOR GLENWOOD ROAD WATER PROJECT

If we are to do the water project repair would need to borrow \$500,000. December decide or January 2014 to go ahead.

ANTI-SMOKING AT THE SUNRISE TERRACE PARK

The tobacco free signs are already in use at the park in Port Dickinson and have been effective. It is felt if the signs are posted in our park, it could put pressure on people to not smoke in the park. We will contact Mayor Kevin Burke of Port Dickinson and seek their advice. We can then put them in place next year, 2014. At this time Attorney Blaise reviewed the differences between a policy and a law. Since the park is Town property and the playground area is part of the **Sunrise Terrace Community Association**, they too could consider adopting our policy.

CHAIR

ASSOCIATION OF TOWNS DECEMBER MEETING

Supervisor Marinaccio stated the next meeting and Christmas Party of **BCAOTV** is scheduled for **Thursday December 19, 2013 at the Atrio.**

SUNY BROOME COLOR RUN DATE CONFIRMED

Supervisor Marinaccio confirmed the **SUNY Broome** campus **Color Run** is a “GO”. A press conference will be held in about 2 weeks.

SUNY BROOME SMOKING BAN STATUS

Supervisor Marinaccio asked Attorney Blaise and the Board if we should pursue the area as a ‘no loitering’ zone in an attempt to stop it. The residents at the last meeting were very professional and asked us to consider loitering and trespassing prohibitions. The main concern is the enforcement. Supervisor Marinaccio recognized our Town Constable will be quite busy the first month or so. We could alert the **SUNY Broome** campus officers this will take place. There is much more to do on this.

20 LINDA DRIVE RIGHT-OF-WAY

Supervisor Marinaccio read a letter dated 11/20/2013 regarding **20 Linda Drive** and the request to do away with the right-of-way by Joshua Graupman for him to build a house on this parcel. Copies will go to Attorney Blaise, Steve Rafferty, Joel Kie and Wanda. Should the right of way to be removed? We should be cautious with this. Properties could be land-locked if he does build a house on the piece with the right of way in the middle of it.

2014 MEETING AND HOLIDAY SCHEDULE(S) AND APPOINTMENTS

Supervisor Marinaccio read over the dates and commented they would be the same as 2013. The planning and zoning boards need one board member each and would make the appointments as follows: **Zoning Board** would need to replace James DeGennaro since his term will expire and the **Planning Board** will re-appoint John Kolly. In the absence of the Supervisor, the **Deputy Supervisor** will be Councilwoman Exley.

PUBLIC WORKS

1. Public Works Commissioner Kie reported a water break at Glenwood Road which was 10 feet from the last one. Broome Developmental was affected again for about 3 hours.
2. Mr. Kie commented on the **SUNY Broome** no smoking situation by posting ‘No loitering’ sign and a recommendation to have the land surveyed before we post signs to ensure we have the correct property lines. He noted they are already in violation on their own property.
3. Mr. Kie notes the new light pole request on Francis Street and Downs Avenue near the **NYSEG** sub-station. Homeowner around the corner claims he almost hit some people due to poor night visibility. **NYSEG** would need to install a light pole. Mr. Marinaccio will drive by to take a look at it.
4. Mr. Kie reported **Port Dickinson** paved over 1,000 feet from Phelps Street to Rogers Mountain. They did a nice job.
5. Regarding the \$500,000 bond proposal for the **Glenwood Road** water line repair and the **SUNY Broome** water tank replacement. It will cost us \$700,000 and take \$200,000 out of reserve. Beverly Wike will be requested to attend the regular meeting on December 9th, to review the bond request details.

CODE

No code issues.

FLOW MANAGEMENT

Engineer for the Town Ron Lake, has been following the articles and progress of the **BJCJST** facility regarding flow management. A discussion went on referring to the **SUNY Broome** project. It had been very confusing and complicated due to the **BJCJST** staff flip-flopped their decisions several times regarding the sewer credits required for the **SUNY Broome** project. What they have been saying is that it’s a municipality – they are wrong because the college does not have their own sewer system support like a town would have. Before that particular meeting was over they continued to classify it as a municipality. Everything is still a go on the project.

PLANNING AND ZONING BOARDS

The only thing to report is the Zoning board approved variances for the **Micro-Tel Hotel** project. At this time the Planning board had nothing to report on.

PUBLIC COMMENTS

Supervisor Marinaccio opened up a public comment period. Councilwoman Exley cited the following: A shopping cart on the corner of Glenwood Road and Adams Street and there is a curb full of furniture at the old St. Stan's school property.

On motion by Supervisor Marinaccio, the work session was adjourned by motion of Councilman Morabito and seconded by Councilman Burns at 6:40 PM.

At this time the Board went into executive session regarding a potential litigation matter.

Respectfully submitted,

Wanda R. Broczkowski
Town Clerk