

February 4, 2013 – WORK SESSION

The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, February 4, 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

PUBLIC HEARING(S)

LOCAL LAW ADOPTING ZONING DEFINITIONS OF EDUCATIONAL AND RELIGIOUS USES IN RESIDENTIAL ZONES

The public hearing was opened promptly at 5:30PM by Supervisor Marinaccio regarding a Local Law pertaining to zoning definitions of educational and religious accessory uses in residential zones. Attorney Blaise explained the educational and religious definitions of accessory uses in a residential area. There are no issues or concerns with the County and they approve it. Supervisor Marinaccio gave thanks to the special resident committee for the initial draft which was trimmed down to keep focus as well as to make sure we are not excluding anyone.

Regarding religious and educational accessory uses, Mr. Blaise explained that proposed accessory uses must file for a ‘special permit’ and reviewed some of the points of the process. The Zoning Board of Appeals (ZBA) determines the criteria, such as traffic issues or concerns if a permit is requested. Resident Jerry Ford’s questioned why there is no mention of fees. Code Enforcement Officer Steve Rafferty clarified the fees are in a separate schedule and noted the permit fee would be \$25.00. Once it is adopted, the appendices will be revised. Another resident Jim Love, asked the town board if there was a prior situation can the board work around that prior issue and would it release the board from that incident? Mr. Blaise made clear that any applications would go to the Zoning Board with this new law, not the Town Board. In addition no other municipalities have any right to issue denials. Once we pass the law and it gets reported to the state, it will be 30 days before the law will go into effect. There were no further questions or discussion on the matter. The resolution will need to be passed at the February 11th meeting. Supervisor Marinaccio closed the hearing at 5:41PM.

LOCAL LAW ADOPTING TERMS OF OFFICE AND TRAINING FOR PLANNING BOARD AND ZONING BOARD OF APPEALS

The public hearing was opened at 5:41PM by Supervisor Marinaccio regarding a Local Law pertaining to the terms of office and training for Planning Board and Zoning Board of Appeals. Our local law had to be revised because initially it was modeled after the Town of Union ZBA which has a seven (7) person board and ours is a five (5) person board. It is written so that we always end-up with only one (1) term expiring per year so we do not have several people coming off at the same time. Mr. Blaise also included a new section to include the revised State educational requirement of four (4) hours per year. The resolution will need to be passed at the February 11th meeting. Supervisor Marinaccio closed the hearing at 5:43PM.

ATTORNEY

UNIFORM TRAFFIC TICKET WITH VILLAGE

Attorney Blaise has been working for several months with Port Dick Attorney Herb Kline, Chief Sean Krause, and our TOD Public Works Commissioner & Constable Joel Kie. Mr. Kline met with Chief Krause, who also met with the Court Clerks to glean input from the Court about concerns or suggestions. The Court recommend a long form affirmation consistent with the NYS Criminal Procedure Law. With the intention to reduce Court congestion, the revised ticket will allow for several payment options via credit card, in person or payment over the phone.

VILLAGE OF PORT DICKINSON WAYNE AVENUE SEWER/WATER PIT AGREEMENT

Attorney Blaise reviewed the Wayne Avenue sewer pit maintenance agreement. In regards to the pit, the Old State Road sewer line, which empties into it, was installed at least 40 years ago. It was unclear whose line this is and who is responsible for repairs. The pump is located in the Village on State right-of-way land. Through much effort to sift through old records and data, Engineer for the Town Ron Lake determined the Town of Dickinson (TOD) installed the line to service Old State Road residents. This is on the State Route 7 in the Village and it is a dedicate line for State Road.

After visiting the site, a vacant lot on the corner of the Brandy Wine Highway heading up to Old State Road, at the Brandy Wine Highway intersection it was determined, before any work can commence, we need to deal with the overgrown brush and trees which sits on the top of the sewer line. Councilman Morabito asked if we are planning to clear the area can we televise the line before we formally accept the responsibility and can we ascertain the condition of the sewer line to be aware of any major repair issues that might cost us money? Mr. Miller of the Water Department stated televising would probably cost about \$1,000.

After much discussion, it was agreed the TOD will take the responsibility to maintain the line. In addition, the Town would be given **Flow Management** credit with the **BJCJTP** for this section of line. The revised agreement will affirm the TOD will be responsible for maintaining the line. Danny Miller says he will get a dollar amount on the camera recording cost. This agreement will take effect June 2013 and probably be signed in March 2013.

SPRING TIME ACCESS TO PULASKI AND GLENWOOD ROAD PARCELS-STAGING AREA & POTENTIAL PARKING

At the January meeting, Public Works Commissioner Kie requested Attorney Blaise to seek permission to temporarily store our town equipment and materials on Pulaski Street while performing projected highway spring time work for Glenwood Road projects. Mr. Blaise contacted the owners, Mr. and Mrs. Rudder, and they agreed and signed off on a consent form. At that time they offered to sell 3 of the 5 they own at a cost of \$500 per parcel. Mr. Blaise agreed he would bring it up with the Town Board.

In the meantime, Public Works Commissioner Kie thought it could be an idea to purchase a few parcels as there is no off-street-parking on Pulaski Street and could benefit us in the winter when the cars need a spot to park while our crews are plowing snow. A question posed by Supervisor Marinaccio to Attorney Blaise, what liability is the Town assuming? Mr. Blaise stated it is no different than our own Town Hall parking lot. We probably would have to install a guard rail due to the topography. We would prefer the larger parcel on the end. The Attorney is awaiting them to get back to him to see which 3 of the 5 lots they would be willing to sell to the Town.

CHAIR

PROSPESCT TERRACE FD OATH OF OFFICE

Supervisor Marinaccio reminded us of the **Prospect Terrace Fire Department** oath of office ceremony to take place on Saturday evening, February 9th at the Fire Hall at 6:00 PM.

BCC SMOKING ISSUE REGARDING PROPOSED FENCE

Supervisor Marinaccio contacted Debbie Morello to state the town would like to meet with the residents if and when a fence would go up at BCC so it will probably be on hold until the spring.

REVIEW OF EMPLOYEE HAND BOOK

Supervisor Marinaccio stated he will have Beverly Wike provide copies for review with all staff and set-up a meeting with all employees. The Handbook is basically all done.

ROGERS MT. WAY BUILD 1,000 FOOT ACCESS ROAD PHELPS STREET TO N. MOELLER STREET

Supervisor Marinaccio stated we now have all of the emergency contact information if ever a train is parked on the rail road tracks. Several residents have also written letters to the Rail Road to voice their concerns of safety and emergency situations. For future, we should look at grants to assist us to build the road. All law enforcement offices are behind us and agree we need to do this for safety.

RESIDENTIAL FENCING CODE

Supervisor Marinaccio made a request to Code Enforcement Rafferty to review our code.

2013 NEWSLETTER

Supervisor Marinaccio stated we are almost there. He is waiting on Town Clerk, Engineer for the Town, Court and Highway Commissioner. Any Town Board member is welcome to submit one as well as the Assessor's office. Submit it to Mike or Councilman Morabito.

NEW YORK STATE 2013 BUDGET-COURT-MANDATE RELIEF

Supervisor Marinaccio state there were two things he got out of the Governor's budget that would affect us. The first was regarding Mandate Relief, not much at all. We will be paying a lot more for retirement. Secondly there is a clause regarding the courts. Currently, a person is able to plea down on speeding tickets and most of the money stays here in the towns. If not, the state would keep the money including fees which could affect our court and what we get from the Court. It helps us pay for the judges' salaries and running of the court. It is perceived this will create a back log on the court. The Association of Towns is worried about it and how it will affect the towns. He will speak with Assemblyman Clifford Crouch to see if he can get a better definition and will get back on this.

PORT DICKINSON FIRE INSPECTION REPORT

Port Dickinson Fire Company Inspection booklet **Insurance Services Offices (ISO)** report is available for the board to review. It is the **Public Protection Classification Summary Report**. They are working on a few minor things. We will eventually get one for the Prospect Terrace Fire Company.

SALES TAX REFUND

Supervisor Marinaccio stated the Town of Dickinson budgeted \$698,096 for 2012 and we received a refund check \$728,079 with an increase of approximately \$30,000.00 more than last year. The good news is it helps us to keep town taxes low.

OLD STATE ROAD ACCESS

A lady is willing to sell a property off of Old State Road for \$4,000.00 that would make the access road a reality. If we are to purchase the land it would come out of the General Fund. The cost of the new tank comes out of the water operating fund.

NEW ROAD LIGHTING

Bill Naylor a representative of the **Department of Transportation (DOT)** has concerns of future lighting with the new road construction on Route 81 and 17. The plan is to eliminate the street lights in the center median as they are difficult to maintain; traffic must be shut down lanes in both directions for maintenance. Along with this, the major concern we have is all owns are responsible to maintain per an old law and it is very expensive to the Town. He should be prepared that if he does not get the mandate changed, don't be surprised if the villages and towns opt to not light the highway. Mr. Naylor will be looking into the matter a get back to Supervisor Marinaccio.

ASSESSED VALUES OF CONDEMNED PROPERTIES

Public Works Commissioner has been working with our Assessor, David Hamlin with the following letter dated February 4, 2013 with the assessed values:

13 Bellaire Avenue	\$4,200
34 N. Broome Street	\$7500
36 N. Broome Street	\$3,800
213 Bevier Street	\$4,500

We still need to hear back and will be forthcoming regarding 50 N. Broad Street.

BCC STUDENT HOUSING

Supervisor Marinaccio received a letter from the **Broome County Attorney's office** regarding the projected **BCC** student housing project. The Town Board unanimously agreed that we do NOT want to be the lead agency; we are being notified as an interested party. We do not have the manpower to serve as the lead agency. Mr. Marinaccio will sign it and return it to County Attorney Behnke.

The dorms will be located down by the parking lot near the library, set back into the embankment. Councilman Gardner, inquired as an interested party will we be informed of the progress? Mr. Marinaccio stated 'yes' and pointed out they will need to work with Danny Miller on the water and sewer aspect of the project.

BROOME TIOGA BOCES

Highway Commissioner Kie received notice they are working on an internal reconstruction project.

SUPERVISORS AND MAYOR'S QUARTERLY MEETING

Supervisor Marinaccio reported that all of the Mayors and Supervisors from Broome County were in attendance.

Highlights:

- Road use agreements.
- It should be noted no tires being accepted to landfill, so we may not be taking them on our annual clean-up day.
- Landfill will have stone available for free; stone is something we can use here.
- IT services will be shared and available
- Badges and ID cards will be available for free to the Highway crew. It was voiced and thought it be a good idea that our Town Board people have them too.
- The sales formula is being changed with the probable 50/50 in less than 4 years.

IDA

- Numerous changes in the **IDA** board have been made.
- Airport corridor project is to develop the water & sewer upgrade through Endicott.

PUBLIC WORKS

1. Commissioner Kie received feedback since the demolition was completed at 34/36 N. Broome Street by LCP and Jennings; the residents up there were extatic that it has been demolished.
2. The property is being surveyed new Old State Road for the new water tank installation.
3. A fire Hydrant on Glenwood Road hit by a vehicle during a snow storm; will need to be repaired or replaced.

OLD BINGHAMTON LIBRARY BUILDING

Councilman Gardner reported **BCC** is going to take over the old Binghamton Library on Exchange Street.

FLAP GATE

Councilman Gardner inquired the status of the flap gate near Boland Road. Commissioner Kie stated it is ready for spring installation but they are ready just in case

**BROOME COMMUNITY COLLEGE (BCC) DORMS IN RELATION TO
PROPOSED WATER SYSTEM**

Councilman Morabito asked about the storm water system in regard to the new BCC dorms. It is on the agenda to improve. BCC has funds set aside for it and reported this when they met with Danny Miller of the water department.

FINAL COMMENTS FROM PUBLIC

1. Resident Rosie Pudish raised a concern regarding the town's proposal to purchase properties on Pulaski Street and potential costs or nuisance.
2. Resident Jim Love wondered about the newly erected sign at the Co-Operative extension and if a permit was issued. Code Enforcement Rafferty stated 'yes they did'.

On motion by Supervisor Marinaccio, the work session was adjourned by motion of Councilman Morabito and seconded by Councilman Burns at 6:31PM.

Respectfully submitted,

Wanda R. Broczkowski

Town Clerk