

## June 3, 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, June 3, 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

### NORTH WESTERN MUTUAL INSURANCE BUILDING AND A POTENTIAL DEVELOPMENT

*Speaker for the project at the site of the Northwestern Mutual Insurance building, Gene Hulbert Jr., PE President Hulbert Engineering and Land Surveying, DPC. Mr. Hulbert presented his development proposal. This would be at the site of the **North Western Mutual** building. In the next month they will talk about the development to the Zoning Board, Chair Compton and Planning Board Chair Wasser. Included the following points in the presentation:*

- Proposed 62 unit structure
- First Floor Plan
- Elevations
- 3 Floor building
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Regarding the preliminary site plan of a potential development of a **Microtel Inn & Suites** at the proposed **North Western Mutual** Insurance building site located at the corner of Prospect Street and Burbank Street, connecting into Adams Street on the backside of the said location. The proposed plan is to acquire Burbank Street to create a cul-de-sac off of Adams Street to provide a fire turn around. Regarding the south and right side of Burbank an agreement has been set that once agreed to build, they would be sold by the same owner. The cul-de-sac would be a main egress. The zoning would require a zoning change from **R2** to **Planned Unit Development (PUD)**. If **PUD**, no variances would be needed. **Prospect Terrace Fire Department** will be presented to about the proposed project.

### These are a sampling of questions the Board entertained:

**Where is the main entrance?** At the Cul-de-sac.

**Do you own the properties on Burbank and Adams?** There is an agreement between the developer and the land owner, once we are ready to proceed, the properties will be sold to the developer.

**Who currently owns the existing Cul-de-sac?** The State of New York.

**Proposed sewer hook-up?** The development phase will take a few months. They propose to use current the sanitary hook-up. Supervisor Marinaccio goes on record to be sure they identify as to how much water and sewage will be needed into the flow management system. This information should be obtained in writing from the Joint Sewage Treatment Plant. Storm water sub surface is to be discussed later.

**Councilwoman Exley wondered about the traffic flow on this street?** Commuters coming into the cul-de-sac would be mostly cars. The only trucks entering the area would be for deliveries and they would be light weight controlled access on Prospect Street. They plan to meet with the **Prospect Terrace Fire Department** to review the plan.

**Councilman Morabito questioned, will they eliminate Burbank Street?** Would the sewer lines relocate to the west side under the building. The Easement on center line of the structure would be on PUD property.

At this time the Planning and Zoning board do not have questions. Once the final plans are received will they entertain questions. At the end of their presentation, Supervisor Marinaccio thanked him for their time regarding this preliminary **Microtel** site plan to the Board of the Town of Dickinson.

## ATTORNEY

### UNIFORM TRAFFIC TICKET WITH VILLAGE

Attorney Blaise met with the judges of the court to review the draft ticket. The next step Mr. Blaise is to review it with the Village of Port Dickinson Chief of Police- Krauss for final review and then to have them printed. Important note is that currently the fines to not match the CODE and will need to conform to it.

### 17 MARKET STREET

A recent late night disturbance was resolved with the Broome County Sheriff between the hours of 1 – 2:00 AM. It was not serious nor were any tickets issued.

### SEWER RATES

Review and revise billing rate increase the rate schedule. We will to go back to this later at the end of the meeting with Beverly Wike of the water department.

## **TOWN CODE SECTION 462(10) & 11) REGARDING TRASH RECEPTACLES**

Heavy plastic bags do not cut it. Attorney Blaise noticed the current law only refers to the garbage district No. 1 and Extensions 1 and 2. The intent is to include the words plastic or metal cans, no plastic bags.

The board held a lengthy discussion which included Public Works Commissioner Kie's reports that trash is all around due to plastic bags and is recommending the elimination of plastic bags town wide. Further discussion will be held on Monday June 10th. Supervisor Marinaccio suggested we send all landlords a letters once the law is enacted.

## **UNIFORM COUNTY DELTA ROAD PRESERVATION LAW**

**Broome County** is looking at adopting a uniform **Delta Plan** local law throughout the county. At the time of us adopting the Windsor Law, this idea was discussed and it is similar to our current law. **Delta Engineering** does sampling of roads and monitors the haul route for an upfront cost of \$8,500. The County wants to take responsibility of the \$8,500 fee. If adopted, this would replace our current road preservation law. Since this deal sounds too good to be true, we will seek more details before we agree. Interested towns are Conklin, Town of Binghamton, Port Dickinson, Kirkwood and Fenton. Supervisor Marinaccio will ask Mr. Daniel Schofield to come to our next meeting and address our questions. At this time the board feels the **Delta Engineering** road monitoring plan is stronger.

## **STREET LIGHTING COSTS RESOLVED**

Back in January of 2010, **Blanding Electric** had billed us for high mass lighting on Airport Road. Mr. Kie, Public Works Commissioner was OK with the Town to pay ½ of the difference between the \$2,186.04 bill and final settlement at \$1,534.67 since another company resolved the problem and not Blanding. At the next meeting Bev will include the payment in the June abstract. Oliver will send correspondence to Blanding regarding the reasoning of this situation to go out with the check.

## **LAW SUITS FILING TO BE PROCESS THROUGH THE STATE**

The process for making it easier to file a Notice of Claim against a municipality will now be filed through Albany. It seems there are more issues with downstate and not knowing where to serve the proper agency, department or person. The **Secretary of State of New York** is authorized and will be the receiver of all suits forwarding them down to the appropriate agency. A resolution will be passed next week.

## **GARBAGE DISTRICT NO. 1 AND EXTENSIONS 1 AND 2 UP FOR 2 YEAR BID**

The garbage bid package is up for bid. Attorney Blaise will prepare it for presentation at the July meeting.

**BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES  
(BJCJST) FLOW MANAGEMENT UPDATE OF RATE CHANGES AND BILLS  
WE RECEIVED**

*A 45 minutes discussion was held and the following points were documented:*

Supervisor Marinaccio met with the **BJCJST** staff on Friday May 31<sup>st</sup> regarding the ongoing problems. The sewer rates are going up 33%. They got the message loud and clear to understand we need forewarning for future billing issues. Mr. George Kolba had some good news in that the **Brome Community College** dorm project may not need any flow management credits for this dorm project in the Town of Dickinson. The other news is they owe us 2 years back reimbursement. They will let us know of the 2011 credit owed us. We are still waiting for the 2012 credit.

\$5.58 is our current rate current rate and currently read tri-annually and will move to read and bill quarterly. Over \$7.50 a cubic foot. There is no way we can make up for this \$260,000 loss. We could squeeze another \$10,000 per Danny Miller from the water department. We should hold a public hearing to incorporate the new rate. We did .increase it this past year knowing it would go up, but we did not anticipate a 33% increase. To cover the increase, we need to conduct a ‘special’ reading, probably a 6 week billing. This ‘special’ reading will prepare us for the new quarterly billing plan. The only thing that is certain is the **BJCJST** has a \$200K broken wall repair.

**Reference the following points:**

- Submit meter readings to **BJCJST**, this is how they know how much to bill us.
- Suggestions if there were to be an audit conducted by 6 other towns to determine the billing rationale. Thought of before; it would be extremely costly.
- It was thought we should have a public hearing next week, June We need to schedule a ‘Special Work Session’ to discuss the approach to the **BJCJST** bills and rate changes.
- Bond; we don’t have time to do this
- Councilman Morabito is uncomfortable with the \$200K we owe.
- Beverly Wike of the water department needs time to prep for our meeting next week.
- Special Work Session will be held June 10<sup>th</sup> at 5:00 PM before the Regular 6:00 PM meeting to present the rates, and revised quarterly billing cycle.
- A member for each of the user towns can be present and would be supported by Mr. Greg Deemie, Village of Johnson City Mayor who is a **BJCJST** owner. Ron Lake was appointed to serve as the representative.

## CHAIR

### PLANNING BOARD MEETINGS SCHEDULED AT OTHER LOCATIONS

Supervisor Marinaccio received word from David Wasser, Chair of the Planning Board has meeting locations in various parts of the town. The Monday, June 24<sup>th</sup> meeting will be held at 7:00 pm at the **Prospect Terrace Fire Department** and the Monday, September 23<sup>rd</sup> a meeting will be held at the **Sunrise Terrace Community Center**. Mr. Marinaccio thanked Mr. Wasser for doing a fine job with the planning board and their ongoing review and revision of the **Town's Comprehensive Plan**. Also, the **Village of Port Dickinson** will be involved in the plan.

### EQUALIZATION RATE

The town's equalization rate remains steady at 65.

### PHELPS STREET PROPERTY UPDATE

The deadline to get a reply from Ms. Burke is June 10th. Attorney Blaise will prepare a draft letter addressed to Ms. Burke. The Town would like to acquire the property in order to build an access road. We would prefer she gives us a right-of-way to build an access road.

### PROPERTIES FOR SALE OF DEMOLITION PROPERTIES

Supervisor Marinaccio stated some residents are concerned of these demolished properties and reminds us we are doing this to protect our neighborhoods by the Town. Attorney Blaise was not certain of all the properties status, so he will follow up with Kevin Keough at Broome County Real Property Office.

### UPDATE OF BCC SMOKING BAN

Regarding the ongoing problem of students smoking on residential streets, it is the same.

### MARIA ZOBNIW DAY SLATED

Maria Zobniw Day will be held on Wednesday, July 24<sup>th</sup> at the Maria Zobniw memorial located at the **Prospect Terrace Fire Department**.

### OPEN BURN CODE

Open burning is allowed in the town of Dickinson for recreational fire or for grilling food. An extinguishing device must be available and the fire cannot go unattended. Residents may not burn garbage, leaves or yard waste under a law by **DEC**.

## **WATER SERVICE INSURANCE**

The Town Supervisor has received phone calls complaining about a letter received by residents from a Water Service Insurance company. It is legal but it is not anything the town endorses or recommends for residents to purchase. It is strictly up to the owner the same as with any type of insurance policy coverage.

## **MS4**

**Department of Environmental Conservation (DEC) MS4** received an A+ rating. There were a few minor recommendations, but nothing serious.

## **17 MARKET STREET**

Supervisor Marinaccio met with the residents in that area to assure them we are watching this particular house to dissuade their fears of the past year incidents and complaints.

## **UPDATE NORTH WESTERN MUTUAL INSURANCE BUILDING AND A POTENTIAL DEVELOPMENT**

Supervisor Marinaccio stated the zoning change is needed for this project and the developer plans to hold a separate meeting with the residents at the appropriate time.

## **PUBLIC WORKS**

1. The Old State water tank is scheduled to come in on June 10<sup>th</sup> and will be installed this week.
2. Danny Miller of the water department reported they will replace the fire hydrant on Jameson and Johns street.
3. Pulaski Street after the sewer water pipe replacement, is currently getting new sidewalks, curbs and road paving this week. Project soon to be complete.
4. N Broome is getting improvements to roads and curbs.

On motion by Supervisor Marinaccio, the work session was adjourned by motion of Councilman Burns and seconded by Councilman Morabito at 7:33PM.

Respectfully submitted,

Wanda R. Broczkowski  
Town Clerk