

August 11, 2014 – 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 5:32 PM on Monday, August 11, 2014 in the Town Hall, 531 Old Front St., Binghamton, NY.

This is the second 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 5:32 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
Susan M. Cerretani, Deputy Town Clerk

CHAIR

SUPERVISOR'S REPORT

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

- **BU** President Harvey Stenger has agreed to be our guest speaker for the September 25th **Association of Towns and Villages** meeting to be held at **Terra Cotta. Broome County Historian** Gerald Smith will be our Oct. 23rd guest speaker to be held at **Atrio** in Endwell.
- Dan Miller, Joel Kie and Supervisor Marinaccio met with **City Water Manager** Jeff Kruger to discuss the possibility of the City decreasing their water rates to Dickinson and increasing city water usage. Supervisor Marinaccio expects a future meeting to be scheduled with the City in the near future.
- Supervisor Marinaccio stated that the meeting with **SUNY Chancellor** Dr. Nancy Zimpher on July 24, 10-11:30 am at the **SUNY Broome** Campus was very interesting. The focus is on the Step Up/Cradle to Career Initiative. After some thought, Mr. Marinaccio has decided to become a member of the Leadership Committee.
- On Sunday, August 10th, Mr. Marinaccio met with some residents who live on Rogers Mountain Way to discuss the Phelps Rd. extension project.

SUPERVISOR'S REPORT (CONTINUED)

- Supervisor Marinaccio received a call from Richard Bowman who has requested the use of our cemetery for the **Wreaths across America** project. Mr. Bowman will send us more information as we get closer to the event date of Dec. 13th. Supervisor Marinaccio said that it his understanding that various donors sponsor wreaths that are placed at the gravesites of our veterans.
- Supervisor Marinaccio received a call from Joe Weslar who wants to hold a candlelight vigil outside of our town hall for **Trooper Chris Skinner** who was recently killed in the line of duty. Mr. Marinaccio asked Mr. Weslar to keep in touch with us and send us information if and when he would like to hold the event.
- Supervisor Marinaccio stated that the town received our quarterly sales tax revenue from the county for \$192,676.00. The first quarter check was for \$184K. For our town, we are right on track as to what we predicted as sales tax income for 2015.
- Mr. Marinaccio stated that a letter for the upcoming **2015 Budget** has been sent out to all department heads. Mr. Marinaccio said that as usual, we are asking that department budgets be forwarded to Bev Wike by September to be reviewed.
- Supervisor Marinaccio met with **Cyndi Paddick, Executive Director of BMTS** to discuss the road crossing issues on Prospect Street, the Church and the Polish Community Center. This portion of the street belongs to the County. The following remarks are from Cyndi:
 - The curb cut on the north side of Prospect has a ramp. It is not ADA compliant but would suffice until a later date when Prospect Street is reconstructed or curb work is being done in that area.
 - There are no curb cuts on the southeast corner of Merrill Street. An ADA compliant curb cut would need to be installed on the Prospect Street side of the corner and the Merrill Street of the curb.
 - The crosswalk that is installed should be a ladder crosswalk with a portable “Yield to Pedestrian” sign.
 - Pedestrian signs should also be installed at the crosswalk.
 - The county has not budgeted for this work at this time.
- The Town Supervisors and Mayors will be meeting with **County Executive Debbie Preston** on August 27th, 4 pm at the County Office Building. This is a continuance of the quarterly meetings to discuss various issues.

- Supervisor Marinaccio planned on attending a press conference Tuesday morning August 12th for the official launch of the **Water from Rain** educational campaign to be held at the **Discovery Center**; however, the event has been cancelled due to the poor weather forecast. This program was developed to inform the public about protecting our water from storm water pollution. The Coalition consists of Broome and Tioga counties, 13 municipalities, **Broome and Tioga Soil & Water Conservation**, and others.
- Highway Superintendent Joel Kie and Supervisor Marinaccio attended a safety seminar Monday morning August 11th at the State Office Building.
- Dog Control Officer's monthly report – Supervisor Marinaccio is in receipt of a report with no unusual dog control issues.
- Code Violations:
 - 19 Pleasant Court, tall weeds
 - 54 Sunrise Drive, tall weeds and grass
 - 11 N. Broad, garbage along side of house
 - 20 N. Ely Street, tall weeds and grass
 - 20 N. Ely, violation of property maintenance, code, sanitation code
 - 26 Pulaski, trailer in driveway, plates do not match DMV registration
 - 28 Pulaski, race car in driveway
 - 28 Pulaski, appearance Ticket issued for sanitation and property maintenance violations
- **NYSEG** Warning Letters – 1 unpaid bill.

CHAIR

PUBLIC COMMENTS

No one requested to speak. The public comment period was then closed by Supervisor Marinaccio.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley, seconded by Councilman Gardner to approve the Work Session and Regular Meeting Minutes of July 14, 2014. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACT #8

Abstract Summary of Audited Vouchers for Funds in the amount of \$239,900.48. On Motion from Councilman Morabito, seconded by Councilman Burns 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 2014-42

The following Resolution was offered by Councilman Morabito, 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:

**Authorizing settlement of UPS Overnight Freight tax assessment litigation.
(Copy on file in Town Clerk's office).**

Mr. Blaise commented the settlement would have a minimal affect on the tax base. The new assessment would be for \$16,000 spread out over 4 or 5 years. 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 2014-43

AUTHORIZING ATTORNEY FOR TOWN TO REPRESENT TOWN IN A TAX ASSESSMENT PROCEEDING FOR 864 UPPER FRONT STREET FILED BY PENFIELD HOTEL/DELMONTE CORPORATION FOR FAIRFIELD INN

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:

Authorizing The Attorney for Town to represent Town in a tax assessment proceeding for 864 Upper Front Street filed by Penfield Hotel/Delmonte Corporation for Fairfield Inn.

(Copy on file in Town Clerk's office).

Mr. Blaise explained that this petition to reduce the tax assessment for the Fairfield Inn was a litigation matter outside the retainer agreement for legal services. It would be billed on an hourly basis at the rate of \$175.00. 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.

PHELPS STREET EXTENSION

Attorney Blaise reported Mrs. Burke's attorney confirmed that Ms. Burke was agreeable with transferring the property needed to construct the extension. In addition, the Town will seek an easement to use a portion of her property to store materials during the construction of the new road. Whether she is interested in the transfer of the properties on N. Broad Street remains to be determined. This project would cost us over \$200,000 and Mr. Marinaccio will contact **BMTS** to see where we can get some grant money to cover this project. Other avenues for financing may be available from the State and county. The town has the support of the Broome County Sheriff, fire department. Mr. Blaise will keep us up to date.

213 BEVIER STREET SALE OF PROPERTY

The resolution and permissive referendum will continue to be on hold until the pending code violations at 217 Bevier Street, which is owned by the prospective buyer of 213 Bevier Street, are corrected. Supervisor Marinaccio wonders what his intentions are for the property. Councilman Burns understood from their conversation he was willing to legally trade it with Mr. Brown’s vacant property. The board’s concern is that it will not turn into a junk yard same as his property. Attorney Blaise and Commissioner Kie will meet with him during the August 26th code enforcement hearing and voice these concerns with Mr. Terpack.

RESOLUTION APPROVING INTERMUNICIPAL AGREEMENT FOR TOWN PARTICIPATION IN BROOME-TIOGA MS4 COALITION

RESOLUTION 2014-44

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:

Resolution approving intermunicipal agreement for town participation in Broome-Tioga MS4 coalition. In the absence of Town Engineer Ronald Lake, Commissioner Kie presented a letter from **Beth Lucas, Broome County Senior Planner, Broome-Tioga Stormwater Coalition Chairperson from the County** regarding the MS4 coalition which is in the forming stages. The purpose of the coalition is an educational tool for adults, children and all of the general public. It is a separate entity requiring a separate accounting system be implemented beforehand of the actual launch at a later date. The board decided to proceed. Councilwoman Exley remarked we should like to receive plans and scheduled reports to ensure how the money is being allocated. **(Copy on file in Town Clerk’s office).**

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.

ZONING ISSUES FOR COMMERCIAL DEVELOPMENT OF 932 UPPER FRONT STREET

Attorney Blaise spoke to Lydia Schlesiger three weeks ago regarding the potential development of **932 Upper Front Street**. The easiest solution is to rezone it to C1-C2, Commercial since the commercial use of the location goes back several decades; 1972 is when they purchased the land, as a commercial property. Also, it is next to an already existing commercial zone in the Town of Chenango. Other options are a variance or to cede the sliver of land in Dickinson to be annexed to the Town of Chenango. Code Enforcement Rafferty contacted **Vision's Federal Credit Union** requesting for them to get back to us as what they want to do regarding future development. He did not get a response.

Resident Jim Love wondered if the neighboring property would make an objection or prefer not to do this. Mrs. Schlesiger stated that Visions would prefer that the entire property be located within one municipality, which would involve annexation by the Town of Chenango. The Board was agreeable with this suggestion, which Mr. Blaise will explore with Chenango's attorney. Ms. Schlesiger will contact Kelly Rogers the property owner next to 932 Upper Front Street to inform her of the situation. To be discussed again in September.

SEX OFFENDER RESIDENCY LOCAL LAW

Attorney Blaise updated the board that notices were sent out regarding a sex offender who was residing in the Town. It stated the person was living at a residential property on Old Front Street. Unfortunately, this was an erroneous listing. It was an incorrect address and should have been listed as the **Super 8 Motel**. The sex offender ended up back in jail, no longer residing at the Motel. Supervisor Marinaccio spoke to the owners of the misidentified residential address, who was quite upset. There was miscommunication on all levels including the Sheriff's office stating the Town issued these notices, which was not correct as they are issued by an out-of-state independent contractor company. DSS assigns housing. At this point we believe the situation has settled down and is resolved.

Mr. Blaise went through an explanation of recent court decisions concerning the validity of our local law restricting sex offender residency. Very recently the Appellate Division ruled that laws such as ours were valid. Attorney Blaise provided a sample copy of a local law proposal that would expand where level 2 sex offenders can live and can't. It's recommended we await the outcome of further appeals to determine whether further action by the Town is warranted.

REVIEW OF EPA REGULATIONS FOR REVISIONS TO CLEAN WATER ACT

Public Works Commissioner Kie provided a resolution for consideration by the Board which would oppose the proposed **EPA and the DEC regulations**. This is the time to oppose it because it is now within the public comment period. This resolution comes from an upstate town currently opposing the proposed regulations. The intent is to make legislators aware of not having too broad a regulation. Public Works Commissioner Kie will forward an e-Copy to Mr. Blaise in preparation for the next meeting.

REVISIONS TO EMPLOYEE HANDBOOK

Public Works Commissioner Kie proposed some revisions to the **Employee Handbook**. We need to have a written program and policy in case of audit by Labor officials. One revision was to include a light duty program with definitions. We need a plan for a compliant hazardous materials response. Also, we should include a self-audit safety assessment review program for compliance with the Health and Safety Policy. Mr. Kie will work with Mr. Blaise on these policies.

CHAIR

SUNY BROOME COMMUNITY COLLEGE DESIGNATED SMOKING AREA

Supervisor Marinaccio stated there will be 2 locations with one being adjacent to the bus depot and one further away or closer to the new student housing. They will inform us of the final decision before something is decided on the **SUNY Broome** campus.

MEETING WITH CITY OF BINGHAMTON WATER DEPT.

Supervisor Marinaccio, Public Works Commissioner Kie and Mr. Miller of the Water Department met with the **City of Binghamton Water Department**. Currently we get water from **Binghamton in District 7, Old State Road area and District 8, Upper Ely Park area**. The **City of Binghamton** requested we purchase more water service with them; water rates would be double and we didn't feel there was any gain to do this. Unless the **City of Binghamton** could match the **Town of Chenango** water rates, we would consider it. The contract with **Chenango** expires and is due for review later this year. Once we verify what **TOC** rates are and if it would or would not raise our costs. A concern is the maintenance on water meters which is always in question and would need to be factored in before a decision is made.

CODES TO PROTECT PROPERTY VALUES

Supervisor Marinaccio is asking the board to consider an enhanced code to protect property values against homes that appear deplorable and neglected. This code would include such conditions as missing siding, multi-colored paint jobs, dilapidated structures and neglect which reduce the home values of surrounding properties. Code Enforcement, Rafferty explained if we update town code it would not be in line or comparable with **New York State Property Maintenance Code** and it would not pass through the state. He prepared one for the Town of Union and it did not pass their approval. Attorney Blaise says our hands are tied unless it is a health or safety hazard according to the State.

Resident Lydia Schlesiger stated there is an abandoned rodent infested property on **Forest Hills** next door to her. We are not aware of the official status although suspect the house is either in foreclosure or bankruptcy. Councilman Burns suggested someone to speak with the bankruptcy trustee to inquire the status of the property. Attorney Blaise will follow up concerning this property.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

1. Public Works Commissioner Kie reported a sewer pump at **SUNY Broome Community College** malfunctioned due to the test plug was left in it and would be required to reimburse us for the damage. In addition the **Broome County Correctional Facility** sent some plastic and other stuff down the grinder causing it to stop functioning.
2. Public Works Commissioner Kie stated the survey for the **Phelps Street** project has been completed with a proposed project cost is \$175,000. On the portion the town owns, we are performing preliminary tree removal and utility pole work before the official project starts in 2015. Currently there are no utility poles or lights on **Roger's Mt. Way and Phelps Street**. Joel has already been in contact with **NYSEG** and will inquire installing poles and street lights.
3. The **Marion St.** property was surveyed. This 'paper street' used to connect to a bridge over the Choconut which no longer exists. Since Mr. Katusha has been mowing and maintaining the **Marion St.** property, we would consider deeding the property to Mr. Edward and Barbara Katusha since there is no purpose for the town to own or maintain it. Mr. Blaise would recommend a resolution be passed to transfer the property assuming he wants it. Councilman Morabito recommended we would need to be up front with Mr. Katusha regarding the two trees he would be responsible for and that his property tax would increase.
4. The water department is ready to connect the water lines between Adams St. and 400 Prospect St. for the **Micro-Tel Motel** project.

PLANNING & ZONING BOARD

None.

CODE ENFORCEMENT

Mr. Kie on behalf of Code Enforcement stated there are perpetual code issues with a **Pulaski Street** property which involves a husband and wife who are divorced and the other half of the property's owner is in the midst of attempting to resolve the issues which have been ongoing like a shell game for quite some time. Code will keep the board posted on the situation.

PUBLIC COMMENTS

BOCES

Councilwoman Exley reminded the board the education program at **BOCES** is starting up again for the September 2014 semester. It was decided Public Works Commissioner Kie and Supervisor Marinaccio will meet with their board in order to protect the area.

MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the **2014 Monthly Financial Report(s)** for the months of May, and June. On motion of Councilman Morabito and seconded by Councilman Burns. All in favor.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Gardner at 7:00 PM

Respectfully submitted,

Wanda R. Broczkowski

Town Clerk