

September 8, 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 5:30 PM on Monday, September 8, 2014 in the Town Hall, 531 Old Front St., Binghamton, NY.

This is the Third of the regular meetings which ends 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

Also attending:

Oliver N. Blaise III, Esq., Town Attorney

Wanda R. Broczkowski, Town Clerk

Susan M. Cerretani, Deputy Town Clerk

Absent: Stephen M. Gardner, Councilman

CHAIR

SUPERVISOR'S REPORT

Supervisor Marinaccio welcomed everyone. At this time he deferred his Supervisor's report to a few briefs at the end of the meeting.

PUBLIC COMMENTS

The public comment period was opened by Supervisor Marinaccio at 5:35PM.

A question and answer exchange went on for about 40 minutes with eight residents representing N. Moeller Street in regards to the proposed Phelps Street Extension project. When a train is stopped on either of the two railroad tracks, there is no entry or exit, land locking the residents. They voiced their concerns for everything from traffic, whether the Rail Road Company should instead consider putting up a railroad tussel, drainage issues and future development of the region.

One of the residents requested the minutes from the last month's meeting regarding the **Phelps Street Project**. Supervisor Marinaccio gave a synopsis of what transpired last month and summarized decades of safety concerns which provided the groundwork and necessity to build a 20 foot wide emergency outlet and access road for residents of the region. Public Works Commissioner Kie stated that the purpose of this stone and oil surfaced road would strictly be utilized to provide alternate access for emergency fire and medical personnel for Phelps St. and Rogers Mountain Way residents. The objective is safety and to save lives plus the town has the

PUBLIC COMMENTS Continued

support of the Broome County Sheriff and fire departments. Supervisor Marinaccio explained state capital improvement funds may be available and we are applying for a \$100,000 grant to assist us with this \$200,000 project. Councilman Burns thanked the residents for their remarks and all comments will be considered when implementing the stone and oil emergency road. Supervisor Marinaccio closed the public comment period at 6:21PM.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley, seconded by Councilman Morabito to approve the Work Session and Regular Meeting Minutes of August 11, 2014. All in favor. Vote -4 Ayes, Nays-0.

ABSTRACT #9

Abstract Summary of Audited Vouchers for Funds in the amount of \$205,361.10. On Motion from Councilman Morabito, seconded by Councilman Burns to approve. Vote Ayes – 4, Nays – 0.

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

Unanimously passed and noted as duly adopted.

ATTORNEY

REVISIONS TO EMPLOYEE HANDBOOK

Attorney Blaise reported revisions to the Employee Handbook are in progress.

RESOLUTION 2014-45

The following Resolution was offered by Councilman Burns, 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:

Opposition to the proposed rule changes under the Clean Water Act. Attorney Blaise stated the purpose of the resolution for consideration as recommended by Public Works Commissioner Kie. This is the time to oppose it because it is now within the public comment period. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Resolution on file with Tow Clerk, and to be sent to public officials and other organizations listed therein. Vote Ayes – 4, Nays – 0.

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

All in favor.

PHELPS STREET EXTENSION STATUS

Attorney Blaise reported his partner is working on the easement for the Town to attain ownership. The Town will eventually own the road and the adjoining property for the right of way.

RESOLUTION 2014-46

The following Resolution was offered by Councilman Burns, who moved its adoption, seconded by Councilman Morabito to wit:

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

Resolution approving the Attorney for the Town to act on the Town’s behalf in the Yajko bankruptcy proceedings, which is a matter outside the retainer. Attorney Blaise’s partner is investigating the status of the Yajkos’ bankruptcy and he reviewed the abandoned property situation. Since this is a potential condemnation, the Town will put in as a party to lay a claim in the bankruptcy case and we need to appoint an attorney. Currently there are property management issues since the Yajkos’ parents, who live in the Town of Chenango, are no longer attending to matters at the property. The lawn will be mowed this week by the Town and billed to the property taxes. 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 – 4, Nays – 0.

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

All in favor.

RESOLUTION 2014-47

The following Resolution was offered by Councilman Burns, 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:

Resolution approving the sale of 213 Bevier Street to Mr. Terpack. The Board removed the hold on the sale of **213 Bevier Street** after they reviewed the situation regarding **CODE** violations at Mr. Terpak’s property, which were satisfied. Supervisor Marinaccio is reluctant to say ‘yes’ to the sale. At least the Town will receive \$2,000 for a parcel we do not wish to maintain.

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 – 4, Nays – 0.

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

All in favor.

ANNEXATION OF 932 UPPER FRONT STREET TO TOWN OF CHENANGO

Attorney Blaise reported that at the recent **Town of Chenango** board meeting they discussed the agreement to move the town boundaries to transfer the **932 Upper Front Street** property from the Town of Dickinson to the **Town of Chenango**. At some point there will be a joint public hearing to present the annexation to **Town of Chenango**. Before the hearing, a survey of the one third of an acre needs to be conducted to move the boundary line annexing it to **Town of Chenango**.

Also, regarding the annexation, it doesn't appear that Ms. Schlesiger contacted Kelly Rogers the property owner next to 932 Upper Front Street to inform her of the situation. Public Works Commissioner Kie mentioned the situation to Ms. Rogers during an inspection of a deck at her property and she was not aware. During this conversation, she would like to request a fence along the property lines for protection of her property. Mr. Blaise stated it would be part of the planning board process. Attorney Blaise will prepare a resolution to be ready in October.

RESOLUTION ELIMINATION OF VILLAGE OF PORT DICKINSON REGISTRAR IDENTIFICATION NUMBER

Attorney Blaise stated the **Village of Port Dickinson** was passing its resolution at the next meeting. It should be final by October.

MICRO-TEL HOTEL PROJECT

Mr. Blaise spoke with project engineer Gene Hulbert, who stated they are preparing for the demolition for the **Norwest Mutual building** for the future **Micro-Tel Hotel Project** and all is moving along. Their attorney is working on the easement documentation needed for the Town and should be in touch with Mr. Blaise fairly soon.

CHAIR

SUPERVISOR'S REPORT

Supervisor Marinaccio gave a few briefs for the month of August. His report will be placed on file. Here are some highlights:

- Supervisor Marinaccio attended the **SUNY BEST** meeting at **SUNY Broome** campus. The purpose was how towns become a college town and the effect it has on the community. During the discussion Supervisor Marinaccio asked that they invite **SUNY Broome** students to come to their meetings for contribution and to participate on Leadership Committee(s). Mr. Marinaccio is now a member and participating in the Leadership Committee.
- Supervisor Marinaccio met with Debbie Preston a couple weeks ago. Regarding the **NY State Tax Freeze Credit** in relation to the proposed rebate proposed by Governor Cuomo. Town Of Dickinson residents should anticipate the average rebate amount to only be \$10.00. Supervisor Marinaccio recommended the town(s) get together with **County Executive Debbie Preston** as a Press Conference to illustrate what the criteria is for the **Sales tax rebates** and how all the towns rely on the sales taxes to help all municipalities. The last quarter is coming up so we shall wait and see. In 2015 we will be more conservative on our guesstimates so we will not be cut short.

SUPERVISOR’S REPORT (Continued)

- Resident Jack Ramsey gave copies of a letter to a select few of town’s people. The Town has done a lot of mitigation work over the past 2 years. Should it take us out of the flood zone in regards to resident insurance rates? Mr. Lake does not believe it will change things. Mr. Cahill plans to hold a meeting with those residents of the next step.
- **NYMIR our insurance carrier** conducted an underwriting survey. We passed and there were no recommendations.
- **Coughlin and Gerhart Law offices** are offering a seminar on labor & employment law on October 14th.
- **The Town Clerk provided a preliminary 2015 meeting and holiday schedules.**
- **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.

RESOLUTION 2014-48

The following Resolution was offered by Councilman Burns, who moved its adoption, seconded by Councilman Morabito to wit:

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

Resolution approving the bid to proceed with CMOM testing. Two bids were received on September 3rd from Cook’s in the amount of \$17,568.00 and Triple Cities which is also Roto-Rooter for \$47,628.80. Ron Lake recommends the one for \$17,568.00 with Cook’s bid as they are all in line and ready to start the smoke testing, cleaning and televising work. **(Copies of bids 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 – 4, Nays – 0.

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

All in favor.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

1. Public Works Commissioner Kie reported Mr. Katusha does want the **Marion St.** property. We will need to remove the two large trees.
2. The water department is working to shut down the service to the old **Northwest Mutual Building.** It seems to loop around and they cannot determine the path to ready the water service connection at 400 Prospect St. for the **Micro-Tel Motel** project. The fire department has been using the building for training.
3. The quarterly meter reads are done.

PUBLIC WORKS – Continued

4. The curbs will be put in over the next few week at the **Polish Community Center** and at the corner the handicapped access ramps will be included and compliant with the **ADA** handicapped law. Andre Lux, the manager of the centre expressed his appreciation.
5. Unofficial, but the Mayor of the Village of Port Dickinson wants us to take over their public works department. Supervisor Marinaccio has a list of questions and will keep an open mind as a shared service agreement. Several issue such as would we take over the park, CHIPS would increase, Highway tax, water and sewer rents, were discussed. The Port Dickinson infrastructure is over 100 year old. The PD people are complaining about taxes and lack of infrastructure. This is a big decision and will be reviewed carefully.

Supervisor Marinaccio invited everyone on Thursday September 11th at 6:00 PM to the vigil for deceased State Police officer Christopher Skinner who was killed in the line of duty earlier this year. It will take place at the **Angel of Hope Statue in the Port Dickinson park.**

RESOLUTION 2014-49

The following Resolution was offered by Councilman Burns, 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:

Resolution to approve the transfer the old 350 Ford water department truck to surplus status. The truck will go to surplus status to be presented at the County Auction. 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 – 4, Nays – 0.

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

All in favor.

PLANNING & ZONING BOARD

Zoning - None.

Planning Board to hold their meeting on Monday, September 22 at 6:00 PM and their continuing working on the **Comprehensive Plan.**

CODE ENFORCEMENT

Mr. Rafferty and Public Works Commissioner Kie have continued to issue violations and appearance tickets.

MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the **2014 Monthly Financial Report** for the month of July. On motion of Councilman Morabito and seconded by Councilman Burns. All in favor.

PUBLIC COMMENTS

Supervisor Marinaccio opened the public comment period. Councilwoman Exley noticed on Craig's list there was a notice to pick-up of scrap metal at the corner of Sowden and Pulaski Streets. She thought this would be a code enforcement issue. Public Works Commissioner Kie made a note of this.

Resident Jim Love of Orchard Road brought up the situation involving the new **SUNY Broome** dorm residents shopping at the **Manley** now **Morabito** convenience store and gas station. He wants to reiterate the hours of operation will not change to a 24/7. It was also noted the dorm residents have been shopping at Maine's Source and depositing their shopping carts around the campus.

Attorney Blaise asked about a **Town of Dickinson** marker sign for **Chenango Shores** sign to be erected at the corner of Boland Road or SUNY Broome campus. There is potential for a new owner at 1 Boland Road who might be amiable to erecting a sign. Ask about it at the next meeting.

Supervisor Marinaccio reminded the Board the next Work Session will be held on Monday, October 6th and the Regular meeting on Tuesday October 14th resuming our normal meeting schedule.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:25 PM

Respectfully submitted,

Wanda R. Broczkowski

Town Clerk