

## January 13, 2014 – REGULAR MEETING

The 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 6:00 PM on Monday, January 13, 2014 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

### SUPERVISOR'S REPORT

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

- In regard to the **SUNY Broome** smoking issue, Supervisor Marinaccio is hearing that **SB** may be locating a designated smoking area near or next to the bus depot on North Campus Drive end near the hockey rink. This is not official. If this happens, he would like to continue reviewing the possibility of establishing a **NO LOITERING** ordinance for the area where smoking is taking place.
- No smoking in the park: If everyone agrees, we will adopt a resolution tonight in making **NO Smoking in the Sunrise Terrace Park** a new rule.
- Regarding the proposal from Governor Cuomo to freeze property taxes, he has received the following information: There is no legislation on the subject, we expect that it will be in the 2014 budget. The limited information available provides a property tax rebate directly to property owners - the amount of the rebate will be the difference between what the taxpayer pays in property taxes resulting from an increase over last year – providing the town stays within the tax cap limits. The rebate is limited to the amount over last year's taxes attributed to the tax cap. To qualify for the rebate, the town has to stay at or under the cap in year one and in year two, the town has to again stay within the cap and also show consolidation or municipal cooperation. There are no details on what types of sharing or consolidation is required. I also spoke to Assemblyman Crouch and he has had no information on this subject but also believes that it will be addressed in the **2014 NY State Budget** process.

- Mr. Marinaccio received a DRAFT of the **SUNY Broome Start up NY Plan**. He sent everyone a copy to review. He suggested to President Drumm that the town have a representative on any review and decision making committee in sighting locations and researching the type of business that **SUNY Broome** is interested in having on or off campus. He also believes that this is a requirement since a proposed business located on or off campus will not be paying property taxes for a set number of years.
- As of today, there is no scheduled **Association of Towns & Villages** meeting for January. That can change so watch your emails.
- The **Prospect Terrace fire Company Annual Swearing in Ceremony** will take place on Saturday, February 22, at around 6 pm. Please let Mr. Marinaccio know if you are planning to attend as soon as possible. He will also be doing his annual state of the town report.
- Supervisor Marinaccio will be on jury duty starting January 27<sup>th</sup>.
- Supervisor Marinaccio received calls about ice build up on Bellaire Street. **Public Works Commissioner** Kie and his staff are addressing the issue. Water may be coming from one of the homes that recently did some drainage work.
- In regard to our **2014 Town Budget**, Mr. Marinaccio expects all departments that stay within their budget. Beverly Wike can tell you where you are at with spending in your various line items.
- The **Town Planning Board** has scheduled a meeting on Monday, January 27<sup>th</sup>, 6 pm, to begin the site plan review process for the **Microtel project**.
- Supervisor Marinaccio received an email from one of our residents thanking our public works employees for doing such a great job with snow and ice removal.
- **NYSEG** warning letters-None received.
- Code violations – There were 2 code violations and 2 appearance tickets.
- Dog Control Officer’s report – Received for December for strays, barking dog complaints, and missing dog were some of the issues reported on. Greg Starley has separated calls for the town and the village to simplify review.
- Supervisor Marinaccio will go over the 2013 review later on in the meeting.

**PUBLIC COMMENTS**

No one requested to speak.

**APPROVAL OF MINUTES**

On a motion by Councilman Gardner seconded by Councilwoman Exley to approve the Work Session December 2, and Regular Meeting Minutes of December 9, 2013. All in favor. Vote -5 Ayes, Nays-0.

**ABSTRACT(S) #13 Pre-pay 12-31-2013 & Voucher #1 for 1/13/2014**

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$332,766.21 and \$230,472.59. On Motion from Councilman Morabito, seconded by Councilman Gardner to approve. 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

Unanimously passed and noted as duly adopted.

**ATTORNEY**

**RESOLUTION 2014-1**

The following Resolution was offered by Councilwoman Exley, 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:

**Addressing Organizational matters for Town operations in 2014.** 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 attached.**

**RESOLUTION 2014-2**

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

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

**RESOLUTION DECLARING CERTAIN REAL PROPERTY, SPECIFICALLY 34 AND 36 NORTH BROOME STREET, AS SURPLUS, AUTHORIZING THE TOWN BOARD TO SELL SAID PARCELS FOR \$12,100.00, SUBJECT TO PERMISSIVE REFERENDUM, AND AUTHORIZING THE SUPERVISOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID SALE.**

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 attached.

Permissive Referendum:

**PUBLIC NOTICE  
TOWN OF DICKINSON**

Notice is hereby given that the Town Board of the Town of Dickinson, Broome County, New York, at a meeting held on January 13, 2014, duly adopted, subject to a permissive referendum, a resolution, an abstract of which is as follows:

**RESOLUTION DECLARING CERTAIN REAL PROPERTY, SPECIFICALLY 34 AND 36 NORTH BROOME STREET, AS SURPLUS, AUTHORIZING THE TOWN BOARD TO SELL SAID PARCELS FOR \$12,100.00, SUBJECT TO PERMISSIVE REFERENDUM, AND AUTHORIZING THE SUPERVISOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID SALE.**

RESOLUTION dated January 13, 2014.

RESOLVED, this 13<sup>th</sup> day of January, 2014, by the Town Board of the Town of Dickinson (“the Town”), County of Broome, State of New York, as follows:

- Section 1. The Town owns real property located at 34 and 36 North Broome Street, bearing tax ID numbers 129.77-4-5 and 129.77-4-4 (“the parcels”). Said parcels were donated to the Town in 2012. The Town does not have a use for said parcels and hereby declares them as surplus.
- Section 2. An evaluation of the parcels by the Town Assessor determined their fair market value to be \$11,300.00. The Town advertised the parcels for sale and received an offer of \$12,100.00 from Robert and Deborah Foster, residing at 37 Upper Taft Avenue, Binghamton, New York 13901. No other offers for the parcels were received by the Town.
- Section 3. The sale of the parcels to the Fosters is hereby authorized for the amount of \$12,100.00. As a condition of sale, the Fosters will pay all applicable costs (*e.g.*, recording fees) associated with the transfer.
- Section 4. The Supervisor is hereby authorized to execute all documents required to effectuate this transaction.
- Section 5. This resolution shall, before being effective, be subject to permissive referendum.
- Section 6. Notice of the resolution shall be published in the official newspaper of the Town, and elsewhere, by the Town Clerk pursuant to the laws governing permissive referendums.

BY ORDER OF THE TOWN BOARD OF TOWN DICKINSON, NEW YORK.

The Town Clerk is hereby ordered and directed to provide the requisite Public Notice of this resolution.

This resolution shall be subject to a permissive referendum, as permitted by law.

Dated: January 13, 2014  
Wanda R. Broczkowski, Clerk  
Town of Dickinson

## **BROOME COUNTY ROAD USE AGREEMENT**

Attorney Blaise affirmed there will be a meeting Wednesday, January 15 with the County and Delta Engineering officials to review the proposed **Road Preservation Law**. Attorney Blaise will report back to us with their progress.

## **EXTENSION OF PHELPS STREET STATUS**

Attorney Blaise had a conversation with Ms. Burke's attorney regarding the right-of-way to connect **Brandy Wine Heights** to **Rogers Mountain Way**. He will inform the board of the situation and all details once they become available.

## **213 BEVIER STREET**

David Hamlin of Broome **County Real Property (BCRP)** confirmed with Mr. Blaise that we now own this **213 Bevier Street** property.

## **50 NORTH BROAD STREET**

Attorney Blaise reported Broome **County Real Property (BCRP)** delivered the papers to Mr. Marinaccio regarding **50 N. Broad Street**. The County will need to obtain Mr. Marinaccio's signature and the County will deed the property to us. It needs to be surveyed. Much discussion ensued surrounding many other properties beside this particular one.

## **20 LINDA DRIVE RIGHT-OF-WAY**

**Public Works Commissioner** Kie contacted, Mr. Pawlowski a **Linda Drive** resident regarding hearsay about several matters that have been circulating regarding this road. One matter is Joshua Graupman sent the board a letter intending to build a home on this road. Mr. Kie thought it would be all right to develop a house there as long as it does not interfere with our town work and for us to turn around and make sure Joshua Graupman cannot land-lock other residents. Code Enforcement officer, Rafferty was informed of his request. **Public Works Commissioner** Kie will contact Mr. Graupman's to confirm his definitive plans. It would be contingent to his moving forward with the project and as to why he is requesting a release of the right-of-way.

In the meantime, **Linda Drive** residents should be sent a letter as to what conditions prevail and to demonstrate the town is aware of his intent. Finally, the board would be required to vote on the right-of-way release.

## **BEST VALUE**

Attorney Blaise reviewed a sample **Best Value** local law, including how bids and other factors involved in this process. A lengthy discussion ensued and we reviewed options of Section 1.2 regarding goods and services. If the board can support and justify a decision not to select the lowest bidder, the law gives the municipality flexibility. Review before the February meeting.

## **WATER SERVICE DISCONNECT**

We have an interesting situation with the **DPW**. A resident requested to be disconnected from the water service and hook up to their own well.

Code Enforcement Officer Rafferty stated it is in the building code and required by the **Broome County Health Department** and the State Building Code that connections to the municipal **Water System** are required. The question is: "Can they disconnect?" The answer is "no". Mr. Blaise will have his legal associate investigate this with the **BC Health Department**.

## **TOWN PARK NO SMOKING BAN AT THE SUNRISE TERRACE PARK**

After a lot of discussion, Mr. Marinaccio recommended the board proceed with the non-smoking signage at the **Sunrise Terrace Park**.

The **BC Health Department** stated we could personalize the wording on the top of the sign. Also, Kim of the **Sunrise Terrace Association Community Center** is interested in signs for them as well. Mr. Marinaccio will order the free signs from the **BC Health Department**. The final plan is to pass a resolution tonight to use signage at the park and make it a **Smoke Free Property**.

## **RESOLUTION 2014-3**

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **a resolution authorizing the posting of non-smoking signs at the park making it a tobacco free zone.**

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.

**PUBLIC HEARING BAN FOR WATER TANK AND GLENWOOD ROAD PROJECT**

Bonding needs to be done and our NYC bond attorney Bob Smith recommended holding a Public Hearing on February 10<sup>th</sup>, at the regular meeting. Initially there was confusion for the water tank and water line repairs and how to cover the costs. In the corrected documents, it will include the statement for ‘an amount up to \$750,000.00’ and to hold a public hearing. The Town Clerk will revise the provided documents provided this evening by Attorney Blaise and submit it to the Press for posting the legal notice of the Public Hearing and for inclusion in the minutes.

**RESOLUTION 2014-4**

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **a resolution authorizing a public hearing on February 10<sup>th</sup> for a bonding to cover up to \$750,000.00.**

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.

**COUNCILMEMBER APPOINTED TO ACT DURING SUPERVISOR ABSENCE**

Supervisor Marinaccio appointed Councilwoman Exley to act as the Town Supervisor during his absence at the **Association of Towns Training School and Annual Meeting** February 16-19, 2014 in New York City. Councilman Gardner and Supervisor Marinaccio will attend.

**SUPERVISOR REVIEW OF 2013 TOWN OPERATIONS**

Supervisor Marinaccio gave an overview of the state of the town for the past year.

**COMMITTEE REPORTS:**

**PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT**

1. **Public Works Commissioner** Kie reported recently there was hockey playing activity on the small pond which is the **Town Pond**. There is concern of drowning and the possibly of the town getting sued. Attorney Blaise stated we could be responsible if we do not address it. We will consider posting a sign or fence it in. Discussions will resume at the February meeting.
2. **Public Works Commissioner** Kie reported another water pipe repair was needed on Glenwood Road this past week. Spring cannot come too soon.

**PLANNING & ZONING BOARD**

Nothing new to report on either board.

**CODE ENFORCEMENT**

Code Enforcement Officer Rafferty did not have anything to report.

At this time the Board went into executive session to discuss considerations concerning **Real Property** and how it could affect its price or value.

The meeting was adjourned on motion of Councilman Burns and seconded by Councilman Morabito at 6:43 PM

Respectfully submitted,

**Wanda R. Broczkowski**  
**Town Clerk**