

December 8, 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 at 6:00 PM on Monday, December 8, 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**

Also attending:

**Oliver N. Blaise III, Esq., Town Attorney
Susan M. Cerretani, Deputy Town Clerk**

Absent were:

**Wanda R. Broczkowski, Town Clerk
Sharon M. Exley, Councilwoman
Stephen M. Gardner, Councilman**

CHAIR

Supervisor Marinaccio held a moment of silence for the passing of Gerald Blythe, a long-time volunteer at the Prospect Terrace Fire Department.

SUPERVISOR’S REPORT

Mr. Marinaccio gave his report for the month of December. His report will be placed on file. Here are some highlights:

- Mr. Marinaccio stated that he is currently looking for funding for the Phelps Street project. Cyndi Paddick from **BMTS** is assisting Mr. Marinaccio in this effort. Joel Kie, Highway Superintendent will supply Mr. Marinaccio with the needed information specifics.
- Supervisor Marinaccio stated that the Town will continue to meet with Port Dickinson Village officials to review the possible consolidation of the village and town public works departments. The Town’s attorneys are involved in this effort and Mr. Marinaccio hopes to have specifics to share with everyone in the near future. The goal is to begin this consolidation in 2016.
- The next **Association of Towns and Villages** meeting is Thursday, Dec, 18 at “My Uncle’s Place,” located along the Arterial Highway in Fenton, near the Nelson Ellis Furniture Store. Mr. Marinaccio said that due to the large balance of funds in the **AOTV** account, there will be no charge for members and one of their guests. Cocktail hour will be sponsored by Coughlin & Gerhart.
- Supervisor Marinaccio attended the **SUNY BEST** meeting last week which was held at the **BU** Campus. **NYSERDA** representatives were guest speakers and the discussion focused on various energy sources.

- The audit of the Town Court was completed with no major issues found. The auditor met with the judges to discuss the audit and areas that could be improved. Starting in January, Mr. Marinaccio will receive copies of the Town Clerk and Court Clerk financial reports and will then forward them to the Town Board for review and approval.
- Mr. Marinaccio received a letter from **Time Warner** indicating that there will be some cost increases for services and various equipment used by the subscribers. The rate increases will take effect for the January billing.
- The noise barriers are a go along the **Glenwood cemetery/ Sowden Street** area and construction will start next spring.
- The revised and increased **CPI** rates from the County Safety Complex will be 5.76%. The annual payments from the complex to the town will go to \$39,802.
- Mr. Marinaccio will be attending the Cornell Cooperative Extension Annual Meeting on Dec. 11th. There will also be a Flood Task Force and continuation of the tax cap and shared services meeting on Dec.11th.
- **Code violations:**
 - 20 N. Ely Street. Shed in disrepair and needs to be demolished. SUV openly stored and no plates.
 - 26 Pulaski Street. Furniture on porch, metal in side yard, various furniture and debris in the yard. These violations have been corrected and the tenant has moved out.
 - 210 Bevier Street. Various trash and debris all over the property.
 - 606 Old Front Street. Junk vehicle.
- **Dog Control Officer's report:**
Supervisor Marinaccio is in receipt of the monthly report. Stray dog, report of skunk on front porch, unleashed dogs, stray pit bull, dog defecating on NYSEG property, pit bull wandering in traffic.
- **NYSEG** warning letters - None received

PUBLIC COMMENTS

Supervisor Marinaccio opened up the meeting for public comments. Resident Mr. Jim Love positively commented on the no loitering signs that are posted on **Orchard Road**.

APPROVAL OF MINUTES

On a motion by Councilman Moribito seconded by Councilman Burns to approve the Work Session November 3, 2014 and Regular Meeting Minutes of April 14, 2014. All in favor. Vote - 3 Ayes, Nays-0. Councilwoman Exley and Councilman Gardner absent.

ABSTRACTS for Voucher #12 for 12/08/2014

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$151,515.12. On Motion from Councilman Morabito, seconded by Councilman Burns to approve. Vote Ayes – 3, Nays – 0.

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

Unanimously passed and noted as duly adopted.

ATTORNEY

RESOLUTION 2014-60

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Burns.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Making a negative declaration for the purposes of SEQRA review on the annexation of property from the Town of Dickinson to the Town of Chenango.**

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 – 3, Nays – 0.

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

All in favor. Resolution attached.

RESOLUTION 2014-61

The following Resolution was offered by Councilman Burns, who moved its adoption, seconded by Councilman Morabito.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Joint resolution by the Town of Chenango and the Town of Dickinson approving annexation of territory at 932 Upper Front Street.**

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 – 3, Nays – 0.

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

All in favor. Resolution attached.

TOWN OF CHENANGO REGARDING ANNEXATION OF 932 UPPER FRONT STREET TO TOWN OF CHENANGO

Highway Superintendent Joel Kie commented that the **Town of Chenango** has a strip of land, a sliver of property, along the boundary of the **Town of Dickinson** that needs to be surveyed in order to get a proper description of the property boundary. Oliver Blaise noted that the **Town of Dickinson's** concern is that of the southernmost boundary line along Kelly Rogers' property. The surveyor will have to address this issue in order to give a proper legal description.

After further research, attorney Blaise noted that **Town of Chenango** does not have to do a special election for the annexation. Mr. Blaise has sent the **Town of Chenango** the paperwork that is required for their local law and resolution.

TRANSFER OF MARION STREET TO MR. & MRS. KATUSHA

Attorney Blaise stated that the transfer should be taking place fairly soon, hopefully before the holidays or shortly thereafter. The permissive referendum period will end at the end of the week.

BOCES LETTER INQUIRY OF CONTRACT WITH PROSPECT TERRACE FIRE COMPANY

Attorney Blaise stated that he has not heard back from **BOCES** regarding the letter of inquiry about contracting for fire protection services with **Prospect Terrace Fire Company**.

CHAIR

ORGANIZATIONAL RESOLUTION

Supervisor Marinaccio reminded the board that one position will be kept open on the **BAR** (Board of Assessment Review). Mr. Marinaccio spoke with Assessor Jack Cahill regarding the appointment of a new board member. Mr. Marinaccio would like to hold off until there is further discussion, just to ensure that there are no conflicts of interest. Supervisor Marinaccio encouraged the board members to review the organizational information. Voting will take place next month on the **Organizational Resolution**. Some of the information will be submitted to the Press for publication; specifically the 2015 holidays and meeting dates.

BUDGET ADJUSTMENT

Beverly Wike explained that some of the 2014 budgets were modified in order to equal out some of the items. Mr. Marinaccio thanked Beverly Wike for making the adjustments that keep our books up to date and correct.

Mr. Marinaccio prompted that the budget adjustment needed to be authorized by resolution, which then followed.

RESOLUTION 2014-62

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilwoman Burns.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Approving the Town of Dickinson 2014 budget adjustments.**

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 – 3, Nays – 0.

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

All in favor. Resolution attached.

TAX CAP MEETING 12/03/2014 UPDATE

Mayors and supervisors met with **County Executive Preston** once again to continue to discuss the affects of the property tax cap and the refunds that some of our residents may receive for school and municipal property taxes. Supervisor Marinaccio said that a decision has been made not to hold a press conference on this issue at this time but instead, continue to meet and discuss ways to receive some relief from various mandates or receive some exemptions on some items that are paid for through property taxes. A meeting is being planned to meet with state representatives Libous, Crouch and Lupardo sometime in January.

NEW YORK ASSOCIATION OF TOWNS AND VILLAGES MEETING DEC 18TH

The next **Association of Towns and Villages** meeting is Thursday, Dec, 18 at “My Uncle’s Place” located along the Arterial Highway in Fenton near the Nelson Ellis Furniture Store. Mr. Marinaccio said that due to the large balance of funds in the **AOTV** account, there will be no charge for members and one of their guests. Cocktail hour will be sponsored by Coughlin & Gerhart.

CHAIR

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Joel Kie, Highway Superintendent stated there are street lights out along the Front St. corridor. Mike Panko from Panko Electric is working on it. The conduit was broken a year and a half ago. The repairs were supposed to have been done.
2. The **Town of Chenango** had a water break last week. Mr. Kie stated that it was their problem not ours. Mr. Kie stated that over the weekends, almost every Friday or Saturday night, the pump at the Jail fails. The Jail has a \$40,000 Muffin Monster (grinder). It gets plugged and causes problems to our pumps. It is the Jail's property, but it affects our pump. Councilman Morabito and Supervisor Marinaccio suggested that the Town keep track of repair and labor costs and bill the jail.

A long discussion followed regarding water and sewer rates, problems, concerns, issues and possible solutions. Here are some key points of the discussion:

- The Town is fortunate to have two water sources - **Town of Chenango** and City of Binghamton. We are never without water.
- We are paying double for Binghamton water – we buy water and average the cost to our residents.
- Highway Superintendent Kie's concern is that the **Town of Chenango** is in trouble in the water and sewer department. He stated that they may have lost a contract and they have had to raise their rates to their residents. They are in a deficit and will probably have to try to make it up next year or at some point in time.
- Councilman Morabito stated that the best thing we can do for the **Town of Chenango** and the **Town of Dickinson** is to work a long term deal - as long as it's a competitive rate. He said that Chenango is going to want some certainty in their budget and we need to plan properly for the future.
- Supervisor Marinaccio stated that the City of Binghamton **can** afford to not have us; however, the Town of Chenango **can't** afford to not have us. Supervisor Marinaccio stated that we are a big water/sewer user; however Chenango can't keep increasing our rates.
- We have the highest water and sewer rates of the towns and villages. Supervisor Marinaccio posed the question: How can we reduce our costs?
 - The idea of putting in a pump station was brought up for discussion. We would have to put in lift stations. It was determined to be cost prohibitive. The final conclusion was that the benefit would not offset the cost. Getting the infrastructure in place is an inhibitor. We have to look at it over the long term and we need to look into grant money available to offset it.
 - The idea of breaking our contract with the Binghamton Johnson City Sewage Treatment Plant was brought up as an alternative option. It was opined that we have grounds for a lawsuit. The Town of Dickinson has an alternative – other towns don't. It wouldn't be of any benefit for others to join in with us. We need to carefully look at options and possibilities to find a solution.

- It was asked if there was any way that the Town of Dickinson could pump to the Town of Chenango. There is, but the cost would be prohibitive. They are running at about 60% capacity and they are still developing.
- 3. Smoke testing was done at **Chenango Shores** and went pretty well. Several sewer cleanout caps were found to be missing.
- 4. Asbestos abatement is still being performed at 400 Prospect Street. Shingles on the roof are being removed and placed in a dumpster.
- 5. There is a January 27th sentencing hearing scheduled for the property on Adams Street for code violations.

PLANNING & ZONING BOARD

The Planning Board is still working on the **Comprehensive Plan**.

CODE ENFORCEMENT

Code Enforcer Steve Rafferty received an inquiry from **NYSEG**. **NYSEG** is going to be upgrading the **Market Street** substation. They will be replacing two transformers. **NYSEG** will have to apply for a special permit from the Zoning Board.

NYSEG is looking into the possibility of putting in a sound barrier wall along **Francis Street**. Code Enforcer Rafferty told them to be careful with visibility. Joel Kie asked that when Mr. Rafferty responds to **NYSEG** that he asks them to inform the Highway Superintendent when they truck in the overweight transformers.

Dog defecating at **NYSEG** substation – **DCO** Greg Starley dealt with it.

On a motion by Councilman Morabito seconded by Councilman Burns to approve the Supervisor's report for October 2014 and November 2014. Seconded by Councilman Burns. All in favor.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:48 PM.

Respectfully submitted,

Susan M. Cerretani
Deputy Town Clerk