

## February 10, 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, February 10, 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

### PUBLIC HEARING FOR BONDING TO COVER UP TO \$750,000 FOR WATER PROJECTS

Supervisor Marinaccio opened the public hearing at 6:01 PM regarding authorizing a bond to cover up to \$750,000.00 for water projects in the town. There were no questions or comments and the public hearing was closed at 6:02 PM.

### SUPERVISOR'S REPORT

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

- Supervisor Marinaccio does not have any updates on the relocation of the smoking at **SUNY Broome** campus.
- Mr. Marinaccio attended a meeting last Friday to discuss the **Color Run** scheduled for Saturday, April 6<sup>th</sup>, 2014 and all the updates associated with it. As of this week, there are over 3,700 people signed up to participate in the **Color Run**.
- The no tobacco signs for the park and playground are in smoking **Sunrise Terrace Park** are being made and we can pick them up as soon as they are completed. They will come with all the hardware and posts needed to put them up.

- The **BC Association of Towns & Villages** meeting is now scheduled for Thursday, February 27, 6 pm at **Traditions**. Guest speaker will be Mr. Walsh and he will discuss the plan on building a casino at **Traditions**.
- The **Prospect Terrace fire Company Annual Swearing in Ceremony** will take place on Saturday, February 22, at around 6 pm. Just a reminder: Please let him know if you are planning to attend. Mr. Marinaccio will also be doing his annual state of the town report.
- Supervisor Marinaccio received another email from one of our residents thanking our public works employees for doing such a great job with snow and ice removal and control.
- Wanda Town Clerk and her Deputy Clerk Sue have generated a new Town Officials Contact information list and Supervisor Marinaccio distributed one to each of you.
- Mr. Marinaccio received the new 2013 & 2014 **Consumer Price Index (CPI)** rates regarding our contract agreement with the Sheriff's department. The new per diem rate will be \$7.97. The new annual payment to the town will be \$39,802. With more and more prisoners being boarded out, we will see less revenue.
- \$747,778 Sales Tax Revenue share back to the **Town of Dickinson**.
- Mr. Marinaccio received a letter from **Time Warner** stating they will be increasing their rates.
- **NYSEG** warning letters-None received.
- Code violations – There was 1 code violation for 26 Pulaski Street for large amounts of various debris at curb and around the property.
- Dog Control Officer's report – Supervisor Marinaccio is in receipt of the Monthly Dog Control report submitted by Greg Starley. He has separated calls for the town and the village to simplify review. Strays, barking dog complaints, and missing dog were some of the issues reported on.

### **PUBLIC COMMENTS**

Mr. Love of Orchard Road stated the Town has done a great job of snow plowing during all of the snow storms. He wondered if there is a local law referring to residents who have a fire hydrant near their properties requiring the resident to clear the snow from around these fire hydrants. Mr. Marinaccio stated many residents voluntarily clean around them. There is no law requiring residents to clean around them.

**APPROVAL OF MINUTES**

On a motion by Councilman Morabito seconded by Councilman Gardner to approve the Work Session January 6, and Regular Meeting Minutes of January 13, 2014. All in favor. Vote -5 Ayes, Nays-0.

**ABSTRACTS for Voucher #2 for 2/10/2014**

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$149,469.73. On Motion from Councilwoman Exley, seconded by Councilman Morabito 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 2014-5**

The following Resolution Addressing Casino Support in Broome County was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Gardner, with the following discussion:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Addressing Casino Support in Broome County.**

Mr. Blaise commented it is based on a resolution the County has passed. The Governor has designated this could be one of the proposed areas for a casino. If passed, the resolution must be submitted to the NYS Gaming Commission. The Board recognized there are traffic questions and DOT, if it goes through, it must have site approval by the appropriate zoning and planning boards in the home municipality. Each Board member gave their feelings before the vote was taken. Both Gardner and Morabito were in favor and felt it would be positive for business and quality of life for the County.

Councilwoman Exley was not against it but was hoping she could have heard Mr. Walsh’s comments to be presented at the **Association of Towns** meeting later in the month, thus voting ‘against’ based on limited information. Councilman Burns is on the fence and he too would have preferred to hear Mr. Walsh’s comments regarding same. 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 – 1.

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

**Town of Dickinson**

**RESOLUTION OF SUPPORT FOR A CASINO IN BROOME COUNTY**

**Resolution 5-2014**

WHEREAS, the citizens of the State of New York overwhelmingly voted in the affirmative to amend § 9 of Article 1 of the Constitution to allow the authorization for up to seven Class III casinos in New York State, and

WHEREAS, the Governor announced that the first four casinos will be built in Upstate New York, including at least one in the Southern Tier/Central Region, which includes Broome County, and

WHEREAS, it is projected that the construction of these Class III casinos will promote significant job growth, increase aid to schools, and permit local governments to lower property taxes through revenues generated for the host communities, which would accordingly inure to the benefit of Broome County in the event that a Broome County site was selected,

NOW, therefore be it RESOLVED, that in furtherance of the above goals, the Town of Dickinson hereby declares its support for locating one of the proposed casinos within Broome County, and be it

FURTHER RESOLVED, that a copy of this Resolution shall be sent to the New York State Gaming Commission, Governor Andrew Cuomo, New York State Senator Thomas Libous, and New York State Assemblyman Clifford Crouch.

Dated: February 10, 2014

I hereby certify that the foregoing is a complete, true and accurate statement of the resolution that was passed by the Town Board of the Town of Dickinson at its duly convened regular meeting on February 10, 2014.

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Wanda R. Broczkowski, Town Clerk  
Town of Dickinson

SEAL

**RESOLUTION 2014-6**

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: **a resolution authorizing adopting BJCSTP standard reporting requirements form.**

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. A copy of the **BJCSTP** reporting form is attached.

**RESOLUTION 2014-7**

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: **a resolution authorizing a Public Hearing March 3rd at 5:30 p.m. regarding Planning Board zone change from R2 to PUD-Microtel Hotel Project.** 239 report review was approved by Broome County. At this point no Public Hearing is required by the Planning Board. The Planning Board will meet on February 24, 2014 to recommend the preliminary site plan to the Town Board.

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.

## **BROOME COUNTY ROAD USE AGREEMENT**

Attorney Blaise affirmed there has been progress regarding the proposed **Road Preservation Law** proposed by the **County**. Rather than focus on a uniform law, it was suggested that the local municipalities have a uniform road use agreement. It is meant to encourage developers to agree to a check list of the things to protect the roads. Each town has their own philosophy of what they deem necessary. Rather than issue a single permit for every truck for each truck run, the local road use agreement would address the need for road repairs over time. Attorney Blaise will report back to us with progress as they move along.

## **RESOLUTION 2014-8**

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: **a resolution authorizing the expenditure for appraisal of Burke property and N. Broad Street parcels by Bob Congdon for extension of Phelps Street.** The appraisal cost is \$4,650.00. We must have this to move forward for the road to be built.

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.

## **CAPITAL IMPROVEMENT BILLING CHARGE \$20 PER QUARTER FOR WATER DISTRICT**

A lengthy discussion ensued regarding an opportunity to establish within the water billing structure a **Capital Improvement billing charge of \$20 per quarter for each account in the water district** in order to recover and pay money back to the water fund as a result of installing a water tank on **Old State Road and to cover the Glenwood Road Project**. The Town would need up to \$750,000 for a bond for BAN. What transpired last year the Town covered the money from the general fund to install the water tank and we need to replenish the fund. In addition we need to ensure we can afford the **Glenwood Road Project**. Mr. Marinaccio deferred to Councilman Morabito, **Finance Chair**, as he reviewed the financials of the Capital Improvement proposal. He stated we will know by the end of March if we will have a surplus and how much is really needed. Water rates have been the same for five (5) years now. The Board would prefer not to raise the water rates which are why we would set a monetary goal when incorporating the **Capital Improvement Fund**. \$20 per quarter would raise \$40K this year and up to \$90K annually thereafter. This would refer to the whole water system, not just one or two projects. It is possible Supervisor Marinaccio may ask to table the BAN vote. Also, it should be noted we are not obligated to go forward and there is no time schedule on it.

With all the weather related scenarios water breaks have been prevalent and frequent within our aging water system. The board recognizes the seriousness of the situation and discussed several options of how to proceed. We just need to get this **BAN** in place. If all goes as planned, Danny Miller of the **Water Department** recommend scheduling the replacement of water lines for the **Glenwood Road Project** June 2014 once school is out. Mr. Miller recommends moving the water lines closer to the road as it is less expensive due to the brush growth hindering them from gaining access when repairing the water lines.

At this time the board was ready to vote on the resolution to authorize scheduling a public hearing authorizing adding a \$20 billing fee quarterly to each water bill on March 3<sup>rd</sup>.

**RESOLUTION 2014-9**

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 a Public Hearing be schedule for March 3<sup>rd</sup> to authorize adding a \$20.00 per quarter water Capital Improvement billing fee to cover maintaining Town water lines.**

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 2014-10**

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: **a resolution authorizing after a Public Hearing to Bond for up to and not to exceed \$750,000.**

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 2014-11**

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 Bonding for a BAN for up to and not to exceed \$750,000. It is there only if we need it.**

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.

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

Attorney Blaise affirmed his partner has been working with Mr. Graupman on the agreement to give up our right-of-way and to review this right-of-way situation surrounding his intention to build a home on this road ensuring the building project does not land lock the neighboring properties allowing residents to get through.

**RESOLUTION 2014-12**

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 to schedule a Public Hearing for March 3<sup>rd</sup> at 5:35 p.m. for “best value” purchasing local law.**

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.

### **34 AND 36 NORTH BROOME STREET**

Attorney Blaise stated his partner is preparing the documents for the closing on the **34 and 36 North Broome Street** property within the next week or so with Mr. and Mrs. Foster and another couple.

### **CHAIR**

### **SUNY BROOME COLOR RUN CONFIRMED**

Supervisor Marinaccio received documentation from **New York State**, a form **Undertaking of for the Benefit of NY State Department of Transportation (DOT)**. The form must be signed which is in resolution format with the understanding we cannot sue or try to collect any money if there is a situation during the **SUNY Broome** campus **Color Run** on April 6<sup>th</sup> or any other event requiring the Town's use of a state road. Broome County Sheriff Harder and his staff will be in charge of controlling all traffic and the approximately 5,000 people involved. To date, 3,500 participants are signed up.

Mr. Marinaccio reviewed the fact they have the right to use **Front Street** which is a state road with closing down one section of road. The run organizer will segregate and send the participants off in the color groups. One of the color explosions will be close to the **Wales Building**.

On a motion by Councilman Gardner seconded by Councilwoman Exley to approve the signing of the **DOT** agreement for the April 6, 2014 event. All in favor. Vote -5 Ayes, Nays-0.

Reminder, Supervisor Marinaccio and Councilman Gardner will be at the **AOT** training in NYC departing Sunday, February 16<sup>th</sup> – the 19th. Councilwoman Exley will act for him as necessary during his absence.

**COMMITTEE REPORTS:**

**PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT**

1. Danny Miller of the **water department** reported recently there were two (2) water breaks. The most recent was **Chenango Shores** on Forest Hills Blvd.
2. **Public Works Commissioner** Kie reported a widespread list of homes that are currently vacant and reported several of them already have had broken water pipes causing excessive destruction and deterioration on their interiors. They are viewed as potential for eventual total abandonment, lack of tax payment thus to ultimate demolition. All this contributes to deterioration of the neighborhoods.

**PUBLIC COMMENTS**

Mr. Love of Orchard Road commented on the **Capital Improvement Billing Fee Resolution 2014-9** just passed this evening. He felt there should be an end dollar amount and that it should be scaled to the actual water they are using. Supervisor Marinaccio suggested we go over it before we proceed and had further discussions on raising the water rate instead. We will know better by the end of March. At this time the board reconsidered its decision about Resolution #9 and to consider raising the water rate by possibly 10% instead of a **Capital Improvement Billing Fee**. Supervisor Marinaccio would like to keep it simple and fair as possible. The board felt this was a prudent move.

On a motion by Councilman Morabito seconded by Councilwoman Exley to approve rescinding Resolution 2014-9. All in favor. Vote -5 Ayes, Nays-0.

**PLANNING & ZONING BOARD**

Nothing new to report on either board.

**CODE ENFORCEMENT**

Code Enforcement Officer Rafferty did not have anything to report.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:40 PM

Respectfully submitted,

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