

## April 14, 2014 – REGULAR MEETING

The Special 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, April 14, 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 Marinaccio welcomed a Boy Scout from Chenango Bridge who joined us this evening.

### SUPERVISOR'S REPORT

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

- Mr. Marinaccio as stated at our work session, the **Color Run** scheduled for Sunday, April 6<sup>th</sup>, 2014 was sold out at 5500 participants and was a great success. As far as he is aware, there were no complaints and no issues.
- There is no **BC Association of Towns & Villages** meeting for April. We are working on one for May 22.
- The News Letter is in the hands of the printer and should be completed within the week and mailed.
- Our IT provider has made provisions now to enter information into our web site. All of 2013 and 2014 board meeting minutes are now posted.
- Mr. Marinaccio attended a meeting held by **the Industrial Development Agency** on March 25, at Traditions. He found it very interesting and positive in regard to future development in Broome County.
- Supervisor Marinaccio on March 20<sup>th</sup> was approved on the board of Ethics committee again.

- Supervisor Marinaccio is in receipt of a renewal contract for the Broome Volunteer Emergency Squad. As you may recall, this contract is at no cost to the town.
- Thanks to the hard work of Dan Miller, Ron Lake and staff from SUNY-Broome, the sewer credits for the construction of the new student housing project is no longer an issue.
- Mr. Marinaccio received a letter from Assemblyman Crouch indicating that he is in full support of a casino being built here in Broome County.
- Mr. Marinaccio continues to receive complaints about noise from RT. 17 along Sowden St. He will meet with the D.O.T. director for further discussion on the subject of noise barriers.
- Supervisor Marinaccio attended the March 28<sup>th</sup> meeting at the DOT NYS dept of transportation office at the K-Mart Plaza to discuss the I-86 project. The new bridges should be open in the near future. Traffic will be detoured off of Rt. 17 at the Front St., Binghamton Exit 5 and redirected to Front St. going north for traffic that wants to continue on I-81S. This is going to be a challenging time in terms of traffic control and will last for a few months and during the Spiedie Fest.
- NYSEG warning letters-None received.
- Code violations – 20 Stearns Rd., tires stacked in front of garage, windows broken in garage doors, furniture stacked along side of house.
- Dog Control Officer’s report – Supervisor Marinaccio has not received a monthly report as of today.

**PUBLIC COMMENTS**

Supervisor Marinaccio opened up the meeting for public comments, there were none.

**APPROVAL OF MINUTES**

On a motion by Councilwoman Exley seconded by Councilman Morabito to approve the Work Session March 3, and Regular Meeting Minutes of March 17, 2014. All in favor. Vote -5 Ayes, Nays-0.

**ABSTRACTS for Voucher #4 for 4/14/2014**

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$349\$,427.48. On Motion from Councilman Gardner, seconded by Councilman Burns 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 2014-21**

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Burns, with the following discussion: Attorney Blaise spoke to M&T Bank regarding securing the loan for the truck and the transaction will finalize mid-late May. The IRS Code requires the Board needs a joint meeting with the town and the fire department. It will take place at the public hearing set for May 5<sup>th</sup> 5:30PM. There are at least 6 weeks out before the fire company can we close on the loan so there is plenty of time to prepare. Mr. Blaise will work with the fire company to determine the dollar amount needed towards the purchase cost of \$445,000.

**BE IT RESOLVED**, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **schedule public hearing re Prospect Terrace Fire Dept truck purchase.**

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 – 1.

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

**PHELPS STREET EXTENSION**

Ms. Burke's Property attorney was contacted regarding the appraisal report and is now just waiting to hear back once the attorney returns from vacation. Supervisor Marinaccio did have our Town Assessor Cahill review it.

**RESOLUTION 2014-22**

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 approving 213 Bevier Street bid sale notice.**

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 bid notice is attached.

**RESOLUTION 2014-23**

The following Resolution was offered by Councilwoman Exley, 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: **renewal of contract with Broome Vol. Emergency Services.**

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 contract is on file in the Clerk's Office.

**RESOLUTION 2014-24**

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Burns, with the following discussion: The Town had already signed an agreement in 2005 but the Village never signed it. Attorney Blaise has prepared another one. Mr. Marinaccio stated the Village has been seeking our services in the past. We have done shared services for over 20 years with consolidating the courts, dog control and code enforcement.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **authorizing services agreement re Highway services with Village of Port Dickinson.**

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 agreement is on file in the Clerk's Office.

**RESOLUTION 2014-25**

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Gardner with the following discussion: Attorney Blaise stated there was an error in the recording of the tax ID no. for this bill, which had been paid by another resident for 3 years. The resident was happy we found the error and getting reimbursed. Beverly Wike was thanked for her work discovering the error and that it gets applied to the correct tax ID.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **a resolution correcting water/sewer billing error on Lower Stella Ireland Road.**

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 resolution is attached.

**RESOLUTION 2014-26**

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley, with the following discussion: Supervisor Marinaccio has had discussions about establishing a reserve fund. We need to replace and repair our water lines. This is a fair way to establish a reserve fund for a future fund to make necessary repairs with this bond to be paid off in 2 to 3 years at most. This will help to get us out of debt for past repair done with water tank, Pulaski St and other repairs. Ms. Wike will submit the rate schedule to the board. The public hearing set for May 5<sup>th</sup> 5:35PM.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **a resolution scheduling public hearing for local law implementing water service capital improvement charge.**

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 2014-27**

The following Resolution was offered by Councilwoman Exley, who moved its adoption, seconded by Councilman Burns, with the following discussion: Supervisor Marinaccio sees this Local Law as good idea to meet **DEC, MS-4** regulations. A fine by DEC could be as much as \$37,000 to an individual depositing grass in roads and ditches which causes blockage in storm sewers and then making its ways into streams. The public hearing set for May 5<sup>th</sup> 5:40 PM,

**BE IT RESOLVED**, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **a resolution scheduling public hearing for local law prohibiting deposit of grass in Town roads and ditches**

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.

## **ELIMINATION OF VILLAGE OF PORT DICKINSON REGISTRAR IDENTIFICATION NUMBER.**

No resolution will be passed at this time regarding the supporting elimination of Village of Port Dickinson registrar identification number. The Dickinson Town Clerk has already been processing Village death certificates for nearly 90 years. Mr. Blaise is waiting to hear back from Vital Statistics on how to proceed to eliminate the Village district number.

## **CHAIR**

## **CORNELL COOPERATIVE EXTENSION-SHARED SERVICES**

Supervisor Marinaccio recently had a conversation with the Administration Staff from the **Cornell Co-Operative** extension regarding pressure they have been getting from the State and County in their efforts to encourage consolidation of services. They wanted to utilize Town garbage, we contract out to private services. He will wait to see what other things they want to consider when he meets with them in the near future.

## **PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT**

1. **Public Works Commissioner** Kie reported on Danny Miller's continuing efforts to track and search for water leaks had to employ the services of **NYD** (New York Leak Detector) agency. It was discovered in the Prospect Terrace water district area at 44 Downs Avenue. This vacant home was full of water running down from the 3<sup>rd</sup> floor, leaking through the bricks and mortar. 13,000 cu ft of water ran through the meter over a 2 week period.
2. Mr. Kie reported while searching for the water leak **NYD** also discovered that during the construction of Route 17 in the 1960's that eight homes on Adams Street water services were never terminated the feeds. There is a potential they could leak any day now. We definitely need to disconnect them from the water service. The road will have to be dug up anyway in preparation for the **Micro-Tel Hotel Project** when connecting their water service.
3. Mr. Kie reported New York State gave us funds of a couple thousand dollars for pot hole repairs.
4. **Public Works Commissioner** Kie would like to surplus 2 rollers and request authorization to purchase a Caterpillar 3 ton roller for \$38,142.00. This one would have safety features not currently on the ones we have. The Village of Port Dickinson frequently borrows our small roller and Mr. Kie will offer it for sale to the Village.

## **RESOLUTION 2014-28**

The following Resolution was offered by Councilman Burns, who moved its adoption, seconded by Councilman Gardner with the following discussion: This will allow us to purchase a new roller and sell one as surplus to the Village of Port Dickinson as they are always borrowing it. Councilman Burns and **Public Works Commissioner** Kie will negotiate the price with VPD :

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **a resolution to make 2 rollers surplus and in their place to purchase a new 3 ton roller not to exceed the amount of \$38,142.**

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.

**SEMINAR ON MUNICIPAL LAND USE PLANNING AND ZONING OR INDUSTRIAL USES – APRIL 30, 2014**

Planning and Zoning Board chairs reported their members have been signing up on line for the training course offered by **Broome County Department of Planning and Economic Development** is sponsoring a training seminar for **Municipal Land Use Planning and Zoning or Industrial Uses – April 30, 2014** which will be presented by **Coughlin & Gerhart LLP** at no cost.

**CHAIR**  
**COMMITTEE REPORTS:**

**PLANNING & ZONING BOARD**

The next Planning Board meeting will be Monday, April 28<sup>th</sup> at 6:00. The Microtel Hotel project is done. Nothing new to report from the Zoning board.

**CODE ENFORCEMENT**

Code Enforcement Officer Rafferty did not have anything to report. Attorney Blaise brought up that there is a home on Front Street, where the issue was raised whether the garage apartment is compliant with R-1 zone. According to Mr. Rafferty, this apartment was in the original tax record 128.58-1-7 for 917 Upper Front Street since 1952 and is a grandfathered use.

**PUBLIC COMMENTS**

Resident Jim Love asked if before the Public Hearing on the **Capital Improvement** surcharge for the water department, will the details be available to him prior to the public hear to compare with his own water bill? Attorney Blaise responded that the details will appear in the Public Hearing notice for him to compare.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:54 PM

Respectfully submitted,

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