

October 19, 2015 – 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, October 19, 2015 in the Town Hall, 531 Old Front St., Binghamton, NY.

The members of the Town Board present were:

Michael A. Marinaccio, Supervisor

Stephen M. Gardner, Councilman

Sharon M. Exley, Councilwoman

Thomas J. Burns, Councilman

Also attending:

Nathan VanWhy, Esq. (o/b/o Oliver Blaise, Esq., Attorney for the Town)

Susan M. Cerretani, Town Clerk

Absent:

Danny F. Morabito, Councilman

CHAIR

SUPERVISOR'S REPORT

**SUPERVISOR'S MONTHLY REPORT
October, 2015**

- Supervisor Marinaccio submitted the three proposals to the **State and Municipal Facilities Program and Grant** along with copies of the Town's procurement policies. Now waiting for the official contract from the grant holder. As a reminder: Auto doors for the town hall, marquee for the town hall and replacement of the retainer wall in the parking lot of the town hall.
- Supervisor Marinaccio stated that the Town is still waiting for the renewal contract from Port Dickinson. We are now hearing that the contract increase is much higher than what was previously discussed.
- As a reminder: Supervisor Marinaccio received a quote from the **Humane Society** for the Town's stray dog contract. We currently contract with Broome County for the dog shelter service. Option 1...\$7500 per year, Emergency vet services would be billed under separate contract. Option 2.... \$8000 per year which includes any emergency vet care services. We currently pay Broome County \$9,678 per year. That will increase to \$9,775 for 2016. County contract expires 12/31/16. Copy of the contract was sent to our town dog control officer Greg Starley for his review and comments. Greg prefers that we continue with the county contract for now.

SUPERVISOR'S REPORT (CONTINUED)

- Public Works Commissioner Kie, Councilman Morabito and Supervisor Marinaccio attended the Port Dickinson Village meeting on Tuesday, Oct. 13 to see if anyone had any questions or concerns regarding the public works contract. There were no questions but we offered to discuss the contract with anyone interested in it.
- Supervisor Marinaccio stated that the Town received a check from the Sewage Treatment plant. A total of \$205,292 was deposited and credited to the sewage budget line. The Town also received \$190,172 from the sewage treatment plant. This credit was applied to the fourth quarter payment to the plant of \$207,231 which left a balance of \$17,059 to pay. This will help the Town in controlling the costs of waste treatment for our residents at least for the short term or until the plant sends out another increase in rates.
- Supervisor Marinaccio and Public Works Commissioner Kie attended the Town of Kirkwood Town Board meeting on Oct. 6. and were given the floor to discuss the Phelps St. project. The Kirkwood Board will now consider assisting us in paying for the project.
- The next **BC Association of Towns & Villages** meeting is Nov. 5. This will be Media Night. WBNG TV, Fox 40, News 34, WNBF, Press & Sun and Time Warner have all committed to attend. Location will be at the Spot Restaurant. Time of the event will be announced. Supervisor Marinaccio is working with Candace Chapman in coordinating this fun and informational event.
- There will be a ground breaking event for the new **Farmers Market** project at Cornell Cooperative Extension on Tuesday, Oct. 20, 11:30 am. Supervisor Marinaccio plans on attending.
- Supervisor Marinaccio asked the town board to consider making the town hall grounds smoke free.
- Supervisor Marinaccio received a call from Rick Lombardi, L. Stella Ireland Rd. resident thanking us for contacting the county regarding the erosion of driveways along this road. The County made repairs.
- Supervisor Marinaccio received a call from a village resident inquiring about the town taking over the Village Public Works Department. Mr. Marinaccio explained many of the contract items and how the town would maintain the village roads, infra-structure, etc. The resident was happy to have the information.

SUPERVISOR'S REPORT (CONTINUED)

- Robert Nielsen, one of the two commissioners for the Board of Elections sent a letter and other information to all the municipalities explaining the increases in the chargebacks for the 2016 elections. The major reasons for the increase are the 3 possible primaries, one congressional primary and our local primary.
- Supervisor Marinaccio stated that the Town was notified by the **NYS Dept. of Transportation** that they are nearing the completion and in the process of Final Acceptance of the Phase 1 reconstruction project of **NYS – 17, and I-81**. One question that Public Works Commissioner Kie and Supervisor Marinaccio had was in regard to the elimination of the center medium highway lights that are located in our town portion of the project. Supervisor Marinaccio and Public Works Commissioner Kie were told that the lights will be removed.
- Supervisor Marinaccio shared some great news: The submitted tax freeze efficiency plan that involved many towns, city and of course our town, was approved by the NYS Division of Budget with a few exceptions: **Town of Union Medicare Advantage PPO Plan** not approved, **Town of Vestal Medicare Advantage for retirees** not approved, **Town of Chenango joining NYMIR** not approved, **Broome County downgraded Records Mgmt. position from FT to PT** not approved, **Village of Endicott offered retirement incentive that resulted in elimination of 12 positions** not approved, and the **City going to LED lighting for all city street lights** not approved.
- Supervisor Marinaccio received the **Municipal Shelter Inspection** report for the county dog shelter. Mr. Marinaccio stated that the shelter was rated satisfactory which is very good. No violations or concerns noted in the report.
- Supervisor Marinaccio has been given the task of creating a **Town Emergency Plan** to Councilman Gardner. Councilman Gardner will report back at the next board meeting.

Code Violations:

No violations submitted.

Dog Control Report

Supervisor Marinaccio is in receipt of the Dog Control Officer's Monthly Report for Sept., 2015:

Quite a few stray dog complaints from Village and Town - dogs being walked in the Village park, 2 unlicensed dogs, barking dog complaint.

NYSEG Warning Letter:

No letters issued

NYMIR

NYMIR is offering a free Crime and Fidelity seminar tomorrow at 1:00 pm at the Town of Chenango Community Center, 1905 Coleman Rd. Supervisor Marinaccio is planning on attending.

PUBLIC COMMENTS

Resident Jim Love commented that over the weekend he saw the local TV coverage of the Phelps Street project. Mr. Love stated that he had a conversation with some residents of the Town of Dickinson who asked him why the Railroad is not sharing the cost of the project and - is getting off the hook, when the Railroad - in fact is causing the problem. Supervisor Marinaccio responded that the town attorney has approached the Railroad; however, we have not received a response. Supervisor Marinaccio stated that Senator Schumer has addressed the issue and he hasn't gotten any response from the Railroad even though the Senator is on the Service Transportation Board Committee.

Mr. Marinaccio stressed that the town cannot wait any longer to and risk jeopardizing peoples' lives. Mr. Marinaccio stated if the Railroad comes through with assistance then he will certainly give them credit.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley, seconded by Councilman Gardner to approve the **August 31, 2015 Special Meeting Minutes, September 14, 2015 Work Session and Regular Meeting Minutes, September 23, 2015 Special Meeting minutes, and October 5, 2015 Work Session Minutes.** All in favor. Vote Ayes-4, Nays-0, Absent -1

ABSTRACT #10

Abstract Summary of Audited Vouchers for Funds in the amount of **\$152,644.21**. On a Motion from Councilman Gardner, seconded by Councilman Burns to approve. Vote Ayes – 4, Nays – 0, Absent - 1

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

Unanimously passed and noted as duly adopted.

**Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of:
\$152,644.21**

Voucher #10 for October, 2015 in the amount of: \$152,644.21

<u>General Fund</u>	<u>\$45,867.73</u>
<u>Part Town</u>	<u>\$40.00</u>
<u>Highway</u>	<u>\$16,375.98</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$8,731.24</u>
<u>Refuse & Garbage</u>	<u>\$7,862.42</u>
<u>Sewer Operating Dist.</u>	<u>\$21,599.41</u>
<u>Water Operating Dist.</u>	<u>\$52,167.43</u>
<u>Water Debt-Water Line/Replace/Repairs</u>	<u>\$0.00</u>

CHAIR

NBT BANK CLOSING PHELPS STREET EXTENSION

Supervisor Marinaccio, Administrative Assistant Kie and Town Clerk Susan Cerretani met with **NBT Bank** on Tuesday October 12, 2015 for the closing on the Phelps Street Extension project.

2016 BUDGET PROCESS

Supervisor Marinaccio stated that preliminary budget process for 2016 is done and we will be conducting a public hearing at the November 2nd, 2015 work session.

NO PARKING ON LOWER ROSEDALE DRIVE

Supervisor Marinaccio stated that at Attorney Blaise's direction a public hearing regarding 'No Parking on Rosedale Drive' will be carried over to be discussed further at the November meeting.

ATTORNEY

Supervisor Marinaccio welcomed Attorney Nathan VanWhy substituting for Town Attorney Oliver Blaise who was out of town on business.

AWARDING GARBAGE DISTRICT RE-BIDS FOR 2016

RESOLUTION 2015 - 41

The following Resolution was offered by Councilman Burns, 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:

**RESOLUTION AWARDING THE GARBAGE DISTRICT RE-BIDS
SUBMITTED ON OCTOBER 2, 2015 TO LOW BIDDER BERT ADAMS
DISPOSAL FOR ONE YEAR IN THE AMOUNT OF \$123,769.80.**

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, Absent -1

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

All in favor

DPW AGREEMENT WITH THE VILLAGE OF PORT DICKINSON

Attorney VanWhy stated that the DPW agreement has been sent by Attorney Blaise and Village’s attorney Jeffrey M. Jacogs for independent review by Don Walls (Chenango’s attorney) to protect interests of both towns. This is a positive sign reflecting Village’s interest in moving forward with contract. The Town can expect a response in time for November meetings. Supervisor Marinaccio noted that there were a couple additional minor changes in the contract that were made by Administrative Assistant Beverly Wike and Public Works Commissioner Joel Kie. Supervisor Marinaccio expressed concerns that the changes even though minor could stall the process. Administrative Assistant Wike is suggesting that the date to renegotiate the contract be changed from December first to September first due to the budget. Public Works Commissioner Joel Kie is requesting that under ‘Town Obligations’, “Salting” should replace “Sanding”. He also would like a revision that requires someone to be designated in his absence. Attorney VanWhy stated that these seem to be reasonable changes and that he would talk to Attorney Blaise and be sure to present them to the Village attorney.

CHASE FUNERAL HOME TAX ASSESSMENT LITIGATION

Attorney VanWhy stated that Town Attorney Blaise will be meeting with Town Assessor Jack Cahill on October 26th to discuss the case status and strategy of the Chase Funeral Home tax assessment litigation.

PHELPS STREET EASEMENTS

Attorney VanWhy is awaiting temporary easement from Mrs. Burke. Per Public Works Commissioner Kie, work is progressing in other areas and showing significant progress.

RESOLUTION 2015 - 42

The following Resolution was offered by Councilwoman Exley, 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 TO SET A PUBLIC HEARING ON NOVEMBER 2, 2015 AT 5:30 PM FOR THE FIRE PROTECTION CONTRACTS.

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, Absent – 1.

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

All in favor.

(Attorney Blaise will prepare a public hearing notice for the Town Clerk to have published in the newspaper, to post on the website, and to post on the town sign board. Attorney Blaise will have the contracts prepared for the next work session)

RESOLUTION 2015 - 43

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:

RESOLUTION TO SET A PUBLIC HEARING ON NOVEMBER 2, 2015 AT 5:30 PM FOR THE 2015 BUDGET PROCESS

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, Absent – 1.

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

(Attorney Blaise will prepare a public hearing notice for the Town Clerk to have published in the newspaper and to post on the town website and town sign board)

RESOLUTION 2015 -44

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 SET A PUBLIC HEARING ON NOVEMBER 2, 2015 AT 5:30 PM REGARDING GARAGE SALE LEGISLATION.

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, Absent – 1.

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

All in favor.

(Attorney Blaise will prepare a public hearing notice for the Town Clerk to have published in the newspaper and to post on the town website and town sign board)

NO PARKING ON LOWER ROSEDALE DRIVE

A public hearing regarding 'No Parking on Rosedale Drive' will be discussed further at the November meeting and a public hearing will then be scheduled for December.

PUBLIC WORKS

MICROTEL

- Public Works Commissioner Kie is hopeful that the foundation floor of the **Microtel** will be in by the end of the week and framing will start November 1st. Public Works Commissioner Kie stated that it should be close to being closed in by December. He remarked that good progress is being made. Public Works Commissioner Kie stated that the engineer approved the structures for the sewer line just today.

LEAF PICKUP

- Public Works Commissioner Kie reported that the highway crew has started leaf pickup.

TRUCK SOLD AT AUCTION

- Public Works Commissioner Kie reported that the Ford truck was sold at auction for \$9,500.

YARD WASTE PICKUP

- Public Works Commissioner Kie stated that final yard waste pickup for the Town of Dickinson will be November 9th and final yard waste pickup for the Village of Port Dickinson will be November 10th. There will be a notice published in the Community section of the newspaper and it has been posted on the website and on the town sign board. The Highway Department will work Monday, Tuesday, Wednesday and Thursday of that week and take Friday off. The crew will work the Veterans Day Holiday.

RESIDENTS MEETING WITH BOCES

- Public Works Commissioner Kie stated that **BOCES** will be holding a meeting with the town residents from Maiden Lane regarding the storm water issues. Councilwoman Sharon Exley will attend the meeting and report back to the board.

GARBAGE/LITTER ON FRONT STREET

- Public Works Commissioner Kie remarked that he has noticed more garbage/litter on Front Street than ever before. Supervisor Marinaccio stated that Debbie Morello from **SUNY BCC** informed him that she had received a complaint from a resident about students tossing garbage. There was a discussion about whether it needs to be posted. Supervisor Marinaccio would like to have Attorney Blaise's opinion and advice on the matter and whether it would be handled as a code issue or by the **BC Sheriff's Department**. It was noted that there is a waste receptacle at the bus stop shelter on Front Street that is always over-flowing. The Town will contact **Broome County DPW** to inform them that the receptacle needs to be emptied more frequently.

ELECTRIC CAR CHARGING STATION AT SPOT RESTAURANT

- Public Works Commissioner Kie stated that an electric car charging station is being constructed at the location of the **Spot Restaurant**. Code Enforcement Officer Rafferty stated that the company approached the Town of Dickinson but ultimately decided on the Town of Chenango location because the electric was closer.

CODE

UTILITY POLES IN THE RIGHT OF WAY – MOBILITIE

Code Enforcement Officer Rafferty was contacted by email by **Mobilitie**, a public utility company in the State of New York. The company is interested in utilizing its usury rights to place utility poles in the public right of way at various locations in the Town of Dickinson. As a developing technology, small cell solutions expand network coverage and capacity at discreet locations for wireless carriers, require only limited infrastructure to be installed at a property, and don't require dedicated space for head-end equipment, high power demands, or any HVAC equipment. **Mobilitie** would plan to install a pole, an antenna, the equipment, and a meter at each site. **Mobilitie** is in the information gathering/planning stages for the project. Code Enforcement Officer Rafferty shared the introductory email with Town Attorney Oliver Blaise to follow up on.

PLANNING BOARD

Nothing to report at this time

ZONING BOARD

SUNSET DRIVE VARIANCE

ZBA Chairwoman Jeanne Compton reported that a variance was granted on the Sunset Drive garage with 2 stipulations:

1. Confusion and error in the design figures. The way the request for the variance read the design goes out on an angle. Required to make the borings right next to driveway
2. Drain on own property instead of draining to neighbors

DR. WESTFALL DENTIST OFFICE ZONING

Supervisor Marinaccio remarked that Dr. William Westfall, DDS is considering retiring. He and his wife Beth own the house on the corner of Old Front Street and Pleasant Court and the adjoining dental office. Mr. Marinaccio asked Code Enforcement Officer Rafferty what the zoning code regulations are on the property. Mr. Rafferty explained that unless a variance is granted, the small building must be retained as a dental office and the owner must live in the adjoining house.

MONTHLY FINANCIAL REPORTS

TOWN CLERK MONTHLY FINANCIAL REPORT

Councilwoman Exley made a motion to accept the **September 2015 Monthly Financial Report** for the **Town Clerk in the amount of \$2,644.95**. On a motion by Councilwoman Exley seconded by Councilman Gardner. All in favor

Town Clerk's Report	
September 2015 in the amount of \$2,528.45:	
<u>NYSDOH</u>	<u>\$67.50</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$49.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$2,528.45</u>

PUBLIC COMMENTS

Code Enforcement Officer Stephen Rafferty informed the board that he obtained a building permit application for a new hibachi restaurant to be located in the former **Coldstone Creamery** Building next to Starbuck's on Upper Front Street.

The meeting was adjourned on motion of Councilman Gardner and seconded by Councilman Burns at 7:00 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk