

November 9, 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, November 9, 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

Danny F. Morabito, Councilman

Thomas J. Burns, Councilman

Also attending:

Oliver N. Blaise III, Esq., Town Attorney

Susan M. Cerretani, Town Clerk

CHAIR

SUPERVISOR'S REPORT

SUPERVISOR'S MONTHLY REPORT

November, 2015

- Supervisor Marinaccio stated that we are waiting for confirmation to move forward on the three proposals sent to the State and Municipal Facilities Program and Grant along with copies of our procurement policies. As a reminder: Automatic doors for the town hall, marquee for the town hall and replacement of the retainer wall in the parking lot of the town hall.
- Mr. Marinaccio stated that we are still waiting for the final approval of the Public Works contract from Port Dickinson.
- Supervisor Marinaccio remarked that we have not received any word from Town of Kirkwood Town Board regarding a contribution to offset the cost of the Phelps St. extension.
- Mr. Marinaccio remarked that the BC Association of Towns & Villages meeting held on Nov. 5 was a great success. Over 10 municipalities were represented at this meeting including the Tioga County Town of Owego. Supervisor Marinaccio stated that this was our third Media Night presentation. WBNG TV, Fox 40, Press & Sun and Time Warner were present along with WBNG -TV Meteorologist Howard Manges. Mr. Marinaccio is now working on a Dec. holiday meeting. More on that once he meets with the AOTV officers next week.

SUPERVISOR'S MONTHLY REPORT CONTINUED

- Councilman Gardner, Councilman Burns and Supervisor Marinaccio attended the ground breaking event for the new Farmers Market project at Cornell Cooperative Extension on Tuesday, Oct. 20, 11:30 am.
- The Town of Dickinson's 3rd quarter share of sales tax distribution is \$197,804. If this slight increase in revenue continues through the 4th quarter, we should exceed our 2015 budget estimate by a few thousand dollars.
- Jim Syron, a long term Sunrise Terrace resident who devoted much of his time with Little League Baseball and other youth activities in the Terrace passed away this past spring. Mr. Syron's estate manager contacted me and notified me that some funds were set aside for the Community center. I am working with Kim Olson from the STA. We are looking at a PA system for the center. A plaque, which will be placed inside the community center, will also be purchased to honor Mr. Syron.
- Public Works Commissioner Kie notified us that Nov. 9, today, was the last day for yard waste pickup. This should be posted on our web site and face book page.
- Public Works Commissioner Kie, Deputy Public Works Commissioner Miller and Supervisor Marinaccio met with representatives from the county jail, Achieve, SUNY-Broome and the Student Village at SUNY-Broome regarding various items that have been flushed into the sewer line on campus. This meeting was to educate and pass along all of the problems our town staff has experienced.
- Supervisor Marinaccio addressed the Local Government Management class at Binghamton University 2 weeks ago. It was a great class who had some very good questions on local government. He covered most aspects on how local government is managed, board responsibilities, his responsibilities, our various boards and staffing. Supervisor Marinaccio hopes to do another class in the near future.
- As Supervisor Marinaccio mentioned last week, he made a brief presentation at the Broome Developmental Center public hearing. He was given no notice of the hearing and had just 3 minutes to make his presentation. Councilmen Gardner and Burns also attended the hearing.
- Supervisor Marinaccio was copied on an email from the Assistant DOT regional Director Scott Vergason and sent to Lora Zier from the Broome County Planning Dept. voicing his concerns about the location of the proposed Dunkin Donuts and its proximity to the state highway.
- Mr. Marinaccio is in receipt of the 2014 BC Sheriff's Annual report.

SUPERVISOR'S MONTHLY REPORT CONTINUED

- The town has completed the funds transfer from Chase Bank to NBT Bank. Supervisor Marinaccio extended big “thank you” to Administrative Assistant Bev Wike for her work on this very important transfer.

Code Violations:

231 Bevier St., violation of property maintenance code. This has been an ongoing issue with this property. He is reviewing police records relating to this property.

549 Old Front St., built overhang on back of house with no permit and no inspection.

49 Adams St., violation of property maintenance code, sanitation. The owner of this property was taken to court recently and paid a large fine. He is now being sited again for the same violations.

Dog Control Report

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

Stray dogs. Unlicensed dog found in poor health; owner was found and given a warning

NYSEG Warning Letter:

No letters issued

PUBLIC COMMENTS

Resident Jim Love commented on the lack of street lights at the intersection of Front and Old Front Street. Public Works Commissioner Kie informed Mr. Love that the lights will not be operational until phase 2 of the street light project takes place. Mr. Kie stated that at this time the conduit shorts out and it is not cost effective to repair. Unfortunately, that area will be dark all winter. The phase 2 plans call for all new poles and new lighting.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley, seconded by Councilman Morabito to approve the **October 19, 2015 Regular meeting minutes**. All in favor. Vote Ayes-5, Nays-0

ABSTRACT FOR APPROVAL

On Motion from Councilman Gardner, seconded by Councilman Morabito to approve abstract #11 in the amount of \$ **276,126.37**. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount of **\$276,126.37**.

Voucher #11 for November 2015 year in the amount of \$276,126.37

<u>General Fund</u>	<u>\$93,147.57</u>
<u>Part Town</u>	<u>\$3,040.00</u>
<u>Highway</u>	<u>\$29,232.36</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$828.84</u>
<u>Refuse & Garbage</u>	<u>\$7,862.42</u>
<u>Sewer Operating Dist.</u>	<u>\$11,253.71</u>
<u>Water Operating Dist.</u>	<u>\$88,928.66</u>
<u>Phelps Street Extension</u>	<u>\$41,832.81</u>

CHAIR

THIRD QUARTER SALES TAX REPORT

Supervisor Marinaccio stated that the Sales Tax Report total for the 3rd quarter is \$193,000.

CRIME & FIDELITY MEETING

The meeting that Supervisor Marinaccio attended was sponsored by the insurance company the town does business with. It was a three and one half hour meeting that addressed crime within the workplace including internet downloading and other issues.

LETTER FROM SHERIFF’S DEPARTMENT

Supervisor Marinaccio is in receipt from the Broome County Sheriff’s Department a letter stating that the fees due for Housing of Non Broome County Residents for the 3rd quarter is \$12,106.40.

ATTORNEY

STATUS DPW AGREEMENT WITH VILLAGE

Attorney Blaise’s partner Jeff Jacobs has been in contact with the Village of Port Dickinson trustees. The Mayor has assured the Town attorneys that they are still interested in the DPW agreement but they need more time to review it. Attorney Blaise stated that the Village officials are questioning various aspects of the agreement, such as the administrative fee and how the DPW process would work. They are going through the financials and questioning what the ramifications will be when their employees retire and the town replaces the employees. Attorney Blaise remarked that they are a step behind in their review of the contents of the agreement. Supervisor Marinaccio commented that there is confusion and misunderstanding on the trustees’ part.

Mr. Marinaccio stated that the Town of Dickinson board and Town Attorneys have done their due diligence and put a great deal of time and effort into this. Attorney Blaise interjected that he and his partner Jeff sent the revised agreement to Don Walls, an independent attorney who represents the Town of Chenango, to review. Mr. Walls’ report stated that the agreement looks fine and does not benefit one side more than the other. Supervisor Marinaccio added that there is no affect on our budget. Councilman Burns asked if it has to be unanimous when it comes to a vote. He was informed that it needs to be a majority vote. Attorney Blaise stated that Mr. Jacobs has a meeting with the Village next week and realistically January 1st does not look feasible for implementing the agreement. Attorney Blaise stated that a June 1 implement date seems to be a more realistic expectation.

STATUS: CHASE FUNERAL HOME TAX ASSESSMENT LITIGATION

Nothing to report at this time.

RESOLUTION: ADOPTING 2016 BUDGET

RESOLUTION 2015 –45

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:

RESOLUTION ADOPTING 2016 BUDGET. Supervisor Marinaccio commented that this year’s budget was a challenge and resulted in no tax increase and he offered great praise and thanks to Administrative Assistant Beverly Wike for her work. Councilman Morabito remarked that we have simplified the budget over the years and that he appreciates Ms. Wike’s effort.

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 Gardner voting Aye
Councilwoman Exley voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

All in favor. Resolution attached.

RESOLUTION: ADOPTING FIRE PROTECTION CONTRACTS WITH PDFC

RESOLUTION 2015 – 46

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 ADOPTING FIRE PROTECTION CONTRACTS WITH PORT DICKINSON FIRE DEPARTMENT. One year contract.

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

All in favor

RESOLUTION: ADOPTING FIRE PROTECTION CONTRACTS WITH CFC

RESOLUTION 2015 – 47

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:

RESOLUTION ADOPTING FIRE PROTECTION CONTRACTS WITH CHENANGO FIRE DEPARTMENT. 5 year contract in the amount of \$47,000.

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

All in favor.

RESOLUTION: ADOPTING GARAGE SALE LEGISLATION

RESOLUTION 2015 –48

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 DECLARING NEGATIVE ENVIRONMENTAL IMPACT OF LEGISLATION PURSUANT TO SEQRA AND ADOPTING GARAGE SALE LEGISLATION. It was agreed upon to eliminate a fee for the permits. A permit form will be created. The new law will be posted on the website and published in the newsletter. This law is being implemented primarily because it has become a safety issue and because certain residents are having several sales and operating as a business. If residents don't comply, they will be issued an appearance ticket.

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

All in favor. Resolution attached.

RESOLUTION: ADOPTING N. MOELLER STREET EXTENSION

RESOLUTION 2015 –49

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:

RESOLUTION ADOPTING N. MOELLER STREET EXTENSION.

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

All in favor. Resolution Attached

Guardrail and a stop sign still need to be installed.

RESOLUTION: ADOPTING PHELPS STREET EXTENSION

RESOLUTION 2015 –50

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 ADOPTING PHELPS STREET EXTENSION.

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

All in favor.

RESOLUTION: ADOPTING CHENANGO WATER CONTRACT RENEWAL

RESOLUTION 2015 –51

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:

RESOLUTION ADOPTING ONE YEAR WATER CONTRACT FOR THE TOWN OF CHENANGO FOR 2016.

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

All in favor.

RESOLUTION: SCHEDULING A PUBLIC HEARING FOR NO PARKING ON ROSEDALE DRIVE

RESOLUTION 2015 –52

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:

RESOLUTION SCHEDULING A PUBLIC HEARING FOR DECEMBER 7TH FOR NO PARKING ON THE SOUTH SIDE OF ROSEDALE DRIVE.

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

All in favor.

Attorney Blaise submitted a 239 to the County because we are within 500 feet of a state or county road.

RESOLUTION: ADOPTING RUNDALL PLACE EXTENSION

RESOLUTION 2015 –53

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 ADOPTING RUNDALL PLACE EXTENSION

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

All in favor

RESOLUTION: SCHEDULING A PUBLIC HEARING REGARDING PLACEMENT OF A STOP SIGN ON N. MOELLER STREET

RESOLUTION 2015 –54

The following Resolution was offered by Councilman Gardner, 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:

RESOLUTION: SCHEDULING A PUBLIC HEARING REGARDING PLACEMENT OF A STOP SIGN AT THE NORTHERN END OF N. MOELLER 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 – 5, Nays – 0

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

All in favor.

PUBLIC WORKS

HIGHWAY DEPARTMENT ADMINISTRATIVE

- Public Works Commissioner Kie brought attention to some inconsistencies in the Code Book that need to be reviewed.
Attorney Blaise will confer with Public Works Commissioner Kie and have the language massaged for the next work session.
- Public Works Commissioner Kie would like to have a grand opening ceremony for the Phelps Street extension project once the road markers, street signs, and guiderail around the two culverts are complete. Mr. Kie remarked that the Town of Binghamton helped out by letting us one of their machines and that this was a great example of shared services in action.
- Supervisor Marinaccio remarked that it is amazing how well and how quickly the project was done.
- Public Works Commissioner Kie brought up the application for service fees states that the fees are to be determined by the Town Board. Mr. Kie stated that the Town Board needs to come up with schedule of fees.
- Public Works Commissioner Kie stated that framing has started on the Microtel.

PLANNING BOARD

Planning Board Chairman David Wasser stated that the board will be meeting after Thanksgiving. They should be finishing up and have it together for the December Planning Board meeting and present the comprehensive plan to the Town Board at the January board meeting.

Finalize the day

Supervisor Marinaccio stated that he thinks there is approximately \$5,000 budgeted for the town's anniversary celebration next year.

ZONING BOARD

Nothing to report at this time.

CODE ENFORCEMENT

- Dunkin Donuts – nothing new at this time

MONTHLY FINANCIAL REPORTS

SUPERVISOR'S MONTHLY REPORT

Councilman Morabito made a motion to accept the 2015 Monthly Financial Report(s) for the month August. On motion of Councilman Morabito and seconded by Councilman Gardner. All in favor.

TOWN CLERK MONTHLY FINANCIAL REPORT

Councilman Morabito made a motion to accept the **October 2015 Monthly Financial Report** for the **Town Clerk in the amount of \$1,908.26**. On a motion by Councilman Morabito seconded by Councilman Burns. All in favor

Town Clerk's Report

October 2015 in the amount of \$ 1,908.26:

<u>NYSDOH</u>	<u>\$00.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$71.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,908.26</u>

TOWN OF DICKINSON COURT MONTHLY FINANCIAL REPORT

Councilman Morabito made a motion to accept the Financial Report(s) for the Town Of Dickinson Court for the month September in the amount of \$39,387. On motion of Councilman Morabito and seconded by Councilman Burns. All in favor.

PUBLIC COMMENTS

Supervisor Marinaccio closed the meeting with a commentary. Mr. Marinaccio remarked that the town has worked on several projects and has spent several thousands of dollars on these projects - such as the water tank replacement, flood mitigation work in Chenango Shores and Sunrise Terrace (with no funding from FEMA), and extensive water line work on Glenwood Rd. Mr. Marinaccio remarked that no one complained about these projects or questioned whether our taxes would go up because of the work. However, Supervisor Marinaccio has been hearing from people who are questioning whether our taxes are going to go up because of the Phelps Street Road extension. This disturbs the Supervisor. Mr. Marinaccio commented that when you look at the reasoning for the spending, the Board makes sure these projects are done for the safety and the good of the town. Mr. Marinaccio expressed that he is proud and honored to work with the Town Board. He stated that the town has done many extensive projects over the years and it is money well spent to improve health, safety, and the quality of life in the Town of Dickinson. Supervisor Marinaccio concluded by saying that the Phelps Street project may help save lives and/or property in the future.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:13PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk