

February 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, February 9, 2015 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'S REPORT**

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

- Mr. Marinaccio is working with **NYSEG** and the **NYS DOT** in identifying street lights that have been out of service during the I-86 construction project for the purpose of receiving credit and stop **NYSEG** charges for those lights.
- A reminder that both Steve Gardner and Supervisor Marinaccio will be at the **2015 Training School in New York** from February 15th through February 18th.
- Supervisor Marinaccio mentioned last week, there were recommendations made by our auditor to make some changes in the process of developing our town budget. We will start that for the 2016 Budget. The changes are minor and will make the process a little easier for us.
- Dave Wasser was reappointed as chairman of the **Planning Board** at the January 26 meeting. The board is continuing to work on revising our **Comprehensive Plan**. David reminded the Supervisor that next year our town will be celebrating our 125th Anniversary. We should start to plan some type of event for that occasion.
- We received our final payment for **sales tax revenue** from the county for 2014. We budgeted \$698K for 2014. The actual amount received was \$786K. We remain under the 50/50 split and we hope that the county will change the formula back to 50/50 soon. Mr. Marinaccio believes that 2015 will have similar results.
- The **Marriott Fairfield Hotel**, which was recently renovated, was sold for approximately \$5.8 million. The assessed value is \$3.9 million. They pay \$151K for school taxes, \$695 for library taxes, \$41K for county taxes, and approximately \$11K for town and fire district taxes.
- Mr. Marinaccio will be attending the continued **Tax Cap** meeting on Friday, February 13, at 3:30 pm at the county office building. Our scheduled meeting with our NYS Representatives was cancelled due to the passing of Senator Libous's mother. We plan on rescheduling that meeting.

SUPERVISOR'S REPORT (Continued)

- The **Super 8 Hotel** on Old Front St. was recently sold. More information will be shared as soon as it is available. (check on unpaid water/sewer bills)
- Mr. Marinaccio continues to attend the **SUNY-Best** meetings. Last week's meeting was a continuation of a 3 part class on sustainable energy and conservation of electricity and natural gas.
- Supervisor Marinaccio and board members attended the Annual Oath of Office for the **Prospect Terrace Fire Company** on Saturday, February 7th. Mr. Marinaccio gave a brief State of the Town. The event was well attended and everyone had a great time. Giving the Oath to the Ladies Auxiliary was added to the event this year.
- Supervisor Marinaccio continues to receive many calls and comments regarding the great job that our public works staff is doing during snow storms.
- Supervisor Marinaccio is in receipt of the Town Clerk's Monthly Finance Report.
- **Code violations:**
None.
- **Dog Control Officer's report:**
Supervisor Marinaccio is in receipt of the monthly report.
- **NYSEG** warning letters - None received
- 16 Francis Street there was a drug bust.
- Time Warner rate increases.

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Burns to approve the Work Session January 5, 2015 and Regular Meeting Minutes of January 12, 2015. All in favor. Vote - 5 Ayes, Nays-0.

ABSTRACTS for approval

On Motion from Councilman Morabito, seconded by Councilman Burns to approve abstract # 2 in the amount of \$196,061.06. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

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

Voucher #2 for February 2015 year in the amount of \$196,061.06:

<u>General Fund</u>	<u>\$15,901</u>
<u>Part Town</u>	<u>\$ 270.00</u>
<u>Highway</u>	<u>\$34,569.38</u>
<u>Fire districts</u>	<u>\$47,000.00</u>
<u>Light Districts</u>	<u>\$8,056.35</u>
<u>Refuse & Garbage</u>	<u>\$7,862.42</u>
<u>Sewer Operating Dist.</u>	<u>\$1,468.92</u>
<u>Water Operating Dist.</u>	<u>\$80,482.19</u>
<u>Water Debt-Water Line/Replace/Repairs</u>	<u>\$00.00</u>

ATTORNEY

TRANSFER OF PHELPS STREET PROPERTY

Attorney Blaise advised that his partner, who has been handling the real estate transaction with Mrs. Burke's attorney, has obtained the abstract and title and is currently working on closing possibly in spring 2015. Supervisor Marinaccio is looking for funding and has contacted **BMTS** and a letter is being sent a letter through to the **Southern Tier Economic Development Council**.

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

Mr. Blaise is working with the **County Planning Department** to prepare new maps of the adjusted town boundaries following the annexation. The Town Clerk forwarded all paperwork to Attorney Blaise electronically.

REVISED REFFERENDUM TO TRANSFER OF MARION STREET TO MR. & MRS. KATUSHA

Attorney Blaise provided a revised **Permissive Referendum** notice and the revised description survey at the Work Session for the board to review. With no questions or concerns, Mr. Blaise directed the Town Clerk to publish it in the press within 10 days of today's meeting.

RESOLUTION 2015-2

RESOLUTION AND PERMISSIVE REFERENDUM FOR TRANSFER OF MARION STREET PROPERTY

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

A RESOLUTION, REVISING RESOLUTION NO. 55-2014 ADOPTED ON NOVEMBER 10, 2014, DECLARING CERTAIN REAL PROPERTY, AS DESCRIBED IN THE SURVEY OF PAUL B. KOERTS, LS, WHICH IS ON FILE IN THE TOWN CLERK'S OFFICE, AND IS LOCATED AT THE WESTERN END OF MARION STREET, AS SURPLUS, AUTHORIZING THE TOWN BOARD TO DISPOSE OF SAID PARCEL, AND AUTHORIZING THE SUPERVISOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID TRANSFER.

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 Aye
Councilman Gardner Aye

All in favor.

Full copy of the resolution is attached hereto.

PARTICIPATE IN THE COUNTY'S SHARED SERVICE GROUP

Supervisor Marinaccio was not able to find any municipality who already participate in **Shared Service** group resolution. Mr. Marinaccio also left a message with Deputy County Executive John Bernardo. It has to do with the tax-cap scenario and the main question is: "Who gets credit for the **Shared Services** action, the Town or the County?" It remains to be answered.

STATE REGULATIONS BUILDING CODES

A discussion was had about the recent **New York State** regulation mandating 30 days to resolve Code issues. Concerns were raised with local laws for junk or unlicensed vehicles, high grass and snow on sidewalks being in conflict with provisions of the **State Building Code**. Supervisor Marinaccio was in communication with an official from the **NYS Association of Towns** about this issue, which will be discussed at the annual meeting in NYC later in the month

It was discussed that a matter of imminent threats to life or public safety could be brought in Supreme Court to get around the 30 day notice provision, but this could be very costly to the municipality. Hopefully this will get challenged by the **NYS AOT** regarding the new regulation in **§1203.5**.

RESOLUTION 2015-3

RESOLUTION TO TRANSFER THE SEWER DEBT SERVICE FUNDS TO THE SEWER OPEARATING FUND IN THE AMOUNT OF \$60,880.

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: **A RESOLUTION, TO TRANSFER THE SEWER DEBT SERVICE FUNDS TO THE SEWER OPEARATING FUND IN THE AMOUNT OF \$60,880.** Supervisor Marinaccio reviewed the recommendation by the auditor to move it to the **Sewer Operating Fund** during our recent self-audit conducted by Michael Giovinazzo, a former New York State Auditor. In order to transfer these funds a resolution needs to be passed to transfer \$60,880 left over from the **Sewer Debt Service Funds**.

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 Aye
- Councilman Gardner Aye

All in favor.

CHAIR

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Public Works Commissioner Kie spoke with the **DOT** regarding the ongoing future I-86 and Front Street interchange projects sound Barrier near Sowden Street. DOT has to remove the 'old' retaining wall and in order to do this we will need a resolution passed to perform the work in the right-of-way.
2. The **Exit 5** interchange that meets with Front Street will begin this summer.
3. A multi-purpose lane will be implement at the corner of Bevier Street going south at the bypass heading toward the City of Binghamton. This is to augment and service walkers and bicyclists. Unless the state or county cover it, this 1,000 foot section of the multi-purpose lane, parallel to Front St. would most likely require it be maintained by the Town. Supervisor Marinaccio sees this as additional highway work. The board's fear is we will have to hire someone to maintain the planned multi-purpose lane.
4. Joel Kie, Public Works Commissioner reported the **2015 SCHEDULE AND COLLECTION PROCEDURS FOR YARD WASTE** post cards will be mailed to residents of the Town of Dickinson and Village of Port Dickinson by the later part of the week.
5. Annual Clean-up Day is scheduled for Saturday April 25th, awaiting approval from the County.
6. During all ongoing talks with the **Village of Port Dickinson on Highway Consolidation**, Public Works Commissioner along with Supervisor Marinaccio would need to ensure they comply with our Town practices and modus operandi.
7. The **Town of Chenango** turned our water off today due to maintenance issues with their system.

PLANNING & ZONING BOARD

The Planning Board continues to work on the **Comprehensive Plan**. There is a meeting on January 26th at 6:00.

Zoning – nothing new.

CODE ENFORCEMENT

Code Enforcer Rafferty had no issues to report.

HISTORIAN

Historian, David Wasser declared the **Town of Dickinson** will celebrate its **125th Anniversary** of the incorporation of the Town in 2016. His recent research since 1890 included a listing of all past Supervisors, Town Clerk’s and Justices of the Town. An article will appear in the spring 2015 newsletter.

PUBLIC COMMENTS

Supervisor Marinaccio opened the meeting to public comments.

Councilman Gardner received complaints regarding unshoveled sidewalks at the **Cracker Barrel** and **GHS Federal Credit Union** properties on Front Street after recent snow storms. This is a clear example of the type of codes under the recent **NY State Law** passed allocating 30 days to comply with code. **Code Enforcer Rafferty** usually contacts the businesses as soon as he receives these types of complaints and they do comply.

COURT AND TOWN CLERK MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the **Financial Report** for the **Town Clerk**. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

Town Clerk’s Report

January 2015 in the amount of \$1,129.83:

<u>NYSDOH</u>	<u>\$22.50</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$44.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,063.33</u>

Court Ticket Collections Report

January 2015 will be available next month.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:21 PM.

Respectfully submitted,

Wanda R. Broczkowski
Town Clerk