

April 13, 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 promptly at 6:00 PM on Monday, April 13, 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 Marinaccio started the meeting by reading a letter received from our Town Clerk, Wanda Broczkowski of her resignation as the Town of Dickinson, Town Clerk effective at the close of business, May 8th, 2015. Mr. Marinaccio and the board thanked Wanda for all her work.

SUPERVISOR’S REPORT

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

- We continue to work on getting credits for street lighting that is not presently in use. Hope to finalize this effort by our next meeting.
- Status: **Port Dickinson** consolidation meeting updates. We held a joint meeting with representatives from **Port Dickson** in the continuation of putting together a plan for the town to take over the village public works departments. A great deal was accomplished and we are now waiting for the attorneys to generate a contract to review. At that point both governing boards will have an opportunity to participate in the plan and address any questions or concerns that you may have.
- Next tax cap/services meeting will be April 16, 20:30pm, county building.
- Supervisor Marinaccio has written letters to Congressman Hanna, Senators Gilibrand and Schumer, Senator Libous, Assemblyman Crouch and to the **NYS Dept. of Transportation** in seeking assistance to pay for the **Phelps St. extension** road that is greatly needed for the Rogers Way area of our town. Safety is our main concern due to trains blocking this road for long periods of time. Mr. Marinaccio also had a conversation with Senator Schumer’s staff and they are interested in this request.
- On Thursday, April 2, Mr. Marinaccio participated as one of the speakers on the issue of the **NY State Court of Appeals** decision on **sex offender laws**. The event was held at Otsiningo Park.

SUPERVISOR'S REPORT (Continued)

- The next **AOTV** meeting will take place on Thursday, April 23. Location will be at “My Uncle’s Place”. The current president Terry Kellogg will not assume his second term so a new candidate will be nominated for that position. The secretary, treasurer and vice-president will take the oath of Office as well as the new President. Our guest speaker will be our very own Oliver Blaise speaking on current issues that are affecting all of our municipalities.
- Joel, Bev and Supervisor Marinaccio met with a representative from **Johnson Controls** to discuss changing all of the street lighting in our town to more efficient energy type lighting. The **City of Binghamton** is now in the process of changing over their lighting with Johnson Controls performing the work. The conclusion was that we are too small of a municipality for Johnson Controls to work with. However, we will be reviewing the possibility of purchasing whatever street lights that we do not own so that we can save money on replacement parts and other savings.
- Mr. Marinaccio was a server on April 9, at the **BOCES** Celebrity Pasta Night. This is a fund raiser to celebrate Autism Awareness with proceeds funding an end of the year carnival. It’s a fun event with pasta and meatballs, deserts and refreshments being served.
- The **Second Annual Color Run** will take place at the **SUNY-Broome Campus** on April 26 starting at around 9am. All permits, insurance certificates, etc. are in and up to date. This event was sold out over a month ago with over 5000 people participating. We will have a pre-event meeting on at BCC on Wednesday at noon to go over all aspects of this event.
- On Tuesday, April 14, starting at 11:30 am. Mr. Marinaccio will be participating in a panel discussion with the Broome County Board of Realtors and the new Executive Director of **Unshackle NY**, Greg Biryła. Joining me will be several other elected officials: Greg Deemie, Tim Whitesell and Hal Snopek.
- Supervisor Marinaccio talked to a James Millett from 21st Century Ventures out of Scranton, PA in regards to the construction startup of the **Microtel Inn**. He said they are awaiting bids and hope to start very soon.
- We want to welcome the management of the newly transferred Super 8 hotel to the **Red Roof Inn**. A lot of work has already been done at this hotel and we are very pleased to have the **Red Roof Inn** here in our town.
- Our Web site has had over 85K page views, 30K visits and over 488K hits.
- The **Prospect Terrace Fire Company’s** Annual Pancake Breakfast on Sunday, April 26, from 8am to 12 noon. This is the same date as the Color Run.

SUPERVISOR'S REPORT (Continued)

- **Code violations:**
- **231 Bevier St.**, violation of property maintenance code, various auto parts, tires and other debris. Supervisor Marinaccio visited this site at the request of one of the nearby residents and found the property to be in violation of code as stated in the violation notice. Neighbors are very frustrated with this property and Mr. Marinaccio assured them that we are working as hard as we can to get this place cleaned up.
- **210 Bevier St.** remains a mess. Totally unacceptable condition. An arrest warrant has been sent to the sheriff's department. Mr. Marinaccio spoke to Captain Fred Akshar and he will expedite the warrant as soon as possible.
- **46 Sowden St.** has several violations on this rental property.
- **Dog Control Officer's report:**
Supervisor Marinaccio is in receipt of the monthly report by our Dog Control Officer. Roaming dogs, dog owner missing court date, dog owners not picking up dog waste on Adams Drive, wild life calls, barking dog, 4 appearance tickets issued.
- **NYSEG** warning letters - None received
- **Town Clerk Finance Report:** Supervisor Marinaccio is in receipt of the monthly town clerk's finance report for March and the February and March reports for the Court. The Court report is generated by NY State Unified Court.

PUBLIC COMMENTS

Supervisor Marinaccio opened the meeting to public comments.

Leonard Gee off of the **Old State Road** area asked about the sewage treatment plant issues and would there be another water and sewer increase? The last one was a 33% increase due to the sewer billing over a year ago. Mr. Marinaccio conveyed to Mr. Gee we will keep residents informed if anything comes from the sewage treatment plant but there is nothing at this time. Also, Mr. Gee reported the 'no parking signs' on the corner of N. Broad and Ely Streets have been removed by teens playing in the roadway to allow them to play ball. There is also a loose sewer catch basin grate in need of repair on North Ely. Mr. Kie will check into the situation.

Jim Love of Orchard Road wondered how we are doing on the (CAP) **Capital Improvement** bond pay off the town took on last year on the water bills for repairs. Mr. Marinaccio replied that we are doing well but the payments will continue for some time until the bond of \$750,000 is paid off.

APPROVAL OF MINUTES

On a motion by Councilman Morabito seconded by Councilwoman Exley to approve the Work Session March 2, 2015 and Regular Meeting Minutes of March 9, 2015. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACTS for approval

On Motion from Councilman Gardner, seconded by Councilman Burns to approve abstract # 4 in the amount of \$505,713.96. 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 #4 for March 2015 year in the amount of \$505,713.96:

<u>General Fund</u>	<u>\$173,654.15</u>
<u>Part Town</u>	<u>\$414.00</u>
<u>Highway</u>	<u>\$15,701.59</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$6,114.72</u>
<u>Refuse & Garbage</u>	<u>\$7,862.42</u>
<u>Sewer Operating Dist.</u>	<u>\$224,817.26</u>
<u>Water Operating Dist.</u>	<u>\$77,149.82</u>
<u>Water Debt-Water Line/Replace/Repairs</u>	<u>\$00.00</u>

ATTORNEY

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

Mr. Blaise stated there is progress with the **County Planning Department** to prepare new maps of the adjusted town boundaries following the annexation. They are working on the verbiage to ensure they are accurately documented on the map.

TRANSFER OF PHELPS STREET PROPERTY

Attorney Blaise reported the deed documents were sent to Mrs. Burke by her attorney who is now living in Florida. Once the documents come back to us we can work on the transfer and we will then own the property. In the interim Supervisor Marinaccio reached out to the **Town of Kirkwood** to possibly assist in funding this road once we own it.

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

Attorney Blaise had all of the documents for Supervisor Marinaccio to sign tonight to finalize the transfer to the Katusha's for the closing and filing of documents.

RESOLUTION 2015-7

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Resolution to make available expanded the coverage provided by General Municipal Law § 209-i(1-b).**

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.

The resolution is attached.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION PROJECTS

Attorney Blaise reviewed a tentative draft agreement regarding the **NYSDOT** lighting project along US 11 from the City Line to Bevier Street which resulted from a recent meeting with the **City of Binghamton**. The **NYS DOT** will install the system, which the town will own and obligation to maintain the system for 20 years. If the town falters, the **NYS DOT** can impose a monetary penalty. Supervisor Marinaccio will follow-up with the **NYSDOT** to request a draft contract acknowledging Mr. Blaise's comments.

One matter we have to resolve is traffic control by police during the installation of said lights. Since the town does not have its own municipal police force we will have to make plans for this through the **BC Sheriff or New York State Police**.

Regarding the other two (2) **NYSDOT** projects we need to wait for further information from the **NYSDOT** before we draw up resolutions for these projects. One is the

maintenance of the proposed multi-use trail along Route 11 from Bevier Street on up and the other is the installation of the noise barrier along Route 17/Sowden Street.

RESOLUTION 2015-8

The following Resolution was offered by Councilman Morabito, 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: **By this resolution, the Town Board of the Town of Dickinson hereby appoints Susan Cerretani as Town Clerk to fill the unexpired term of Wanda Broczkowski, effective end of business, May 8, 2015. Said appointment shall be for the remainder of 2015 or until a Town Clerk is sworn in following the general election of November 2015, whichever is earlier.**

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.

The resolution is attached.

RESOLUTION 2015-9

The following Resolution was offered by Councilman Gardner, 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: **By this resolution, the Town Board of the Town of Dickinson hereby appoints Wanda Broczkowski as Deputy Town Clerk to fill the unexpired term of Susan Cerretani, effective end of business, May 8, 2015. Said appointment shall be for the remainder of 2015.**

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.

The resolution is attached.

RESOLUTION 2015-10

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Resolution to accept the PTFC membership roll so as to provide VFBL coverage to protect its members.**

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

SUNRISE TERRACE JAMES SYRON BALL FIELD MEMORIAL

Supervisor Marinaccio made the board aware a **Sunrise Terrace** resident James Syron who recently passed away. For decades Mr. Syron was a champion of Little League coaching and supporting all youth at the Sunrise Terrace ball field. Mr. Marinaccio received a communication from Michael Keenan regarding a group of people wishing to donate several hundred dollars to be made in his name. Mr. Marinaccio will keep us informed once he learns what the donation amount will be and after contacting the Sunrise Terrace Community Center people.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Joel Kie, Public Works Commissioner reported on the upcoming **Annual Clean-up Day** scheduled for Saturday April 25th from 9:00 a.m. to 3:00 p.m. This event will include white goods with doors removed and tires of eight (8) per residence. Last year 2014 it was very successful and we spent \$725 for the event. Mr. Kie stated it will cost us less than \$1,000 for this year. Mr. Kie received a proposal and agreement from **Rogers Service Group** for \$125.00 per hour for four hours for a cost of \$500.00 from 9:00 a.m. – 1:00 p.m. In reviewing the quote it stated the Town is responsible for items being disposed and should any items be put into these containers that can damage the shredding knives on the Mobile Shredding Unit would make the Town liable for damages to the equipment. The board elected to withdraw the quote unless this disclaimer might be rescinded. Mr. Kie will check into the Roger's quote.
2. Public Works Commissioner Kie reported the **Sunrise Terrace** water pump went out. The cost is minimal to refurbish and luckily we had a back-up pump.
3. Under **CMOM**, the estimate for the Bellaire storm sewer repair will cost \$119,000 so Mr. Kie instead is recommending to relines the sewer pipe for \$79,357.10. This is the one that goes under the highway.
4. The wording under the sections for water and frozen pipes category in the Code book of who is responsible for repairing frozen pipes has some discrepancies. Mr. Kie will provide a list to Attorney Blaise for further clarification.
5. The **Village of Port Dickinson** has a different **CHIPS** formula which is the **State Consolidated Local Highway Assistance Program**. This is an inter-fund transfer from the general fund which is received to balance the **Highway Department County Road Fund**. It has come out under the formula the Village has the same amount of money coming to them as the Town even though they have less highway miles . We just found out we each received a \$6,000 increase. In addition the Village and the Town each received \$3,000 to \$4,000 for winter emergency recovery.
6. Regarding the proposed **MICROTEL** Commissioner Kie stated Mr. Millet needs his lawyers to contact our Town attorney before they proceed. Mr. Kie and Supervisor recommend we contact them to understand how to proceed as there is much to do.
7. Municipal grants information was received in an Email by the Town Clerk and forwarded it to Mr. Kie. He will pursue applying for a grant for the Water and Highway Departments. Supervisor Marinaccio agreed to work with him.
8. The new owner, Ken Patel of the **Red Roof Inn**, the former **Super 8** is repairing the building, cleaning and making upgrades which have been visible to the Town. He has been very cooperative with Code Enforcer Rafferty as well.
9. Mr. Kie is placing the salt order for the **2015-2016 winter season** for the **Town and the Village**. He will probably order the same as last year which is an educated guess.

BINGHAMTON JOHNSON CITY JOINT SEWAGE TREATMENT PLANT MEETING REPORT

*Supervisor Marinaccio requested the Engineer for the Town, Ron Lake to report on the recent **BJCJST Plant** update meeting he attended in place of Supervisor Marinaccio. Mr. Lake stated there are several issues going on with the management and financial operations of the facility. The following are highlights of his report out. Discussions went on for 15 minutes.*

- Instead of a \$60 million grant the **BJCJST Plant** needs a different amount of \$175 million to make the needed **FEMA** repairs.
- **BJCJST Plant** has a \$14 million revenue account that they want to return to the outside users. If the money were given back to the towns it would be counterproductive because they would need to borrow or bond for repair money, the interest charge would have to be applied and charged back to the towns at a higher interest rate.
- Engineer for the Town Lake relayed outside users would like to see it stopped.
- The City of Binghamton and Johnson City control the budget.
- The Broome County Legislature to investigate the possibility of the County to take over the operation of the plant.
- Engineers of the **BJCJST Plant** agree that if the outside users went away the problems would remain the same.
- The outside users are stuck with a 1960's contract.

CODE ENFORCEMENT

None

PUBLIC COMMENTS

None

PLANNING & ZONING BOARD

Zoning – nothing new.

The Planning Board continues to work on the **Comprehensive Plan**. Chair, David Wasser commented he received a number of the resident short surveys back. Board Member Patrick Doyle will retrieve the electronic versions @ **Survey Monkey**. The next Planning Board meeting will be held on April 27th at 6:00pm.

FINANCIAL REPORTS

COURT AND TOWN CLERK MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the **Financial Reports** for the **Court and Town Clerk**. On a motion by Councilman Morabito seconded by Councilman Burns. All in favor.

Court Ticket Collections Report(s)

February 2015 in the amount of \$84,227.00

<u>STATE of NY</u>	<u>\$66,254.00</u>
<u>Broome County</u>	<u>\$492.50</u>
<u>Town of Dickinson</u>	<u>\$17,064.50</u>
<u>Other</u>	<u>\$416.00</u>

March 2015 in the amount of \$108,665.00

<u>STATE of NY</u>	<u>\$84,736.00</u>
<u>Broome County</u>	<u>\$1,455.00</u>
<u>Town of Dickinson</u>	<u>\$21,720.00</u>
<u>Other</u>	<u>\$754.00</u>

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

March 2015 in the amount of \$1,071.46:

<u>NYSDOH</u>	<u>\$0</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$46.00</u>
<u>NYS DECALS (Hunting/Fishing)</u>	<u>\$23.62</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,001.84</u>

MONTHLY FINANCIAL REPORT

Councilman Morabito made a motion to accept the **2014 Monthly Financial Report** for the month of December. On motion of Councilman Morabito and seconded by Councilman Burns. All in favor

CODE ENFORCEMENT

Code Enforcer Rafferty had no issues to report.

PUBLIC COMMENTS

Supervisor Marinaccio opened the meeting to public comments. There were none.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilwoman Exley at 7:35 PM.

Respectfully submitted,

Wanda R. Broczkowski
Town Clerk