

**June 8, 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, June 8, 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  
Danny F. Morabito, Councilman  
Thomas J. Burns, Councilman**

**Also attending:**

**Oliver N. Blaise III, Esq., Town Attorney  
Susan Cerretani, Town Clerk**

**Absent:**

**Sharon M. Exley, Councilwoman**

**CHAIR**

**SUPERVISOR'S REPORT**

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

- Supervisor Marinaccio stated that the town had another occurrence of flood damage coming off private property on Deyo Hill Road in the **Village of Johnson City**. Due to the severity of the storm and the large amount of rain that fell in a very short time, a storm drain located in the Village just off of Deyo Hill Road became clogged with various debris and rocks which then cascaded down Deyo Hill and into the Town of Dickinson. Supervisor Marinaccio met with **Village of Johnson City** officials and they are moving forward with a plan to correct this ever occurring issue.
- A press conference was held last month at the County Office building announcing that the participating towns, including Dickinson, City of Binghamton and Broome County came up with over 5 million dollars in tax savings on shared services. Broome County sent in the **Final Shared Service Plan Summary** to New York State. The total amount of service sharing cost savings amongst all the towns, city and county is \$4,483,934.
- Supervisor Marinaccio stated that the meeting with Ed Crumb from the **Joint Sewage Treatment Plant** a few weeks ago went well. They are accepting the Town's water use reporting for 2014.
- Administrative assistant Beverly Wike and Supervisor Marinaccio had a long meeting with **NBT Bank**. The town is considering transferring town monies to another bank and **NBT** would like to do business with the town. The town is also meeting with **First Niagara Bank** and possibly **M&T Bank** to make comparisons to the services offered. Mr. Marinaccio praised Ms. Wike for being very knowledgeable regarding finances. Supervisor Marinaccio said when asked about the town investing in long term CDs (Certificate of deposits) it was recommended by John Dierlien from **NBT** that we do not invest in long term CD's.

## **SUPERVISOR'S REPORT (Continued)**

- Mr. Marinaccio had a conversation with the **Commissioner of the County Transportation Department**, Greg Kilmer regarding the location of the bus stop on Front St. which is currently between **Applebee's** and the hotel. Mr. Marinaccio asked the commissioner if relocating the bus stop closer to the traffic signal would be appropriate and safer than its current location. He replied that it would be better if the stops were not in intersections where there is a traffic light He said he would send one of his safety people to observe the bus stop and get back to Mr. Marinaccio with their analysis.
- Supervisor Marinaccio stated that his first meeting on the **NY State Association of Towns** Executive Board went very well and was very interesting. The meeting was held in NY City in order to tour the **Marriott Marquis Hotel** where the **February 2016 Training School** will be held. Most executive meetings are held in Albany.
- Supervisor Marinaccio stated that there have been a few more road blockings from trains at the Rogers Mountain Way sub-division. While the town is still looking for grants to help pay for the extension of **Phelps Street** that will allow our residents who live on this road to have another egress and access to their homes. Mr. Marinaccio said he is going to recommend that the board take action to move this project forward. He thinks it's only a matter of time when we encounter a very serious emergency in this area in having a train blocking the road.
- Supervisor Marinaccio has asked Town Attorney Oliver Blaise to look into whether our town can place an occupancy tax on hotel rooms in the Town of Dickinson. The Town has around 200 rooms not counting the new hotel. In order to move forward with this idea, the town would need approval from the state legislature. Mr. Marinaccio said it would be great to generate income on hotel rooms and designate that income to offset the sewer/water rates or place the income into the general fund to help control property tax rates.
- Mr. Marinaccio announced that the current **Deputy Town Clerk** Wanda Broczkowski has decided to step down from her position. Her last day at the town hall is June 18. Mr. Marinaccio would like to thank Wanda for her service as **Town Clerk** over the past few years and wish her well in her retirement. Mr. Marinaccio said that Wanda has done a great job as town clerk and has made many great changes in record keeping and many other town clerk responsibilities.
- The next **BMTS** Policy Committee meeting is scheduled for June 25 at 11 am at the **County Office Building**.
- Mr. Marinaccio will be attending the next **STEP UP** Executive meeting Tuesday, June 9<sup>th</sup> at **SUNY-Broome**.
- Mr. Marinaccio attended the **Annual Partnership for Excellence Recognition** Event that was held at **BOCES** last Wednesday. He said it is always a pleasure recognizing those wonderful students who achieve a great deal scholastically and within their community.
  
- **CODE VIOLATIONS:**
  1. The owner of 210 Bevier St. pleaded guilty of property code violations, was fined \$500, and promised to clear out all the garbage and debris around her property
  2. 68 Sowden St. found in violation of property maintenance code, couch at curb, tires and other various debris all over the property.
  3. 8 Stearns Rd., tall weeds and grass violation.
  4. 25 Forest Hills, tall grass and weeds.
  5. 3 N. Louisa St, tall grass, fallen tree not picked up.

- **DOG CONTROL REPORT:**

Supervisor Marinaccio is in receipt of the DC Officer report for May, 2015. Stray dogs, stray cats, barking complaints, dog defecating on someone's property, 2 unlicensed dogs (same dogs who were defecating on property)

- **NYSEG WARNING LETTERS:**

None received

- **TOWN CLERK FINANCE REPORT:**

Supervisor Marinaccio is in receipt of the monthly town clerk's finance report for May. The Court report is generated by **NY State Unified Court.**

### **PUBLIC COMMENTS**

Supervisor Marinaccio opened the meeting by addressing the Deyo Hill Rd. storm water issues. Several residents from the Lower Stella Ireland Road area were in attendance and vocalized their complaints. Mr. Marinaccio stated that the **Village of Johnson City** has agreed to build a concrete structure at the source of the problem to prevent water damage from reoccurring. The source of the problem originates on private property in Johnson City. At this time, the village has a temporary fix in place. Mr. Marinaccio informed the residents that Lower Stella Ireland Road is a County Road so it does not belong to the Town of Dickinson. Laura McDermott of 224 Lower Stella Ireland Rd. is having water problems. She has two sump pumps in her basement. She wanted to know if the curbs are going to be repaired and replaced. Mr. Marinaccio stated that Public Works Commissioner Joel Kie has taken pictures and has contacted the County Highway Department regarding this matter. Supervisor Marinaccio encouraged the resident to put her complaint in writing to the County and copy the town.

A resident who lives at 339 Prospect St. stated that during the last rain storm water flooded his garage. The water comes down from Glenwood Road and comes down the steps of the church. He asked if the County can add catch basins because there is only one drain. When the water gets too high the systems fail.

Two residents from 341Prospect St. were also in attendance to complain about the water problem and that it is affecting their property. Mr. Marinaccio suggested a berm at the end of their driveway may help keep the water out.

Mr. Marinaccio commented there was a lot of rain in a very short time. He pointed out that Glenwood Rd is a County Rd and Prospect is a County Rd. and as a town we can't do anything about the situation. Supervisor Marinaccio said he will speak to the Commissioner at the **BMTS** meeting that he will be attending in a couple weeks and he will give the Commissioner the residents' addresses and see if there is something that can be done to correct their problems.

Mr. Marinaccio thanked the residents for bringing it to the town's attention.

**APPROVAL OF MINUTES**

On a motion by Councilman Burns seconded by Councilman Gardner to approve the Work Session May 4, 2015 and Regular Meeting Minutes of May 11 , 2015. All in favor. Vote -5 Ayes, Nays-0.

**ABSTRACTS for approval**

On Motion from Councilman Morabito, seconded by Councilman Gardner to approve abstract # 6 in the amount of \$267,309.38. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye  
Councilman Gardner 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(s) of: \$267,309.38**

**Voucher #6 for June 2015 year in the amount of \$:\$267,309.38**

<b><u>General Fund</u></b>	<b><u>\$20,626.93</u></b>
<b><u>Part Town</u></b>	<b><u>\$0.00</u></b>
<b><u>Highway</u></b>	<b><u>\$131,222.77</u></b>
<b><u>Fire districts</u></b>	<b><u>\$0.00</u></b>
<b><u>Light Districts</u></b>	<b><u>\$5,242.87</u></b>
<b><u>Refuse &amp; Garbage</u></b>	<b><u>\$7,862.42</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$81,626.75</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$20,717.64</u></b>
<b><u>Water Debt-Water Line/Replace/Repairs</u></b>	<b><u>\$0.00</u></b>

**ATTORNEY**

**STATUS OF TOWN BOUNDARY ANNEXATION OF 932 UPPER FRONT STREET TO TOWN OF CHENANGO**

Attorney Blaise met with Mr.Schlesiger last week and provided him with an update and the invoice of the cost to get the survey updated so that the County could prepare the annexation map. He was not happy so Attorney Blaise contacted Town of Chenango attorney to look into whether the town of Chenango can cover the cost of the revised survey. The Town of Chenango’s attorney will get back in touch with Mr. Blaise later in the week.

**UPDATE ON TRANSFER OF MARION STREET TO MR. & MRS. KATUSHA**

Nothing to report since last week's work session.

**RESOLUTION 2015-15**

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: **Resolution authorizing the appointment of Jerry Ford to the Planning Board retroactive to February.**

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.

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

All in favor.

**RENEWAL: GARBAGE DISTRICT BID FOR 2016-2018**

Mr. Blaise stated that he should have the Garbage District bid packages ready for review at the July meeting. The contract will go out for bid in August. The bids are due in September. The contract will be awarded in September or October.

**RESOLUTION 2015-16**

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 voting to approve participation with Broome County's Road Use Agreement Plan.**

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 – 3, Nays – 0.

Supervisor Marinaccio voting Aye  
Councilman Gardner voting Aye  
Councilman Morabito voting Aye  
Councilman Burns abstained

All in favor.

A copy of the resolution is on file.

Public Works Commissioner Joel Kie will follow up with Dan Schofield at the County.

## RESOLUTION 2015-17

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Resolution authorizing Supervisor to sign contract with Lake engineering to perform MS4 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 – 4, Nays – 0.

Supervisor Marinaccio voting Aye

Councilman Gardner Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

All in favor.

A copy of the contract is on file.

## TIME WARNER/COMCAST/CHARTER COMMUNICATIONS MERGER AND ANTI TRUST ISSUES

The town received a letter from the Cohen law firm from Pittsburgh that is proposing to contact the **FCC** and Justice Department regarding the merger of **Time Warner** and **Charter Communications**. They would review if there were any outstanding issues as part of the regulatory review process of the merger, at no charge to the town. The Town has a franchise agreement in place with Time Warner as do many of the other local municipalities. Attorney Blaise stated that the franchise agreement will be transferred to the new entity and his law office is already in the process of reviewing the transfer. Mr. Blaise stated that this issue is nothing that really impacts the Town of Dickinson.

## CHAIR

Mr. Marinaccio presented an idea that he has on how to generate income for the town. Supervisor Marinaccio is interested in investigating whether the town would be able to impose a hotel occupancy tax. A discussion followed. Here are some of the highlights:

- The town would have to go through the NY State Legislature to have someone underwrite us.
- Councilman Gardner stated it is wiser to get a percentage rather than a fixed dollar amount. When the hotels raise their rates our room tax would increase proportionately.
- There are about 300 hotel rooms in the Town of Dickinson and the new Microtel has been put out for bid. We have 80% occupancy at the hotels on Front St.
- Supervisor Marinaccio would like to know if the board is interested in pursuing this but he thinks that the State will probably not approve it.
- Attorney Blaise pointed mentioned two things to consider:
  - Are there any lobbies that would be against this? There might be an argument that it would have a depressive effect on tourism.
  - Things like this routinely get caught up in “horse trading” and “bundling” in the State legislature and tend to fail.

- Councilman Morabito cautioned that we don't want to depress the economic activity that we benefit from. He said we don't want to discourage guests from coming to the hotels. We need to weigh the benefits and the risks.
- Attorney Blaise stated that almost every county is approved for hotel occupancy tax and that it is not traditionally favored by the state to approve towns for hotel occupancy tax. Councilman Morabito stated that it would be fair for the town to receive a share of the County's portion of the occupancy tax.
- Supervisor Marinaccio works closely with the County. He said he understands that the income the County was expecting to receive from sales tax is falling short. He stated here has been a slight bump up from car sales and construction but it is not what the county expected. Originally, the town was supposed to split sales tax 50/50 with the County. By not going 50/50, the Town of Dickinson is being short changed by about 80 to 90 thousand dollars a year.

Supervisor Marinaccio and the Town Board are willing to pursue this idea. Mr. Marinaccio stated that business owners have to understand we can't keep relying on our homeowners to pay more taxes. Supervisor Marinaccio would like to figure out where the monies have to be designated. He is hopeful that we can use the monies to offset the water and sewer rates.

### **TAX CAP MEETING/PRESS CONFERENCE**

4.4 million dollars worth of savings have been turned in to the state for the final shared service plan. This is good news for taxpayers.

### **PHELPS STREET EXTENSION**

Supervisor Marinaccio stated that there have been a few more road blockings from trains at the Rogers Mountain Way sub-division. The town is still looking for grants to help pay for the extension of Phelps Street that will allow our residents who live on this road to have another egress and access to their homes. Mr. Marinaccio said he is going to recommend that the board take action to move this project forward. He thinks it's only a matter of time when we encounter a very serious emergency in this area in having a train blocking the road. Highway Commissioner Kie has noticed that train traffic has increased. The town owns the strip of land we're going to use for the road. Supervisor Marinaccio would like the board to consider building the road and we will bond for it. Mr. Marinaccio would like Mr. Kie to crunch some new numbers for the board to review.

### **EQUALIZATION RATE**

Supervisor Marinaccio shared the good news that the town's new equalization rate is 72.5%.

### **LIBOUS COMMUNITY GRANT**

Mr. Marinaccio shared more good news in that the town will be receiving the \$50,000 **Libous Community Grant**. The grant is to be used for one of the following:

1. Handicap access for the front and side doors
2. Replacement of retaining wall
3. HVAC system or marquee

## **TROOP C MEMORIAL DAY SERVICE**

On May 21<sup>st</sup>, David Wasser and Michael Marinaccio were invited to the Memorial Day Service for Troop C at the police barracks in Sidney, NY. Our very own trooper Skinner was honored. About a thousand people were in attendance.

**REMINDER:** The Town Board's summer schedule starts in July. The Town Board meets once a month during the months of July, August and September. The next combined work session/regular meeting is scheduled for July 13, at 5:30

## **COMMITTEE REPORTS:**

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

Public Works Commissioner Joel Kie reported that the Sowden Street project came in \$30,000 under the estimate. The Highway Department extended the water main on True Street after services were frozen over the winter. It was discovered that the water main was only 3 feet below the ground. The Highway Department put in a new main and a new hydrant for the Fire Company. Public Works Commissioner Kie stated that Danny Miller did a great job.

Mr. Kie had a request from a town resident. This resident lives on the corner of Upper Taft Ave and the neighbor across the street are both in agreement that if the town squared off the road and gave half of the section of town property to one resident and half to the other they would maintain it and pay the taxes on it. Mr. Kie said this would free the town from a maintenance headache. There is no chance of the road being extended through the wooded area and we don't need a turn around. There are no water lines or fire hydrants in the way. Supervisor Marinaccio is ok with it if the board is ok with it. Councilman Gardner requested Mr. Kie submit a better illustration for the board to review.

Mr. Kie has hired a Master Gardener as summer help to work on the landscaping. He is doing a great job all around the town.

### **PLANNING & ZONING BOARD**

Planning Board Chairman David Wasser reported there will be a planning board meeting in two weeks to finalize writing and put together the survey results. Mr. Wasser said that hopefully they will be bringing the results to the board in the early fall.

The planning board will be having a 125<sup>th</sup> anniversary celebration meeting shortly. The committee is looking at the date of September 2016 for the anniversary celebration.

### **CODE ENFORCEMENT**

Code Enforcer Stephen Rafferty received a call from an engineering consultant from Philadelphia who notified him that Regal Movie Theater will be reducing their number of seats by 65% in order to make way for reclining seats. A building permit is required. The building permit fee is 10 cents per square foot.

Holy Trinity Church on Prospect Street's request to add a parking lot is a complicated situation. The zoning needs to be reviewed. They will gain only 3 parking spaces.

Councilman Burns stated that two cars on Boland Rd are going to be removed by Wednesday.

Tall grass and weeds code violation at 8 Stearns Road has been corrected.

## **ZONING**

Nothing new.

## **FINANCIAL REPORTS**

**Monthly reports from the Supervisor for January, February, March and April. Motion to approve all four. On a motion by Councilman Morabito seconded by Councilman Burns.**

**All in favor**

## **TOWN CLERK MONTHLY FINANCIAL REPORTS**

Councilman Morabito made a motion to accept the **Financial Report** for the **Town Clerk** for May in the amount of \$1753.42. On a motion by Councilman Morabito seconded by Councilman Gardner.

All in favor.

### **Town Clerk's Report**

**MAY 2015 in the amount of: \$1,669.92**

<u>NYSDOH</u>	<u>\$22.50</u>
<u>NYS Ag &amp; Markets spay/Neuter program</u>	<u>\$61.00</u>
<u>NYS DECALS (Hunting/Fishing)</u>	<u>\$0.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,669.92</u>

Supervisor Marinaccio noted that the **Financial Report** for the **Court Clerk** was not received from the State.

## **PUBLIC COMMENTS**

Resident Jim Love spoke to the hotel tax. He questioned whether there is a precedent in the State.

Mr. Marinaccio said that the town is becoming desperate to raise funds. We are looking at every way we can to generate income for the town.

Supervisor Marinaccio reassured a resident that the Town of Dickinson is the liaison for our residents and the County. The town represents the homeowners.

A resident complained that her sidewalks were damaged. Supervisor Marinaccio informed the resident that sidewalks are the responsibility of the homeowner and that we have a sidewalk maintenance program. The town will pay up to 50% of repairing or replacing sidewalks. Mr. Kie is the contact person for that program.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:40 PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk