

## **September 14, 2015 – WORK SESSION & REGULAR MEETING**

**The Work Session and Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, September 14, 2015 in the Town Hall, 531 Old Front St., Binghamton, NY.**

**This is the third of the regular meetings which begins the summer schedule of July, August and September combining our Work Session with the Regular Meeting on the second Monday of those months with a start time of 5:30 P.M.**

**The members of the Town Board present were:**

**Michael A. Marinaccio, Supervisor  
Stephen M. Gardner, Councilman  
Sharon M. Exley, Councilwoman  
Thomas J. Burns, Councilman  
Danny F. Morabito, Councilman**

**Also attending:**

**Oliver N. Blaise III, Esq., Town Attorney  
Susan M. Cerretani, Town Clerk  
Jack Cahill, Town Assessor**

### **CHAIR**

### **SUPERVISOR'S REPORT**

- Supervisor Marinaccio stated that the Town is still working on the State and Municipal Facilities Program and Grant. Public Works Commissioner Joel Kie and Supervisor Marinaccio continue to work on getting the required amount of quotes to meet the Town's procurement policy before all the information is turned into the grantor.
- Supervisor Marinaccio contacted the Chenango Fire Department and the Port Dickinson Fire Department to remind them it was contract renewal time. Chenango stated that the contract amount will remain the same as the current one and it will be a 5 year term. Port Dickinson will have a slight increase.
- Mr. Marinaccio attended the meeting with the County Executive held on August 27 at 3:30 at the County Office Building. Supervisor Marinaccio stated that there was some discussion regarding the county budget and some slight increases in the sales tax distribution rate for municipalities. The Town could see an additional \$21,000 in revenue. Predictions of 1.5% increase in sales tax revenue for the last quarter was also predicted. The goal remains that we go back to the 50/50 split with no cap but Mr. Marinaccio said that could take a few more years to achieve. The Town was also notified that the County will not be taking on additional municipalities for the Information Technology Shared Service contracts.

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

- Supervisor Marinaccio was copied on a letter to Assemblyman Crouch from DOT Commissioner Matthew Driscoll which stated that the DOT did not have funds to assist out town with the Phelps Street extension.
- Mr. Marinaccio was notified by Jim Massar, an engineer with NYS Department of Transportation that at the Town's request they were cleaning up the area along Adams Street on their right away. They removed old fencing, tree stumps, brush and debris. Fence will be replaced in original location. They removed some heaved up sidewalk that is in their right away. They will also bring in new top soil, seed and mulch.
- Supervisor Marinaccio received a quote from the Humane Society for our town stray dog service. The Town currently contracts with Broome County for the dog shelter service.
  - Option 1 - \$7,500 per year, emergency vet services would be billed under separate contract
  - Option 2 - \$8,00 per year which includes any emergency vet care servicesThe Town currently pays Broome County \$9,678 per year. That will increase to \$9,775 for 2016. The County contract expires 12/31/16. A copy of the contract was sent to our town dog control officer Greg Starley for his review and comments.
- Mr. Marinaccio believes that progress is being made between the town and village regarding the public works contract. A definite decision must be made in order to move this forward so that the 2016 town budget can be completed.
- Administrative assistant Beverly Wike contacted the Sewage Treatment Plant comptroller to remind him that Supervisor Marinaccio requested a cash payment instead of credit. The check was received on September 14, 2015 in the amount of \$205,000.
- Supervisor Marinaccio stated that the meeting that was scheduled to be held in the Town of Kirkwood on September 1<sup>st</sup> at 6 pm, regarding zombie properties with a presentation by a company that would offer its services to oversee collections for those properties, was cancelled due to Kirkwood not being able to contact the service provider.
- The next Broome County Association of Towns & Villages meeting is September 24 at 6:30 pm at the Spot Restaurant. Our guest speaker is County Executive Debbie Preston.
- The next BMTS (Binghamton Metropolitan Transportation Study) Policy Committee meeting is September 30, 11 am at the County Office Building.
- Supervisor Marinaccio spoke with Assemblyman Clifford Crouch regarding the closing of Broome Developmental Center. There will be meeting scheduled with the commissioner of health. Supervisor Marinaccio will be representing the town at the meeting.

### **Code Violations:**

- 4 JT Blvd – No smoke alarms, no CO2 detectors, toilet not properly fastened to the floor, bathroom sink leaking, bathroom window inoperable so no ventilation
- 61 Old State Road – tall weeds and grass, trees and shrubs overgrown, deck is collapsing
- 49 Adams Street – backyard full of debris
- 2 n. Louisa Street – grass clippings in the road
- 3 N. Louisa Street – weeds, grass & tree debris in driveway and around the house. Property not being maintained.
- 270 Stella Ireland Road – weeds.
- 409 Glenwood Road code violation – trailer parked on property

### **Dog Control Report**

The August, 2015 Dog Control Report has been submitted for both the town and village. Stray dog in Port Dick Park and on Chenango Street. Dog left outdoors by owner in the hot weather with no water - Humane Society was contacted. The dog owner was reminded of licensing the dogs and treatment of them. Puppy left behind by hotel guest at the EconoLodge. Two dog cages were dumped over the bank of Old State Rd. Each cage had a deceased dog inside. The Sheriff was notified as well as the Humane Society. The owner was not identified.

### **NYSEG Warning Letters:**

No letters issued.

### **PUBLIC COMMENTS**

More than a dozen Town of Dickinson residents were in attendance. Mr. and Mrs. Katen of 15 Maiden Lane expressed concern that their property is being affected by storm water runoff. Mrs. Katen stated that they replaced their blacktop curb. Supervisor Marinaccio replied that the Katen's should have waited for the town to perform the work. Mrs. Katen said that she contacted Tom at the office of residential engineering on Barlow Road and was told that the Town has a catch basin across the street and there is a water pipe that runs from the catch basin into the woods. Mrs. Katen feels that they need a ditch at the turnaround. She said the sandbags are not going to stop the water and solve the problem. Public Works Commissioner Joel Kie stated that the water used to run into that catch basin and the Katen's son regraded the property and altered the way the water flows. Mr. Kie stated that he was not aware of it going out into the woods. Public Works Commissioner Joel Kie will contact Tom at the office of residential engineering. The resident stated that she feels that the town is ruining their home and the town needs to take action. Supervisor Marinaccio encouraged the residents to talk to their neighbors to work out the issues they were having. Public Works Commissioner Kie and Town Engineer Ron Lake and Supervisor Marinaccio will visit the area in the near future.

Mr. Knight from 230 Bevier Street stated that he is having an issue with water runoff that has deteriorated the road. Supervisor Marinaccio and Public Works Commissioner Joel Kie informed him that Bevier Street is a County road and the resident needs to contact the County to have his concerns addressed.

## APPROVAL OF MINUTES

On a motion by Councilman Morabito, seconded by Councilman Burns to approve the Work Session and Regular Meeting Minutes of August 10, 2015. All in favor. Vote -5 Ayes, Nays-0

## ABSTRACT #9

Abstract Summary of Audited Vouchers for Funds in the amount of **\$140,681.74**. On a Motion from Councilman Gardner, seconded by Councilman Burns to approve. 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.

## CHAIR

## PHELPS STREET EXTENSION

Attorney Oliver Blaise gave an update stating that basically everything was ready to go and we were waiting on the approval of section 239 and comments from the County and comments from the **State Historic Preservation Office, SHPO**.

The County got back to us and gave us the green light for the project.

The correspondence with **SHPO** didn't go so smoothly. It consisted of having filled out the wrong form at SHPO'S direction, submitting the correct form, more correspondence and **SHPO** eventually confirmed that the correct application had been completed. Attorney Blaise stated that if **SHPO** doesn't respond in 30 days we will assume they have waived their right to respond, or they tell us within the 30 days we have the green light or they will tell us if there is an issue. Once we get the green light, we need to pass two resolutions: **# 1 SEQRA, #2 Bonding Resolution**.

Attorney Blaise, Supervisor Marinaccio and Public Works Commissioner Kie are concerned that if we have to wait the full 30 days we might not have enough time to complete the project this year. Attorney Blaise stated that if we hear back before the 30 days we can schedule a special meeting to pass the needed resolutions. Attorney Blaise encouraged Public Works Commissioner Joel Kie, in the meantime, to begin preparation work for the project. Supervisor Marinaccio stated that he will let the residents that the road impacts know what is going on. He thanked Attorney Blaise for his hard work on this project.

**2016 BUDGET PROCESS**

Supervisor Marinaccio stated that budget process for 2016 is underway and within the next week or two he will set up a budget meeting with the board members. Mr. Marinaccio expressed that this is the toughest budget the town has ever faced. Supervisor Marinaccio is of the opinion that the tax cap that the state has put on schools and municipalities is political. Supervisor Marinaccio stated that the goal of the tax cap is to keep property taxes low, but at what expense? He is concerned that residents are asking for services that are not in our budget.

**GARBAGE BIDS**

Supervisor Marinaccio stated that the garbage bids for District #1 came in with a 30% increase in cost of garbage service. Mr. Marinaccio explained that the town navigates through the process of getting the bids out and we do not control the district tax. The bids came in at a rate that the remainder of the town who use private haulers cost is slightly higher than what the bid per resident came in at. Mr. Marinaccio said it looks to him that the garbage haulers are trying to meld the costs together. This is something that affects the tax cap. It will be an extra \$50,000 that is part of our tax bill which will take us over the tax cap. Town of Dickinson taxes are one of the lowest in Broome County. The rebate checks that the residents will be receiving will be a minimal amount. Supervisor Marinaccio stated that the board has been fantastic to work with in keeping the town taxes low, but we keep going into surplus. If the town does go over the tax cap, Supervisor Marinaccio stated that he will be willing to sit down with anyone to discuss the tax cap Attorney Blaise will prepare the Public hearing notice for the 2016 budget.

**ROSEDALE DRIVE PARKING ISSUES**

Supervisor Marinaccio stated that some residents who live on Rosedale Drive are requesting that roadside parking be eliminated on both sides of the street on Rosedale Drive from Pleasant Court to the entrance to Sunrise Terrace. The plan is to eliminate parking on the mailbox side of the street. Public Works Department put curbs in years ago which narrowed the street and there are many cars parking along the road. It has become a safety issue. This item will be placed on the October Agenda. We will schedule a Public Hearing for the adoption of a Local Law.

**MAIDEN LANE CLEARING**

Maiden Lane residents have alerted Supervisor Marinaccio that Mr. Marchuska has been clearing trees and brush on his property. Mr. Marinaccio stated that the one acre MS4 rule comes into play when over one acre of soil is disturbed. If Mr. Marchuska goes above and beyond what he is allowed to do, the town will address it.

**ANNUAL LABOR AND EMPLOYMENT UPDATE PRESENTATION**

Supervisor Marinaccio announced that the annual labor and employment law update will be presented by Coughlin and Gerhart on October 6<sup>th</sup>, 2015 at the Doubletree. Breakfast 7:30am. Presentation 8:30 – 12:30. Registration is required.

## ATTORNEY

### GARBAGE DISTRICT BIDS

Attorney Blaise stated that the garbage district bids came in 30% higher than the previous contract. The town requested 2& 3 year bids. Supervisor Marinaccio noted that there was only a \$2,500 difference between the two bidders, **Bert Adams Disposal** and **Taylor Garbage**. Because of the elevated bids, Attorney Blaise recommended to hold onto the submitted bids and request a 1 year bid. Councilman Morabito and Supervisor Marinaccio commented that they fear a higher price will come back with a re-bid. Councilman Morabito stated that the town can't afford a 30% increase and doesn't want to be held hostage to the garbage haulers.

Supervisor Marinaccio stated that the town can reject the bids because they are too high and re-bid the contract for 1, 2 and 3 years. Supervisor Marinaccio commented that if the town accepts the 2 year contract, it equates to about \$5.00 per quarter less than what the private residents pay. Attorney Blaise stated that the town has to provide the service because the district is in place.

Supervisor Marinaccio provided some history of the Garbage District.

Years ago hundreds of homes were serviced by one provider. At that time, there was no individual billing for the hauler. Supervisor Marinaccio said that just as a reminder:

**NYS Dept of Audit and Control**, who is the watchdog of all municipalities, at that time, wanted to know if the Town of Dickinson would participate in a town wide district. Supervisor Marinaccio said the town agreed, even though we prefer to keep government out of it. A bid proposal was sent out and all of the bids came in much higher. The haulers' response sent a message to the town that the providers didn't want a garbage district.

Councilman Burns remarked that there is no competition in that there are only two haulers.

After much discussion, Supervisor Marinaccio suggested that the town reject the bid and re-bid with an option for a one, 2 and 3 year contract. Councilman Gardner remarked that it might be wise to hold on to the bids so that we have one to fall back on. He inquired whether anyone from the town had talked to the individual haulers. Attorney Blaise stated that competitive bidding requirements prevent the town from sitting down with the bidders to discuss their bids.

A discussion was held to determine the best way to proceed. The board members made a decision to reject the current bids and re-bid the contract with a one, two and 3 year bid option.

**RESOLUTION 2015-30**

The following Resolution was offered by Supervisor Marinaccio, 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 rejecting the Garbage Bids submitted on August 7, 2015 by Bert Adams Disposal and Taylor Garbage and directing the Town Attorney to prepare new bid packets and advertising, including 1, 2 and 3 year bid options, returnable for the October 5, 2015 work session.**

**(Copy on file in Town Clerk's office)**

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 -0.

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

All in favor.

Town Clerk Susan Cerretani was instructed by Attorney Blaise to send out new bid packets to be returnable at the October 5<sup>th</sup> work session.

**ANNEXATION MAP OF 932 UPPER FRONT STREET**

Attorney Blaise will follow up with the county on the finalization of the map.

**MARION STREET TRANSFER**

Attorney Blaise stated that the transfer is on hold until further notice.

**DPW AGREEMENT WITH THE VILLAGE**

The Village is still on board and reviewing the agreement and Attorney Blaise will follow up with them. Supervisor Marinaccio stated that we are assuming the town will be running the Public Works Department for the Village and questioned if we plug in the added costs and the added revenue into the preliminary budget and the Village decides not to do this, the Town can back it out.

**DOT AGREEMENTS FOR FRONT STREET PROJECTS**

Attorney Blaise stated that in the spring the **Department of Transportation** submitted sample agreements regarding lighting and the multi-use pathway on Front Street. A couple weeks ago **DOT** produced contracts for the town. There are two separate agreements; one for lighting and one for the maintenance of the multi use path. **DOT** is asking that a resolution be passed for each agreement. **DOT** is asking for a certified copy of the minutes containing the resolution approving the agreement and authorizing the Supervisor to sign.

Attorney Blaise recapped the scope of the project. The new lighting for the **State Highway/Arterial/Interstate Identified as NYS 17/I81 Interchange Reconstruction – Phase 2 City of Binghamton, Broome County** will be installed at the **Department of Transportation’s** expense. Once it is installed, it will be turned over to the town to maintain. There is a 10 year requirement to keep the lights on. If at the end of 10 years the town decides it doesn’t want to maintain the lights any longer, **DOT** has the right to inspect and the right to remove the lights at the town’s expense if not maintained. The project runs from Bevier Street to the City of Binghamton - which is the multi-use path, and another section of the project extends from Bevier Street to **McDonald’s** (exit 5). Public Works Commissioner Joel Kie stated that the lighting will be period lighting and will be energy saving LED lights. Supervisor Marinaccio stated that the work that was done at the Exit 5 intersection has made the dark intersection wider and safer. Mr. Marinaccio stated that after **DOT** installs the multi-use path, the town will maintain it. The multi-use trail will be blacktop, with a wall along the trail. There will be period lighting to keep it illuminated and safe. Supervisor Marinaccio is pleased with the addition of the walkway for folks.

**RESOLUTION 2015 - 31**

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 approving agreement for maintenance, repair and energizing of highway lighting for State Highway/Arterial/Interstate Identified as NYS 17/I81 Interchange Reconstruction – Phase 2 City of Binghamton, Broome County.**

**(Copy on file in Town Clerk’s office)**

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 – 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 directed Town Clerk Susan Cerretani to provide **DOT** a certified copy of minutes containing the resolution approving the agreement and authorizing the Supervisor to sign.



**RESOLUTION 2015 - 32**

The following Resolution was offered by Councilman Morabito, 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 by municipality or political subdivision to maintain highways and other related projects, wherein federal funds are involved, and authorizing a local official to enter into an agreement with NYS Department of Transportation.**

**(Copy on file in Town Clerk's office)**

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 – 0.

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

All in favor.

**HOTEL OCCUPANCY TAX LEGISLATION**

Attorney Blaise has drafted proposed legislation for the Hotel Occupancy Tax. The next step would be to submit the proposed legislation to Assemblyman Clifford Crouch to see if he can get it introduced in to the Legislature. Supervisor Marinaccio provided some background for the residents in attendance regarding the hotel occupancy tax. He stated that it is a way of raising revenue without imposing upon the property owners. Currently the County charges a 3% hotel occupancy tax. The town would charge either a percentage or a fixed dollar amount in addition to the County tax to help increase our revenue without imposing on the property owners. Currently, the town has approximately 300 hotel rooms. Attorney Blaise added that very few towns have gotten this legislation passed and there is a possibility it could get introduced but get tied up in committee or in political "horse-trading." This resolution, if approved, will give the town the authority to impose the occupancy tax.

**RESOLUTION 2015 - 33**

The following Resolution was offered by Councilman Morabito, 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 authorizing submission of proposed Hotel Occupancy Tax to Assemblyman Crouch's office.  
(Copy on file in Town Clerk's office)**

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 – 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 will submit to Assemblyman Crouch's office.

**CHASE FUNERAL HOME TAX ASSESSMENT LITIGATION**

Attorney Blaise stated that he and town Assessor Jack Cahill have been working together on assessment grievances. **Chase Funeral Home** has filed a petition and is challenging their assessment. The town requested income financial statements from **Chase Funeral Home** and subsequently the town needs to hire an accountant to sustain our point of view. The town has received a verified income and expense statement for the business on the parcel that the town needs to have an accountant review it. The town needs a way of valuing what the property is worth. Attorney Blaise stated that there are two ways to determine the value of a commercial property, either by looking at comparable properties or what its use is. The town needs to determine how valuable the piece of property is as a commercial property.

**RESOLUTION 2015 - 34**

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 requesting board authorization to hire an accountant for Chase Funeral Home Tax analysis.**

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 – 0.

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

All in favor.

## **GARAGE SALE LEGISLATION**

Attorney Blaise introduced sample legislation for the board to review regarding garage sales. The subject of Garage Sales has been addressed in that there are a couple of town residents who have several garage sales a year and are operating these sales as a business and are creating traffic and safety issues. This legislation would require residents to register with the town and either pay a fee or obtain a permit. This process would limit the number of sales that a resident may have in a year's time. The community and neighborhood sales will not be affected by this law. Attorney Blaise stated that we will have to have a public hearing to adopt a Local Law. It was decided to hold a Public Hearing in November. Attorney Blaise will do a workup for next meeting.

## **COMPETITIVE BID FOR DOOR REPLACEMENT**

Public Works Commissioner Kie submitted a couple of quotes to Attorney Blaise for the new public handicapped accessible doors for the court entrance. Mr. Blaise explained that the quotes for the cost of doors and installation are just over the threshold for competitive bidding for a purchase contract - which is \$20,000, but they are under the threshold for service contract. Attorney Blaise had some research done and the issue comes down to how much of the quote is for the item and how much is for the service. If they are close, we could use the higher threshold and we wouldn't have to competitive bid. Attorney Blaise stated that the safest thing to do is to competitively bid. Attorney Blaise asked Public Works Commissioner Kie to draw up a spec and send it out to competitive bid.

## **MICROTEL**

Public Works Commissioner Joel Kie, Attorney Oliver Blaise, the project engineer and the project developer's attorney have been in regular communication after the town's special meeting. A permissive referendum was published in the newspaper. Attorney Meagher informed Attorney Blaise that they had to move the sewer line over from where it was on paper. Attorney Blaise stated that it is a good thing that we hadn't put the easements in place yet because it wouldn't have been where the lines actually went. Mr. Blaise said that so far, moving forward, they are being very cooperative. Public Works Commissioner Kie stated that they are looking at a September 21<sup>st</sup> start date.

**RESOLUTION 2015 - 35**

The following Resolution was offered by Councilman Sharon 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 requesting town board approval to accept new member of the Prospect Terrace Fire Company Gary Laskowski pursuant to section 1402 NFP corporation law.**

**(Copy of Fire Company roster on file in Town Clerk’s office)**

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 – 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**

Public Works Commissioner Joel Kie informed the board that 4 fire hydrants broke at the **Broome Developmental Center** and made a request for the board to authorize a request to replace them. The hydrants were broken while they were being flushed by the **Prospect Terrace Fire Company**. The fire hydrants are old and need replacing and are very expensive to replace. The **Prospect Terrace Fire Company** is asking if we can bill them. Public Works Commissioner Kie stated that in the past the town has received money back in timely manner.

**RESOLUTION 2015 - 36**

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 authorizing the replacement of four (4) fire hydrants at Broome Developmental Center.**

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 – 0.

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

All in favor.

**BROOME DEVELOPMENTAL CENTER**

Supervisor Marinaccio stated that he is concerned about the closing of **Broome Developmental Center**. He stated that there has been no communication from the state with the town as to what could go there once it closes. There is over 400,000 sq. ft of buildings with 80 acres of property. Supervisor Marinaccio agreed with a resident that a nursing home would be a great thing to have up there. Mr. Marinaccio is concerned about the residents of **BDC**. Mr. Marinaccio said that according to Assemblyman Crouch there was a statement made from a professional mental health worker that said it's not a fact that private care works. Private care only works 50% of the time and this is a major concern. Supervisor Marinaccio remarked that he wants these residents to get the proper care that they deserve.

**F50 TRUCK**

Public Works Commissioner Kie informed the board that he would like to dispose of the F50 truck at the auction.

**RESOLUTION 2015 - 37**

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 declaring 1999 F50 truck as surplus and authorize Public Works Commissioner Joel Kie to dispose of it at the best possible value.**

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 – 0.

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

All in favor.

**SEWER LINE REPLACEMENT**

Public Works Commissioner Joel Kie asked the board to approve the replacement of the sewer line from the Microtel up to Girard Avenue at an estimate of \$50,000.

**RESOLUTION 2015 - 38**

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 authorizing replacement of the sewer line from Microtel to Girard Avenue at the expense of \$50,000.**

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, Absent – 0.

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

All in favor.

**JOINT SEWAGE TREATMENT PLANT**

Supervisor Marinaccio commented that there is a rumor that the **Joint Sewage Treatment Plant** could have an increase up to 50% in sewer rates next year. The town is bound in perpetuity to the Joint Sewage Treatment Plant. Supervisor Marinaccio commented that we are being held hostage and residents on fixed incomes are going to suffer. Attorney Blaise remarked that it might be time to re-visit Councilman Morabito’s idea to break the agreement because they have broken the agreement multiple times.

**PLANNING BOARD**

Planning Board Chairman David Wasser stated that there will be a planning board meeting September 28<sup>th</sup> to work on the Comprehensive Plan which he hopes to have ready to present to the town board by the November meeting.

**ZONING BOARD**

Zoning Board Chairwoman Jeanne Compton stated that there will be a zoning board meeting one week from tomorrow to discuss the carport variance request.

**CODE**

Code Enforcement Officer Rafferty stated that construction at the movie theater has 4 rooms completely gutted and they will be starting to put them back together this week.

## MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the **July, 2015 Monthly Financial Report** from the **Supervisor**. Motion to approve. On a motion by Councilman Morabito seconded by Councilman Burns.

All in favor.

## PUBLIC COMMENTS

Councilwoman Exley thanked code enforcement for the citing of 409 Glenwood Road. Ms. Exley was informed that there is a time frame of 30 days to resolve the code issue. After that time period, if the violation has not been resolved, an appearance ticket will be issued. Councilwoman Exley then asked the board if there has been any verbal communication as to whether there is a real estate listing for the Marchuska property. Supervisor Marinaccio stated that he was not aware of any.

Resident Jim Love commented on the Garbage District and questioned the rationale of it and its formation and purpose. Mr. Love remarked that if the Garbage District is no longer serving its purpose and it is going to cost the entire town a lot more money by subjecting us to penalties for exceeding the tax cap, then why don't we dissolve the District? Mr. Love commented that it is important for the town board to get the word out and educate the public what the impact of the garbage district is on the town as a whole and to inform the public what the consequences of having the Garbage District are. Mr. Love remarked that there is no cost savings for residents contracting for services and for the betterment of the town as a whole it would be better to dissolve the District.

Supervisor Marinaccio and Attorney Blaise addressed Mr. Love's questions. Attorney Blaise stated that if the town considers dissolving the District, the process under state law would require a petition from 10 % of the voters within the district and there would have to be a public hearing process. It would take time to implement. The board can dissolve the district of its own volition only if the service has not been provided for several years. This would be possible if the district was set up and never used, but that does not apply to us because the district has been in use for years. Supervisor Marinaccio agreed that we have to educate the public on the impact of the Garbage District. Mr. Marinaccio noted that Prospect Terrace has the most multi-family homes owned by absentee landlords in the town. Supervisor Marinaccio pointed out that some people use their district taxes as an overall tax deduction, which he thinks is legally questionable. Mr. Marinaccio would like to see government taken out of it and have the District dissolved.

Mrs. Katen, a town resident commented on the anticipated sewer increase that Supervisor Marinaccio mentioned earlier in the meeting. She questioned what happened to all the money all the people were given from the government to fix the mistakes that these people (Joint Sewage Treatment Plant) made? How many people in the town are senior citizens that never made the money that is being made today and have to absorb these costs? Supervisor Marinaccio was sympathetic to the resident's concerns and stated that he has been fighting this for years. Sewer rates are now \$7.00 per 100 cubic feet of waste. Mr. Marinaccio stated that the Joint Sewage Treatment Plant is highly regulated by **DEC**. With all of the mistakes that were made with the flood and with the collapse of the wall and the multimillion dollar damage, Mr. Marinaccio is afraid for the residents. He remarked that with the anticipated sewer increase, to be paying 8, 9, 10 dollars per 100 cubic ft waste is unheard of.

A town resident complained about water runoff on Maiden Lane and asked if anyone is doing anything to divert the water. Supervisor Marinaccio said that we are still looking at it. Another resident complained about **BOCES** altering the land. He stated that there has been a clear change in the volume of water coming off that hill. He has invested \$20,000 for drainage around his property. On behalf of the residents, he is asked the town to go to **BOCES** and ask them to look at what they are doing and how it is damaging properties. He stated that Public Works Commissioner Kie sends his crews out chronically to address the issues. Commissioner of Public Works Kie commented that rain events are happening in a shorter span of time with the same amount of water. Supervisor Marinaccio remarked that something has changed. A resident recommended that **BOCES** use the equipment and the labor that they have and use it as educational value to promote a solution to the problem. Public Works Commissioner and Supervisor Marinaccio will contact Tom Laskowski and will find out if there is an easement in place.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:37 PM

Respectfully submitted,

**Susan M. Cerretani**

Town Clerk