

## July 13, 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 promptly at 5:32 PM on Monday, July 13, 2015 in the Town Hall, 531 Old Front St., Binghamton, NY.

This is the first 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  
Sharon M. Exley, Councilwoman  
Danny F. Morabito, Councilman  
Thomas J. Burns, Councilman

Also attending:

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

Absent:

Stephen M. Gardner, Councilman

### CHAIR

### SUPERVISOR'S REPORT

Supervisor Marinaccio welcomed everyone and gave his report for the month of July. His report will be placed on file. Here are some highlights:

- Supervisor Marinaccio stated that he has had several discussions with **Johnson City Mayor Greg Deemie**. Mr. Deemie informed the Supervisor that they are moving forward with the Deyo Hill storm water project and have extended the project to address additional storm water issues further up the road.
- Executive Assistant Beverly Wike and Supervisor Marinaccio met with **First Niagara Bank, M & T Bank** and **NBT Bank** regarding the transfer of town funds. Supervisor Marinaccio said the meetings went well and all three banks wish to do business with the town. Once proposals are reviewed with Councilman Morabito, recommendations will be made to the full board for approval. Mr. Marinaccio said the goal is to make the transfer by September.
- Mr. Marinaccio stated that there is no new news to report regarding the **BMTS Policy Committee** except that all resolutions were passed by the committee regarding some minor changes to funding various highway projects.
- In regard to the **Phelps Street** extension, Mr. Marinaccio is asking the board to authorize the town's Highway Department to proceed with the extension this year, hopefully by September. Mr. Marinaccio has exhausted every source of potential grants from state and federal funding sources with no success. He said that as witnessed at the Adams Drive house fire, it does not take very long for a home to be destroyed by fire and for someone to lose their life or be seriously injured. Blockages continue to happen and the road extension is an absolute necessity. Funding could be available through a loan from one of

## SUPERVISOR'S REPORT (CONTINUED)

- the banks the town met with. Supervisor Marinaccio said that the town is looking at borrowing approximately \$200K and has investigated as to whether or not to take the money out of sales tax that **Public Works Commissioner Joel Kie** will be receiving, but that would close out the Highway Department's spending for maintenance, repairs and other expenses including salt purchases, for the remainder of the year. Mr. Marinaccio said this could be discussed during the business portion of tonight's meeting.
- Supervisor Marinaccio has been researching the **Hotel Occupancy Tax** and has forwarded some information to Attorney Blaise for his review. Mr. Marinaccio said there are towns and villages throughout the state that have this tax. Once we complete our research, we can have further discussion on whether or not we want to apply for this tax.
  - As many of you are aware, we had a devastating house fire on Adams Drive a couple of weeks ago. One person died in the fire. The 911 call was received at 6:35 pm. The first fire company to arrive was from Binghamton, at 6:52 pm. The second fire company to arrive was from Port Dickinson at 6:35 pm. The **Town of Chenango Fire Company** arrived at 6:53. **Prospect Terrace Fire Company**, which is not in our district in Sunrise Terrace, was on standby but not called in by dispatch. This is an issue that needs to be discussed with the fire departments and emergency dispatch. Mr. Marinaccio also wants to discuss this fire response with the **Chenango Fire Department** to get their input. Also, the Chenango Fire Chief was the first on the scene at around 6:35, but because he was alone, he did not attempt to enter the home. Supervisor Marinaccio said that all of us need to have an understanding of fire emergency protocol and he stated that he will begin that process immediately.
  - Regarding the State and Municipal Facilities Program and Grant, Supervisor Marinaccio and **Public Works Commissioner Joel Kie** have been receiving quotes from various vendors. The three projects listed for the grant are installation of automatic doors for the two entrances into the town hall, replacement of the retaining wall in the parking lot, and an information marquee.
  - Supervisor Marinaccio stated that it looks like the **Microtel** project is moving forward. **Code Enforcement Officer Steve Rafferty** indicated that before a building permit can be issued, the developer needs to submit proof of Worker's Compensation and paperwork related to the transfer of Burbank Ave. to the developer.
  - The **Zoning Board** will be meeting on July 14<sup>th</sup>, 7:00 pm to review variance requests for the proposed **Farmer's Market** which will be located behind **Cornell Cooperative Extension** and on July 15, 6 pm, the **Planning Board** will review the site plans.
  - The **New York State Department of Transportation** is nearing completion of the redesigned intersection of Front and Old Front Street. Mr. Marinaccio said that although there have been some minor delays, he believes the project has been progressing very well and that these changes will make this intersection much safer for traffic.
  - Supervisor Marinaccio stated that he may ask the Board to enter into executive session at the end of the meeting to discuss a very sensitive issue with one of the town's residents. He will ask **Public Works Commissioner Kie and Code Enforcer Rafferty** to join the session.
  - Supervisor Marinaccio received a copy of the letter from Steve and Heather Brown who reside at 8 Thomas Road in Dickinson that was sent to the **Binghamton Water and Sewer Department**. The Browns had a major backup of sewage in their basement and they are seeking payment to cover their expenses for damage and cleanup.

**SUPERVISOR’S REPORT (CONTINUED)**

- **Code Violations:**
  - 8 Stearns Rd., tall weeds and grass
  - 270 Lower Stella Ireland Rd, tall weeds and grass
  - 22 ½ N. Louisa Street, tall weeds and grass, boat openly stored and not licensed, shed built with no permit and has to be removed
  - 22 ½ N. Louisa, issued an appearance ticket, weeds, junk vehicle and issues mentioned above.
  - Appearance Ticket issued to owner of 46 Sowden Street. Various safety violations.
  - 44 Downs Avenue, tall weeds and grass.
  - 46 Downs Avenue, tall weeds and grass
- **Dog Control Report:**

Supervisor Marinaccio is in receipt of the report for June, 2015 for both the town and the village. Stray cats, stray bears (5) calls, Stray dogs, dog chasing a cat, 5 dogs on one property. Owner claimed he rescued the dogs and was attempting to find them homes, Dog Control Officer later noticed an article in the newspaper and this same owner stated that he was a breeder of pit bulls. Multiple citations were to be issued and the owner claimed he was being evicted and was leaving town by June 27<sup>th</sup>.
- **NYSEG Warning Letters:**

No letters issued.

**CHAIR**

**PUBLIC COMMENTS**

Residents from Maiden Lane were in attendance to voice their concern over the storm drainage problem that they have been experiencing for the last four or five years and stated that the problem wasn’t this bad until BOCES graded the area. Public Works Commissioner Joel Kie and Town Engineer will take a look at it.

Mr. Lombardini, a resident who resides at 201 Lower Stella Ireland Rd., remarked that he is also having storm water problems and questioned who is responsible. Supervisor Marinaccio explained that certain roads within the Town of Dickinson are maintained by the County – State Street, Bevier Street and Prospect Street are county roads. Mr. Marinaccio advised the resident to call Dan Schofield at the County.

**APPROVAL OF MINUTES**

On a motion by Councilwoman Exley, seconded by Councilman Burns to approve the Work Session and Regular Meeting Minutes of June 1, 2015 and June 8, 2015. All in favor. Vote -4 Ayes, Nays-0, Absent-1.  
All in Favor.

**ABSTRACT #7**

Abstract Summary of Audited Vouchers for Funds in the amount of \$358,954.48. On Motion from Councilman Morabito, seconded by Councilman Burns to approve. Vote Ayes – 4, Nays – 0, Absent-1.

Supervisor Marinaccio voting Aye  
Councilman Gardner Absent  
Councilwoman Exley voting Aye  
Councilman Morabito Aye  
Councilman Burns voting Aye  
Unanimously passed and noted as duly adopted.

**ATTORNEY**

**932 UPPER FRONT STREET PROPERTY**

Attorney Blaise reported that the Town of Chenango rejected the request to pay the \$100 fee for the cost of survey of the 932 Upper Front Street property belonging to Mr. and Mrs. Lothar Schlesiger. The Schlesigers must bear the cost.

**MARIAN STREET**

Public Works Commissioner Joel Kie stated that the Marian Street property has been too wet and swampy to clear the debris.

**GARBAGE RENEWAL BID**

Regarding the Garbage Bid Renewal, Attorney Blaise marked the garbage bids returnable the Friday before the August 10<sup>th</sup> meeting. The bid opening will be at the August 10<sup>th</sup> meeting. The current Garbage Bid Contract (2014-2015) is \$188,698.00. Attorney Blaise presented a revised bid sheet with both 2 year and 3 year bids for 2016-2017 and 2016-2018.

Attorney Blaise deleted the white goods pickup because the town has never done it; the County has been so successful with the cleanup day, and to keep the bid sheet neater and less confusing. Attorney Blaise is asking for approval of spec sheet. Attorney Blaise will send forms to Town Clerk Susan Cerretani to contact bidders directly and to have a notice soliciting bids published in the newspaper.

**LEASH LAW**

Attorney Blaise stated that during the course of a meeting regarding a recent dog bite case, **Dog Control Officer** Greg Starley pointed out what he perceived to be an inconsistency in the town’s leash law. The issue is within the definition and interpretation of a dog “At Large” section A.

This is the model law from the State. The board needs to make a decision to change or delete section A.

A discussion followed. It was agreed that control is objective and there is no substitute for a dog on a leash. There are no guarantees that a dog will remain in control while unleashed. For the protection of everyone dogs need to be leash. A Public Hearing will be scheduled for August 10<sup>th</sup> at 5:30pm amending dog control law.

**RESOLUTION 2014-18**

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 to set a Public Hearing on August 10, 2015 at 5:30 pm regarding the adoption of a Local Law that would amend Chapter 229 of the Town Code, pertaining to animals.**

**(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 – 4, Nays – 0, Absent -1.

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

All in favor: Copy on file.

A request was made for **Dog Control Officer** Greg Starley to attend the Public Hearing meeting August 10<sup>th</sup>, 2015 at 5:30 pm.

**TAFT AVE SURPLUS**

Attorney Blaise commented that progress has been made regarding the transfer of the Taft Avenue property. The property will be surveyed along with the deed to convey according to attached description. The property is described as being located at the westerly end of Taft Ave. A Public Hearing to declare the westerly end of Taft Ave. property as surplus for August 10<sup>th</sup> at 5:35 will be scheduled.

**RESOLUTION 2015-19**

The following Resolution was offered by Councilman Daniel Morabito, who moved its adoption, seconded by Councilwoman Exley to wit:

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

**Resolution declaring certain Real Property, specifically the parcel containing the town’s right of way, located at the western end of Taft Avenue, 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 – 4, Nays – 0, Absent -1.

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

All in favor.

**DPW AGREEMENT WITH VILLAGE**

Attorney Blaise met with Supervisor Marinaccio, Commissioner of Public Works Joel Kie and Councilman Morabito last week regarding revisions to the **Department of Public Works Agreement** with the **Village of Port Dickinson**. They came up with changes limiting the Town’s obligations to snow and ice removal, mowing, and landscaping at the Village Hall. Any other maintenance and upkeep would be the Village’s responsibility. Attorney Blaise, pending the board’s approval, will send the agreement to the Village for their comments and revisions.

Attorney Blaise told Public Works Commissioner Joel Kie that he will have to discuss the park dumpster and bathroom with the village.

Attorney Blaise included a provision in the agreement, basically a procurement policy, which any expenditures or invoices for things that were done on behalf of the village would go to the village for record keeping purposes. However there is an exception allowing Public Works

Commissioner Joel Kie the authority to incur certain costs without prior approval from the village. Attorney Blaise assigned a \$2,500 amount as this expense limit, which is negotiable.

The term of payments due under the agreement for employee salaries and benefits, administrative services, fuel cost, would be paid on a quarterly basis instead of an annual basis in that it would make it easier and more acceptable to the village. The town will purchase salt and bill back the Village.

Specific amounts of administrative service costs have not been included in the contract and will be subject to adjustment and negotiation on an annual basis.

There will be an immediate cost savings to the village upon hiring new employees when current employees retire and maintain Mr. Kie’s work crew and flexibility in order to cover both municipalities.

Currently the town pays for Water Superintendent Daniel Miller and Public Works Commissioner Joel Kie's salaries. The town will seek \$15,000 to offset the amount of time the Commissioner of Public Works and the Water Superintendent devote to the village.

Attorney Blaise will send out an email to Mayor Burke to review with the village board and get back to the town.

Supervisor Marinaccio commented that it is a win-win for the village and the town.

Councilman Morabito voiced concerns about some of the language in the contract. He wants to make sure that the village knows that they are still in control but Mr. Kie will be performing the work and services for the village. Attorney Blaise stated that he will add language to the contract to ensure that both the village and town are protected.

The board agreed to give Attorney Blaise approval to proceed with the revisions to the Department of Public Works Agreement.

### **RESOLUTION 2015-20**

The following Resolution was offered by Councilwoman Sharon Exley, 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 approving Jae Sutherland and Allison Clark as duly elected Active Members of the Prospect Terrace Fire Company pursuant to Section 1402 of the not for Profit Corporation Law of the State of New York.**

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, Absent -1.

Supervisor Marinaccio voting Aye

Councilman Gardner Absent

Councilwoman Exley voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

All in Favor.

### **CHAIR**

### **BANKING**

Councilman Morabito commented that as previously indicated by Supervisor Marinaccio, a meeting was held with three banks - **M & T Bank, First Niagara Bank and NBT Bank. Chase Bank** is the town's current banker. We are changing because **Chase Bank** no longer wants to remain in the municipal business. Councilman Morabito asked to make a motion to use **NBT Bank** as the town bank effective September 1<sup>st</sup> 2015. Councilwoman Exley commented that she works with **NBT Bank** at the County and is very pleased with their service. The Town Clerk also uses **NBT Bank**. NBT is willing to offer small loans.

**RESOLUTION 2015-21**

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 approving the use of NBT Bank as the Town of Dickinson’s bank effective September 1<sup>st</sup>, 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 – 4, Nays – 0, Absent -1.

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

All in Favor.

**BMTS**

**BMTS** held a **Public Hearing** last Thursday, July 9<sup>th</sup>. Four people attended the meeting. Supervisor Marinaccio said that it was a very informative meeting and wished more people would have attended.

**PHELPS STREET EXTENSION**

Supervisor Marinaccio would like to avoid an emergency situation in the Rogers Mountain Way area. He commented that he town has been very fortunate in that there hasn’t been an emergency when the train has blocked the road which is the only egress from that area, but feels that it is a time bomb. The town board along with and Attorney Blaise and Public Works Commissioner Kie have put things in place as far as obtaining the right of way, obtaining the property to build the road. The town has not budgeted money for this project, but Supervisor Marinaccio would like to build a road in the late fall. The town received a quote of \$175,000 for an oil and stone road. Town Engineer Ron Lake would prefer stone and oil, wait one year or two then top it. Rogers Mountain Way is oil and stone. Engineer Lake stated that if we wait for a year or two the cost of asphalt won’t be as much. Supervisor Marinaccio stated that the he town can’t begin work until we get the loan, but he would like to get the board’s approval pending approval of the loan. The town will ask for \$250,000. Contractor Robert DeVincentis and Self Help will perform the work. Some tree clearing was performed last year but some clearing still needs to be done. **NBT Bank** is willing to give the town a loan. **Administrative Assistant** Beverly Wike will obtain quotes for interest rates from **NBT Bank** and then forward to Attorney Blaise for consideration of the financing for the project.

Councilman Morabito stated that if the town goes with an installment loan the town will be locked into a yearly payment. If the town bonds, the town can alter the payment each year. There is a \$1,000 renewal fee every year. Councilman Morabito stated that once the figures are obtained, the board will make a financial decision on which way is best. Once the quotes are received, Attorney Blaise will consider whether a formal resolution can be presented at the August meeting to approve a bond not to exceed the cost of \$250,000.

## **GRANT**

Supervisor Marinaccio stated that the town should be receiving the Grant by the end of the month and that he needs to verify that our procurement policies are being followed.

## **SEX OFFENDER**

Supervisor Marinaccio commented that there has been no action taken at the last Assembly session and no change to the Bills to the Assembly and the State regarding the sex offender statewide issue.

Mr. Marinaccio has a call in to Assemblyman Crouch questioning if and when it will come up again and what the chances are that the law will change back to where the town can have its own stricter laws regarding to sex offenders.

## **HIGHWAY DEPARTMENT**

### **COMMITTEE REPORTS:**

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

- There has been illegal dumping of scrap metal, televisions, etc. at the cemetery. It was reported to Sheriff's Department.
- Hot air balloonist has asked for permission to launch from the Sunrise Terrace Park. He is fully insured. It was agreed upon to grant him permission and that it is good for the neighborhood.
- 13 catch basins need to be cleaned. We have had the 2<sup>nd</sup> rainiest month on record. Can't get into them to repair.
- 2 tractors broke down - drive shafts fixed. Had to order parts and wait.
- Milling Bellaire on Friday
- City of Binghamton milled Merrill Street and billed the Town.
- Highway Department notifies emergency departments when steep roads are going to be restricted.
- Crews closed Prospect Street today to repair potholes.

## **PLANNING & ZONING BOARD**

Planning Board Chairman David Wasser has compiled a list of Town of Dickinson officials from 1891 to the present. Town Clerk Susan Cerretani will publish this information to the Town of Dickinson website.

Planning Board meeting: Wednesday 6pm

Zoning Board of Appeals meeting: Tuesday 7pm

125<sup>th</sup> Anniversary Celebration planning meeting will be held after tonight's meeting.

**ASSESSOR**

Attorney Blaise stated that here have been issues raised with the assessments on some of the commercial properties within the Town of Dickinson on Upper Front Street. **Assessor Jack Cahill** is requesting approval for study by appraiser John McDonald, as an independent assessor for commercial properties, to provide background and preliminary independent research in the event that the assessor needs to negotiate with these commercial properties should they seek to reduce or change their assessments. This would be useful if any of them decide to file a tax assessment petition. This will give Assessor Cahill the information he needs to start discussions with property owners and the information he needs to defend the town in a formal suit. The fee for the consultation services is \$750. Additional services would be billed at \$120.00 per hour.

On a motion by Councilman Morabito and seconded by Councilman Thomas Burns to approve a study of commercial properties by appraiser John McDonald.  
All in Favor.

**MONTHLY FINANCIAL REPORTS**

Monthly report from the Supervisor for the month of **May**. Motion to approve. 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 June in the amount of \$1,160.36. On a motion by Councilman Morabito seconded by Councilman Burns.  
All in favor.

**Town Clerk’s Report**

|   |                   |
|---|-------------------|
| <b>JUNE 2015 in the amount of: \$1,160.36</b>   |                   |
| <u>NYSDOH</u>                                   | <u>\$22.50</u>    |
| <u>NYS Ag &amp; Markets spay/Neuter program</u> | <u>\$43.00</u>    |
| <u>NYS DECALS (Hunting/Fishing)</u>             | <u>\$0.00</u>     |
| <u>Supervisor Town of Dickinson</u>             | <u>\$1,071.24</u> |

**DEPUTY TOWN CLERK**

**Town Clerk** Susan Cerretani announced that she has filled the position of **Deputy Town Clerk**. Karen O’Neil, as resident of Sunrise Terrace and the Town of Dickinson will start as **Deputy Town Clerk** on Monday, July 20<sup>th</sup>.

**CODE ENFORCEMENT**

- 478 Glenwood Road – tall weeds and grass
- 45 Pulaski Street – garbage not picked up

**PUBLIC COMMENTS**

Resident Jim Love raised a question regarding budgetary spending which was addressed by Supervisor Marinaccio, Attorney Blaise and Councilman Morabito.

At this time on a motion by Councilman Burns, seconded by Councilman Morabito the board entered into executive session to address a matter concerning proposed or pending litigation, pursuant to the provisions of the Open Meetings Law. All in Favor.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 8:00 PM.

Respectfully submitted,

**Susan M. Cerretani**

Town Clerk