

February 2, 2015 – WORK SESSION

The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, February 2, 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
Stephen M. Gardner, Councilman**

Also attending:

**Oliver N. Blaise III, Esq., Town Attorney
Wanda R. Broczkowski, Town Clerk**

Absent:

Sharon M. Exley, Councilwoman

ATTORNEY

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

Attorney Blaise spoke to Lydia Schlesiger and reported that the survey for 932 Upper Front Street had been completed. Mr. Blaise contacted Broome County to have new maps prepared with the new boundary lines, which will be filed with the Towns, County and State. This will complete the annexation process with the Town of Chenango.

DEED FOR 864 UPPER FRONT STREET FILED BY PENFIELD HOTEL/DELMONTE CORPORATION FOR SALE OF FAIRFIELD INN

Councilman Burns noted the deed transfer appeared in the Press & Sun Bulletin of the Penfield Hotel, 864 Upper Front Street being sold for over 5 million dollars. Supervisor Marinaccio recalled the prior value of the property was assessed last fall for \$3 million dollars and wondered if the increased sale price would affect the assessed value. Attorney Blaise requested Assessor Cahill review the matter for reassessment since their original petition to reduce the tax assessment for the Fairfield Inn was granted last August, 2014.

PUBLIC NOTICE MARION STREET PARCEL

Attorney Blaise had before the board a new and revised public notice in light of an updated survey. A resolution is to be adopted next week with the corrected property description. It is all set to go regarding the transfer of the parcel to the Katusha's.

SITE PLAN ISSUES OF MANLEY'S ON UPPER FRONT STREET

Code Enforcer Rafferty and Attorney Blaise reached out to **Manley's** attorney, Sarah Campbell, with a request to research their documents on the matter. She forwarded the same documents we have on file. It looks like the store hours of operation were established from 5:00 AM to 1:00 AM. It was part of the deal agreed to at the time. Since the judge in the federal court litigation did not do anything to change the site plan, Mr. Blaise stated these hours of operation will continue as stated.

ARMSTRONG BANKRUPTCY

Attorney Blaise reviewed the past situation where the water account was never activated, resulting in a \$12,000 balance that went unbilled. The bill was compromised for \$6,000, which was paid. The Armstrongs subsequently sold the property to a holding company, then they declared bankruptcy. The Town is on the list of creditors showing there is an outstanding \$400 balance. Since the Armstrongs’ balance was paid and the unpaid balance appears to belong to the holding company, Mr. Blaise does not recommend the Town participate as a potential creditor in the Armstrongs’ bankruptcy, particularly since the amount at issue is only \$400.

EFFECT OF STATE DECISION ON CODE

There was a 15 minutes discussion on this matter.

The New York State Department of State is currently developing a rule that would amend 19NYCRR Part 1203 by adding a section fixing the time within which compliance with an Order to Remedy violations of the State Uniform Fire Prevention and Building Code (Uniform Code) would be required. The Department of State invites public participation in the rule development process.

Code Enforcer Rafferty and Attorney Blaise have been following the recently enacted **New York State Code** regulation to mandate 30 days to resolve code issues. This was triggered by a downstate case where the court ruled that the State had failed to properly identify the timeframe for addressing code violations, and this power had not been delegated to the local municipalities who enforce the Building Code. The majority of code enforcement tickets are written under state building Code.

Under the **State Code**, it allows 30 days to resolve codes issues. There are discrepancies with certain property maintenance provisions of our current code. No action will be taken until more discussion is had at the State level about modifications to the new regulations.

Supervisor Marinaccio contacted the **Association of Towns** and found out they were not aware of this new law. He will be speaking with other Town Supervisors of this **New York State Code** law legislation.

RESOLUTION TO PARTICIPATE IN THE COUNTY’S SHARED SERVICE GROUP

Attorney Blaise and Supervisor Marinaccio will check to see what other towns are doing about participating in the County’s proposed shared services program. Mr. Marinaccio will search for a sample proposal or resolution for our town to use as a model.

CHAIR

SENATOR LIBOUS GRANT

Supervisor Marinaccio has not heard anything regarding the \$50,000 request for public works from Senator Libous’s office.

STATUS OF PLANNING, ZONING AND BAR BOARD APPOINTMENTS

Supervisor Marinaccio stated Jerome Ford will be appointed to the **Planning Board** and he is still looking for a replacement for Mr. Ford's seat on the **Zoning Board**. He wants to have representation around the town which sometimes is not as easy to achieve. Joe Bigart from Port Dickinson will fill the open seat on the **Board of Assessment Review (BAR)**.

AIRPORT ROAD MEETING

Supervisor Marinaccio reported that **Public Works Commissioner Kie** attended the **Airport Road Reconstruction Public Information** meeting held January 20, 2015 at the Choconut Center United Methodist Church, 5 Lewis Road. Mr. Kie was on board with the proposed changes.

AUDIT REPORTS

Supervisor Marinaccio reported the **self-audit** conducted by Michael Giovinazzo, a former New York State Auditor, and proposed recommendations to our accounting practices. He stated we will see these changes closer to August 2015 during the 2016 Budget process. Currently there is over \$60,000 left from the **Sewer Debt Service Funds**. It was recommended by the auditor to move it to the **Sewer Operating Fund**. It will be explored whether a resolution or referendum will need to be passed to accomplish that transfer. Beverly Wike will go over the details of the recommendations next town meeting. Mr. Marinaccio stated he and Mr. Morabito will meet with the auditor to implement some of his recommendations and changes.

Mr. Marinaccio also told us **Moody's** rating service organization, will no longer rank or evaluate the Town unless we have **Moody's** conduct a full audit at a cost between \$20,000 and \$30,000. There are no plans to employ this assessment or rating service.

PUBLIC WORKS

NOISE BARRIERS SOWDEN STREET

Supervisor Marinaccio received a lengthy email with the proposed design of the **Sowden Street** noise barriers. **Public Works Commissioner Kie** reviewed it and wonders if the project will narrow **Sowden Street** more than it already is. He is proposing to take out the curbs if that is the case. We will wait and see what is recommended by **NY State DOT** before we come up with a design.

NYSEG POLE LIGHT CREDITS

Supervisor Marinaccio contacted **NYSEG**. For a number of months street lights have been disconnected and the town has been paying \$200 a month for each pole light. He was directed by **NYSEG** for the town to prepare a list of pole ID numbers in order to receive back credit. Mr. Marinaccio will pass this on to **Public Works Commissioner Kie** who is already working with **NYSEG** to have lights repaired and bulbs replaced on sections of Front Street. Our expectation is to obtain a credit.

NEWSLETTER REMINDER

Supervisor Marinaccio reminded us articles for the annual newsletter should be submitted to Councilman Morabito and Supervisor Marinaccio.

CODE

None.

ASSESSOR

None.

PLANNING AND ZONING BOARDS

None.

On motion by Supervisor Marinaccio, the work session was adjourned by motion from Councilman Morabito and seconded by Councilman Burns at 6:13 PM.

Respectfully submitted,

Wanda R. Broczkowski
Town Clerk