

**June 1, 2015 – WORK SESSION**

The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:33 PM on Monday, June 1, 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**  
**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**

**ATTORNEY**

Attorney Blaise reported as follows:

**MARION STREET PARCEL TRANSFER**

Public Works Commissioner Joel Kie stated that the Highway Department has been busy with storm work and therefore hasn't had the opportunity to remove the logs and debris from the Marion Street property.

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

Attorney Blaise has received the proposal and the cost from the surveyor for the map. Mr. Blaise said that he must approach Mr. and Mrs. Schlesiger to see if they are going to pay the \$100 cost for the map updates.

**GARBAGE DISTRICT BID RENEWAL**

Attorney Oliver Blaise stated that he is working on getting the Garbage District bid packet revised. Mr. Blaise and the Town Board are considering the option of presenting both a 2 year and a 3 year contract option.

**PARTICIPATION IN COUNTY ROAD USE AGREEMENT**

Attorney Blaise explained the County Road Use Agreement. A lengthy discussion followed. Here are some of the highlights:

- Mr. Blaise stated that the County adopted a Local Law that was based on a program that was developed over the past few years with **Delta Engineering**. There was some push back that a lot of the towns did not want to adopt the County's Local Law for a variety of reasons.

- The **Town of Kirkwood**, a municipality which Mr. Blaise’s firm represents, has been in discussion with the County as a test case. The County is willing to give the municipalities the monies to have their roads tested and sampled if they pass the County’s Local Law and they apply into this testing program that every time something happens, Delta has to come back and re-survey the roads and the town has to pay for that. But for the initial investment to have roads surveyed, the County is willing the foot the bill.
- There has been a breakthrough in that the County will let the towns that have their own **Local Road Use Law** in place be able to keep that, and not make those towns use the County’s Local Law, as long as they sign on to use the County’s road use agreement, which Mr. Blaise’s office developed, with anyone that triggers the local law.
- Everyone will have a uniform road use agreement in place and the County will provide the money for the initial inventory of roads.
- The town must pass a resolution that says the town will use the same road use agreement.
- The **Town of Kirkwood** has decided that they will keep what they have in place and will pass a resolution that says they will use the same road use agreement that the County wants the towns to use.
- Advantages of Road Use Agreement:
  - Each municipality can determine its own triggers as to what forces someone to get a permit for trucks or coverage for fleet.
  - **Public Works Commissioner** will get a survey stating conditions of the roads at the time town signs on to the program. This provides a good baseline and inventory of roads.
  - Can use own engineer or go back to **Delta Engineering** for annual updates
  - Uniform agreement
  - We can rely on our own **Local Law** to charge contractors if they damage our town’s roads
  - Includes approximately \$10,000 of engineering services for initial survey of roads.
- Phase I Inventory (establishing baseline survey)  
Phase II (updates)  
Phase III (coordination of Road Use Agreement and implementation)
- New developers being subjected to enforcement is a potential pitfall of adopting County’s Local Law. Potential claims of selective enforcement are a concern as the County’s local law only applies to new developers.
- It was concluded that the town keep our Local Law and use **Delta Engineering** for Phase I. This way the town gets the benefit of the free survey. It is up to the town to update every year either with **Delta Engineering** or with our own engineer. Supervisor Marinaccio proposed that the Board vote on this at next week’s meeting.

**CHAIR**

**PORT DICKINSON CONSOLIDATION MEETING UPDATES**

Nothing to report at this time. Next step will be to arrange a joint meeting.

**ASSOCIATION OF TOWNS AND VILLAGES (AOTV)**

Supervisor Marinaccio informed us the June 4th **AOTV** meeting has been cancelled. Next meeting will be scheduled for July or August.

### **DEYO HILL ROAD STORM WATER ISSUES**

Supervisor Marinaccio addressed the recent storm damage issues:

- Storm Damage – Supervisor Marinaccio stated that we had another occurrence of flash 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 and just off of Deyo Hill Road became clogged with various debris and rocks which then cascaded down Deyo Hill into the Town of Dickinson.

Supervisor Marinaccio said this was certainly not the first time that we have experienced this problem in that area of town. Mr. Marinaccio can remember at least 3 occasions of debris coming off the private property in the **Village of Johnson City** and causing great alarm and damage to our residents located on Deyo Hill and parts of Lower Stella Ireland Road.

The town immediately began to take action in closing the roads and clearing out the rocks and other debris that covered the roads and front lawns and driveways of residents in the town. Calls were placed to the Village and County as well as Emergency Services/Sheriff to alert them to find a solution to this ever occurring problem but to no avail. The day after this last storm, Mr. Marinaccio called the **Village Mayor, Greg Deemie**, and asked him and his public works staff to meet with the Supervisor and **Public Works Commissioner Joel Kie**. The mayor agreed and met with Mr. Marinaccio and Mr. Kie. The Village officials agreed that they need to take action to prevent future occurrences in this area. They stated that they will have an engineer inspect the problem area and design a structure that will prevent the flooding.

A discussion followed.

During the last storm, **Public Works Commissioner Kie** was there along with his crew. They reacted quickly and did a fantastic job. The County showed up later to help clear some of the debris. Supervisor Marinaccio called **Johnson City Mayor Deemie** to meet at the source. The mayor brought **Village of Johnson City Director of Services Bob Bennett**. The Supervisor was told that Johnson City will design engineer a system to prevent this from happening again. The Town would like to see the plan. The town clerks received several complaints from residents who are concerned and upset with the situation. Evidently the problem originates on private property on Deyo Hill Road in the Village of Johnson City. The property was cleared years ago for a development that never occurred. The water runoff is very forceful and is damaging homes.

Mr. Marinaccio contacted **Mr. Dan Schofield Broome County Public Works Commissioner** and asked that he put pressure on the Village to correct the situation because it affects the County along with the town of Dickinson. We are incurring clean up costs and overtime as a result of the Village's failed storm systems. Supervisor Marinaccio said that he will go over the problem again at the next meeting if residents show up.

### **ASSOCIATION OF TOWNS EXECUTIVE MEETING**

Mr. Marinaccio shared that he recently attended the **Association of Towns** executive meeting in New York City. Supervisor Marinaccio is happy to be a part of the group and said that he expects it is going to be a good learning experience.

## LOCAL GIS TRAINING

There is a local **GIS** training and **Agricultural Valuation** training scheduled for June 24<sup>th</sup> at the **Town of Chenango Community Hall**.

## TRAGIC ACCIDENT FRONT STREET BUS STOP

Sadly, one of the Town's residents, Dolores Gadzik, was killed in a tragic accident on Front Street while crossing the road to get to the bus stop. Mr. Marinaccio attended the calling hours. This is the second death that has occurred in that area. Councilman Burns suggested that we investigate the location of the northbound bus stop and consider the possibility having it moved closer to the crosswalk. Mr. Marinaccio will contact the Department of Transportation.

## INVESTMENTS

Supervisor Marinaccio suggested that the Town consider investing a portion of our surplus in 5 year CD's in the future.

The Town was able to get the renewal bond with **Chase Bank** at 1.4%. The Town has paid down \$250,000 on a \$750,000 loan which was for the Glenwood Road water project. The Town still owes \$500,000.

Mr. Marinaccio will be meeting with **NBT Bank** on Friday to discuss a possible transferring of the Town's surplus funds, with town Board approval. The reason for this meeting is due to the fact that **Chase Bank** has forewarned the Town there might be some major changes in the future.

## PUBLIC WORKS

Supervisor Marinaccio, Beverly Wike and Danny Miller met with Ed Crumb from the **Johnson City Joint Sewage Treatment Plant**. Mr. Crumb thought the Town's water readings were incorrect and the town underestimated water usage. It was determined that the confusion came when the town changed reading the meters every 4 months to every 3 months.

Public Works Commissioner Joel Kie stated that there were several complaints last week, neighbor against neighbor, with various issues from water discharge onto properties to tall grass and weeds.

Councilwoman Exley informed the board that she will be away at a conference next Monday for the regular board meeting.

Councilwoman Exley has received noise complaints from residents concerning trash pickup at 5:45 AM at the VOA dumpster.

Ms. Exley complained that there is a non-working street light on Maiden Lane that has been submitted for repair two times and has now become a security issue. Two family vehicles were broken into over Memorial Day weekend.

Councilwoman Exley has neighbors' photos from the recent storm that she will submit to be included in the **DEC** letter to **BOCES**.

**TOWN ENGINEER**

The Town is able to contract with engineer Ron Lake for **MS4**. The contract is the same as prior years for \$9,000. Mr. Marinaccio stated that next week the Town Board will authorize Supervisor Marinaccio to sign the contract to have Mr. Lake continue as Town Engineer to do the MS4 work.

**ZONING BOARD OF APPEALS**

None

**CODE ENFORCEMENT**

Trial is scheduled for 210 Bevier Street on Tuesday June 2, at 2:00. Attorney Blaise stated that a Code Enforcement official is needed to testify as to the photos.

Tall weeds and grass violators have 30 days to comply. The Highway Department is mowing at the end of 30 days after a resident has been cited for tall weeds and grass.

Motion to adjourn by Councilman Morabito and seconded by Councilman Burns at 6:41 PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk