

**February 8, 2016 – 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, February 8, 2016 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  
Code Enforcement Officer Stephen Rafferty, Town Engineer Ron Lake,  
Public Works Commissioner Joel Kie, Zoning Board Chair Jeanne  
Compton and 3 town residents.**

**CHAIR**

**SUPERVISOR’S REPORT**

**SUPERVISOR’S MONTHLY REPORT**

**February 2016**

- In regard to the State and Municipal Facilities Program relating to the status of our grant that was awarded to us last year, we may be able to upgrade the marquee that was submitted along with the two other items. I asked Senator Akshar’s office to review the upgrade. We will reschedule Senator Akshar to be a guest speaker at a future meeting.
- The BC Association of Towns & Villages meeting that was held on Thursday, Jan. 28, went very well and was well attended. About 16 municipalities were represented. Assemblyman Crouch agreed on a very short notice to be our guest speaker due to Senator Akshar becoming very ill. We are now working on our next meeting which will most likely be held in March. I have reached out to State Comptroller in Albany and they replied that they will consider being our guest at a future meeting. The newly elected officers were sworn in at this meeting.
- Just another reminder that we should begin the process of developing our annual news letter. Please turn in your news articles, pictures, etc. to me as soon as possible. Let’s not wait until March or April to turn in your news articles.
- Just a reminder: The Color Run is scheduled for Saturday, May 7. I believe this year will have a Tropical Theme.

## SUPERVISOR'S REPORT (Continued)

- Reminder: The Annual **Prospect Terrace Fire Company** dinner and Oath of Officers will be held on Saturday, Feb. 20, starting at around 6 pm. I will once again do the State of the Town report.
- In regard to the continued issues with the property at 231 Bevier St., I contacted our sheriff's department, Capt. Katie Newcomb, and she informed me that they have spoken to the daughter of the deceased man who owned the property and was advised to get an attorney and get an estate established on the property through Surrogate Court and hopefully then will she be able to address all the concerns on this property. There is little that can be done right now with the person who moved into the house there.
- Regarding the electronic sign at **SUNY-Broome**, I had conversations with Debbie Morrello and President Drumm and they both agreed that there should have been better communication between the school and the town. Efforts will be made to dress up the sign. They have also toned down the brightness of the sign and are working on limiting the information being streamed on it. Steve Rafferty stated that SUNY-Broome is not required to get a permit.
- Speeding vehicles on Market Street - **BMTS** did a short study of Market St. and have suggested that we not place a stop sign on it to slow down traffic. State Police and the sheriff's department are placing units in this area when time and man power allows.
- Garbage District -I spoke to Burt Adams, owner of **Adams Disposal** and he stated that he had no problem with the garbage district being dissolved. He also stated that the district would be entirely covered with garbage service between his company and others.
- I continue to receive complaints regarding the house on Old Front St. that is painted slip shod with various colors. It detracts from the neighbors homes. It also reduces the value of neighboring homes. They want us to do something about this. I totally agree and I am asking code and our attorney to come up with a code that would not allow such a thing to happen in all of our neighborhoods.
- Many of you read the article in the news paper about the litigation between the **Town of Union** and **Time Warner**, which has now be sold to **Charter Communications**. This is an issue between Union and **Time Warner** and has little or no impact on our relationship with **Time Warner**, as far as I am aware.
- Received a call from a resident who lives next door to 11 Bellaire which is a vacant lot. The resident wants to purchase the lot but has had a difficult time in contacting the owner. The original owner passed away and a family member of the owner wants nothing to do with the property or the resident who wants to buy it. I checked to see if taxes were up to date on 11 Bellaire and discovered that they are behind 1 year. Once

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

they get behind 2 years; the county can then begin to take action to foreclose on it. I gave the interested resident this information so that he can stay informed.

- Steve Gardner and I attended the reception for the new owners of **WBNG-TV** news station **Quincy Inc.** We enjoyed meeting the new owners and current management of the station.
- The **Sunrise Terrace Association** finally received a total of \$1500 in donations, \$750 from the estate of former Terrace resident James Syron and \$750 from **Sodexo** where Mr. Syron worked. Items that are being considered to purchase with the donated money: A sign for the front of the community center, a sound system for the center and a plaque honoring Jim Syron and the great work and dedication that he displayed for our **Sunrise Terrace** youth activities.
- Our 4<sup>th</sup> quarter sales tax distribution for 2015 totaled \$197,342. That gave us a total of \$774,690 for 2015. That's about \$30K more than what we estimated for our 2015 budget.
- 4<sup>th</sup> quarter fees from non-County residents housed at the **Broome County Jail** are \$10,838.

### **Code Violations:**

1. 58 Pulaski, construction debris in back yard, exterior work on back porch done with no permit
2. 14 Clifton, basketball hoop and hockey net in town right away
3. 14 Clifton, box truck openly stored and in excess of 10,000 lbs.
4. 14 N. Louisa, basketball hoop in town right away
5. 21 N. Louisa, basketball hoop in town right away

### **Dog Control Report**

I am in receipt of the Dog Control Officer's Monthly Report for January, 2016 that covers both the Town and the Village: Aggressive stray pit bull running loose on Glenwood Rd. Dog was captured and sent to the shelter.

Resident of Binghamton reported his 2 pit bulls missing. Both dogs were found in or near our cemetery and returned to the owner.

5 past due license warnings issued and all were cleared

Stray dog running loose in the village. Dog was returned home in Binghamton.

**NYSEG Warning Letter:**

No letters issued

**HOUSE OF MANY COLORS**

Supervisor Marinaccio commented that he has received many complaints about the house located on Old Front Street that is painted many different colors. He commented that it detracts from the neighborhood and reduces the value of neighbors' homes. Mr. Marinaccio suggested that the neighbors do a letter writing campaign. Attorney Blaise commented that this is a matter of aesthetics and is a slippery slope as to personal preferences and choices. Attorney Blaise stated that Code doesn't control aesthetics and there is no way to effectively write something to cover this situation that wouldn't be thrown out.

Code Enforcement Officer commented that an Architectural review board could be established.

**PUBLIC COMMENTS**

Supervisor Marinaccio opened the meeting to public comments. Mr. Jim Love commented that there is nothing on the newly erected highway sign over 17 eastbound to direct the motorists to I-88. Mr. Love also complained about the concrete barriers that block the motorists view when trying to merge onto 81 North from the 17 eastbound exit ramp. Supervisor Marinaccio stated that he will mention this to **DOT**.

**APPROVAL OF MINUTES**

On a motion by Councilman Gardner seconded by Councilwoman Exley to approve the **Work Session January 4, 2016 and Regular Meeting Minutes of January 11, 2016**. All in favor.  
Vote -5 Ayes, Nays-0.

**ABSTRACTS FOR APPROVAL**

On Motion from Councilman Morabito, seconded by Councilman Gardner to approve **abstract # 2** in the amount of **\$209,489.31**. 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.

**Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$209,489.31**

**Voucher #2 for February 2016 year in the amount of \$209,489.31:**

<b><u>General Fund</u></b>	<b><u>\$71,918.64</u></b>
<b><u>Part Town</u></b>	<b><u>\$ 40, 00</u></b>
<b><u>Highway</u></b>	<b><u>\$11,187.43</u></b>
<b><u>Fire districts</u></b>	<b><u>\$0.00</u></b>
<b><u>Light Districts</u></b>	<b><u>\$4,964.89</u></b>
<b><u>Refuse &amp; Garbage</u></b>	<b><u>\$10,314.15</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$21,705.94</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$89,358.26</u></b>
<b><u>Water Debt-Water Line/Replace/Repairs</u></b>	<b><u>\$00.00</u></b>

**ATTORNEY**

**RESOLUTION 2016-6**

The following Resolution was offered by Councilwoman 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: DECLARING NEGATIVE ENVIRONMENTAL IMPACT REGARDING ELECTRICAL CODE LOCAL LAW PURSUANT TO SEQRA.**

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

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

All in favor. Resolution attached.

**RESOLUTION 2016-7**

The following Resolution was offered by Councilman Gardner, 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 ADOPTION OF LOCAL LAW 2-2016 ENACTING A LOCAL LAW ENTITLED “A LOCAL LAW ESTABLISHING AN ELECTRICAL CODE FOR THE TOWN OF DICKINSON.”**

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

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

All in favor.

**RESOLUTION 2016-8**

Sole source provider is a valid exception from competitive bid. Installation will be separate

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 the expenditure of funds for the total project requested by Public Works Commissioner Joel Kie for sewer station upgrade at SUNY Broome not to exceed \$110,000.**

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

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

All in favor.

**RESOLUTION 2016-9**

The following Resolution was offered by Councilwoman 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: Authorizing purchase of equipment and related materials from sole source distributor without competitive bidding.**

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

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

All in favor. Resolution attached.

Research materials on Vaughan pumps attached. Jager price quote attached.

**RESOLUTION 2016-10**

The following Resolution was offered by Councilwoman 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: Authorizing purchase of equipment and related materials from sole source distributor without competitive bidding.**

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

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

All in favor. Resolution attached.

**RESOLUTION 2016-10**

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: SCHEDULING A PUBLIC HEARING RE: LOCAL LAW FOR PROPOSED CHANGES TAFT AVENUE AND N. LOUISA STOP SIGNS AND SIDEWALK MAINTENANCE AND BURBANK AVE AND ADAMS STREET CUL DE SAC PARKING CHANGE.**

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

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

All in favor. Resolution attached.

**RESOLUTION 2016-11**

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: ADOPTING DOUBLING OF PERMIT FEE. IN THE EVENT ANY WORK IS COMMENCED PRIOR TO THE ISSUANCE OF A PERMIT PURSUANT TO THE TERMS OF THIS SECTION, THE PERMIT FEE SHALL BE TWICE THE AMOUNT OF THE REGULAR FEE SHOWN ABOVE.**

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

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

All in favor.



**RESOLUTION 2016-12**

The following Resolution was offered by Councilman 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: APPROVING SHARED SERVICE AGREEMENT WITH NYS DOT AND AUTHORIZING SIGNATURE OF HIGHWAY SUPERINTENDENT.**

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

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

All in favor.

**COMMITTEE REPORTS:**

**PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT**

Public Works Commissioner Joel Kie stated that the Public Works Department was notified of a water leak at a Multi-family home located at 354 Prospect Street with no heat. The broken pipes were discovered by NYSEG when they were at the residence to read the meter. The water had been turned off and the property had been cited by Code enforcement.

Public Works Commissioner Kie stated that he left some money in his budget to order new boxes for the dump trucks. Mr. Kie procured three quotes for a new box for his oldest truck (1993 box – in bad shape and rotted out). The lowest quote came in from **MC Truck Equipment** which is **Burr Trucking** at \$15,515. Mr. Kie requested authorization from the board for approval.

On a motion by Councilman Gardner and seconded by Councilman Burns to authorize Public Works Commissioner Joel Kie to purchase a box for dump truck from **Burr Trucking** in the amount of \$15,515.

All in Favor.

**CODE ENFORCEMENT**

Public Works Commissioner Kie stated that the Farmers Market had an independent inspection and mailed it to Code Enforcement Officer Rafferty. Mr. Kie remarked that the one end of the **Farmers Market** is sheet rocked and almost all finished off inside. They are just starting work on the other end of the building where the kitchen is.

Public Works Commissioner Kie stated that the **Microtel** had a framing inspection on the first, second, and third floor and an inspection for rough-in plumbing for the drains was conducted on Friday. Fire sprinkler inspection will take place on Wednesday. There are 62 rooms in the **Microtel**.

**PLANNING & ZONING BOARD**

Zoning – nothing new.

**MONTHLY FINANCIAL REPORTS**

**TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilman Morabito made a motion to accept the **January Monthly Financial Report** for the **Town Clerk in the amount of \$1,260.67**. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

<b>Town Clerk’s Report</b>	
<b>January 2016 in the amount of \$1,260.67:</b>	
<b><u>NYSDOH</u></b>	<b><u>\$22.50</u></b>
<b><u>NYS Ag &amp; Markets spay/Neuter program</u></b>	<b><u>\$59.00</u></b>
<b><u>Supervisor Town of Dickinson</u></b>	<b><u>\$1,260.67</u></b>

**SUPERVISOR’S MONTHLY REPORT**

Councilman Morabito made a motion to accept the 2016 Monthly Supervisor Financial Report(s) for the month of November. On motion of Councilman Morabito and seconded by Councilwoman Exley. . All in favor.

**TOWN OF DICKINSON COURT MONTHLY FINANCIAL REPORT**

Councilman Morabito made a motion to accept the Financial Report(s) for the Town of Dickinson Court for the month of December in the amount of **\$43,862**. On motion of Councilman Morabito and seconded by Councilman Gardner. All in favor.

**DR. WESTFALL DENTIST OFFICE**

Supervisor Marinaccio stated that Dr. Westfall’s office on the corner of Old Front Street and Pleasant Court closed. The property has been a dentist office for years along with the house next to it. Zoning regulations were discussed or future occupation.

**LENGTH OF SERVICE AWARDS REPORT**

Councilman Morabito submitted the 2015 **Length of Service Awards Report** for the **Prospect Terrace Fire Department** that he received from administrator David Smith. This report lists all the individuals that contributed toward the fire department and lists all the hours they put in for different categories. The report identifies training received and qualifies the individuals for pension benefits. The report will be given to Administrative Assistant Beverly Wike for record keeping.

**CODE VIOLATIONS BEVIER STREET AND ADAMS STREET PROPERTY**

Councilman Burns stated that he visited the 231 Bevier Street property and commented that the condition wasn’t as bad as he expected it to be. Supervisor Marinaccio has instructed the neighbor to call the Sheriff’s Department if he has a complaint.

Public Works Commissioner Kie and Attorney Blaise commented on the property located at Adams Street that has a 7 year history of code violations. The resident has until the end of January to clean up the property or make significant progress in cleaning up the property. His level of progress will impact the amount of the fine. Attorney Blaise commented that the owner plead guilty at a November trial. In January nothing had been done to clean up the property. The Judge asked for more specific evidence of the condition of the property. Public Works Commissioner Kie has been taking pictures and documenting the condition of the property.

Mr. Kie has a proposition for the resident and the Judge and if he does not follow the plan then Attorney Blaise has instructed Public Works Commissioner to fine, cite and double the fines. This property has incurred thousands of dollars in fines and tremendous time consumption for the town. The condition of the property affects the entire neighborhood.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:26 PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk