

March 14, 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, March 14, 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**

Absent:

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, Broome County Executive Debbie Preston, Doug English Broome County mapping department, Residents: Jim Love, Leonard Gee, Abigail Rudolph, and two other residents.

A moment of silence was observed in honor and memory of Jeffrey Kraham, former Broome County Executive, who passed away on March 4, 2016 after a long courageous battle with cancer.

Supervisor Marinaccio introduced Broome County Executive Debbie Preston. Ms. Preston gave a presentation on County activities outlining several projects her administration has been working on including plans for the \$500 million grant awarded to Broome County, projects at the airport, shovel-ready sites for future job growth, a new pharmacy school in Johnson City, the Goodwill Theater, and the proposed solar farm energy project in Conklin. Ms. Preston addressed public comments regarding Solar Farms and the Johnson City Joint Sewage Treatment Plant.

CHAIR

SUPERVISOR’S REPORT

**SUPERVISOR’S MONTHLY REPORT
March 2016**

- The Broome County Legislature unanimously approved the Shared Service Agreement between our town and the county at their Feb. 18 Legislative meeting.

SUPERVISOR’S REPORT CONTINUED:

- The next Association of Towns & Villages meeting is now set for March 24, 6:30 pm at the Spot Dinner. **Senator Fred Akshar** will be our guest speaker.
- Supervisor Marinaccio chaired the March 10 **BMTS** Policy Committee Meeting. It was well attended with many resolutions passed. Jack Williams, Regional Director of the **NYS DOT** talked about highway lighting and a new lighting program that could save municipalities some money. More on that once we get more information from the **BMTS** Planning Committee.
- Supervisor Marinaccio attended the legislative breakfast at **BOCES** on March 4. It focused on afterschool and out-of-school time providers. Our state representatives were in attendance. Schools are asking that state funding be restored to original amounts to maintain these programs. Mr. Marinaccio found the program to be very interesting and informative.
- Supervisor Marinaccio will be attending a meeting on March 16 with our county executive and several other town supervisors to discuss the tax cap and it’s affect on our municipalities.
- County Executive Preston will be holding her first quarterly supervisors and mayors meeting on March 24.
- Supervisor Marinaccio will be in Albany on March 21 along with several other Executive Board members of the **NY Association of Towns** to meeting with several state senators and assembly persons to lobby for our resolutions passed in NY last month.
- Supervisor Marinaccio received a copy of the Town of Chenango 239 – L & M regarding their Adoption of their Comprehensive Plan Updates. Mr. Marinaccio forwarded this document by email to all of the board members, planning, and others.

Code Violations:

- 380 Prospect, harboring rabbits. Violation of our Zoning/Ordinance
- 354 Prospect, no heat in building due to broken pipe
- 39 Pulaski, issued an appearance ticket for not adhering to original Notice of Violation for open storage of a dump truck.
- 49 Adams St., this has been an ongoing issue with this address. Large amount of debris and construction material in back yard. Owner has been fined several times by our judge.
- 382 Prospect, harboring rabbits
- 201.5 Lower Stella Ireland, selling cars from his property
- 231 Bevier, garbage, construction debris on property

SUPERVISOR’S REPORT CONTINUED:

Dog Control Report

Supervisor Marinaccio has not received the report as of today.

NYSEG Warning Letter:

No letters issued.

PUBLIC COMMENTS

Supervisor Marinaccio opened the meeting to public comments.

Town resident Abigail Rudolph who resides at 380 Prospect Street was in attendance. Ms. Rudolph stated that she received a code violation for harboring rabbits. She has 15 rabbits. Ms. Rudolph claims that her rabbits are strictly pets. Ms. Rudolph stated that she takes very good care of her animals and she uses the manure for her garden as compost/fertilizer. Ms. Rudolph stated that she was not aware of the town code but would like to see the law changed to allow her to keep her rabbits.

A discussion followed.

Supervisor Marinaccio stated that Ms. Rudolph is violating a town code and he personally stands against changing the code at this time but is open to discussing it at the next work session when a full board is present.

Councilman Morabito commented that it is unfortunate that there is no guarantee that everyone will take as good care of their animals as Ms. Rudolph does of her animals. He remarked that you cannot make an exception for one and not the other. A standard and an ordinance is set that everyone has to live by. Attorney Blaise added that from enforcement prospective, for every responsible, dedicated animal owner there will be others who are irresponsible and create problems for the neighbors.

Councilman Gardner asked Ms. Rudolph how many rabbits she would like to have. Ms. Rudolph’s rabbits bred and multiplied faster than she intended or expected because she didn’t know the sex of the rabbits. She stated that she would like to keep the number down to 4 or less. Councilman Gardner remarked that she has turned it into somewhat of a business because she plans to sell her rabbits. Councilman Gardner asked if the rabbits could be spayed or neutered. Ms. Rudolph replied yes but she now has them in separate cages to prevent them from reproducing.

The discussion broadened to consider whether to allow residents to own chickens. Supervisor Marinaccio thanked Ms. Rudolph for attending the meeting and he thanked her for her understanding. Code Enforcer Stephen Rafferty stated that he explained to Ms. Rudolph that she has 30 days to comply but there are mechanisms in place to extend that period.

COMMITTEE REPORTS

• **PUBLIC WORKS**

- Councilman Gardner stated that the Public Works Department is 2/3 to 3/4 done with the installation of the new water meter pods. Water meters can be read by 2 people driving by in a day or 2. The chopper pumps have been ordered with an 18 week delivery time frame. Public Works Commissioner Kie is scheduling road resurfacing and repairs for 2016. Brush pickup starts April 4th.

• **FINANCE**

- **TOWN CLERK MONTHLY FINANCIAL REPORT**
Councilman Morabito made a motion to accept the **February Monthly Financial Report** for the **Town Clerk in the amount of \$1,070.40**. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

Town Clerk's Report	
February 2016 in the amount of \$1,070.40:	
<u>NYSDOH</u>	<u>\$22.50</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$32.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,015.90</u>

- **TOWN 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 **January** in the amount of **\$35,120.00**. On motion of Councilman Morabito and seconded by Councilman Gardner. All in favor.

• **PERSONNEL**

- Councilwoman Exley remarked that there is a situation re-surfacing that she is keeping an eye on but no details to report at this time.

• **PLANNING**

- David Wasser was voted in as the chairman.
- The Planning board is close to completing the updates to the comprehensive plan.

APPROVAL OF MINUTES

On a motion by Councilman Gardner seconded by Councilman Morabito to approve the **Work Session February 1, 2016 and Regular Meeting Minutes of February 8, 2016**. All in favor. Vote -4 Ayes, Nays-0, Absent - 1.

ABSTRACTS FOR APPROVAL

On Motion from Councilman Morabito, seconded by Councilwoman Exley to approve **abstract # 3**, dated March 14, 2016 in the amount of **\$121,927.04**. Vote Ayes – 4, Nays – 0, Absent - 1.

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

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$121,927.04

Voucher #3 for March 2016 year in the amount of \$121,927.04:

General Fund	\$59,354.79
Part Town	\$ 80, 00
Highway	\$11,886.65
Fire districts	\$0.00
Light Districts	\$3,710.82
Refuse & Garbage	\$10,314.15
Sewer Operating Dist.	\$2,629.00
Water Operating Dist.	\$33,951.63
Water Debt-Water Line/Replace/Repairs	\$00.00

CHAIR

NEWSLETTER

Supervisor Marinaccio stated that a draft copy of the newsletter has been distributed to the board members and after review and revisions it will be condensed into a two sided booklet style publication and sent to the printer. It was mentioned that **Municipal Cleanup Day** information needs to be included in the newsletter and also a stand-alone article for the garage/yard sale permits.

Supervisor Marinaccio thanked everyone for their assistance and contributions to the 2016 newsletter.

231 BEVIER STREET

Supervisor Marinaccio continues to get calls regarding the problem property at **231 Bevier Street**. Mr. Marinaccio stated that he Town is doing its job and has done everything it can do up to this point. Other matters that pertain to the property have to be resolved through the courts.

SUNY BROOME SIGN

Supervisor Marinaccio stated that after meeting with **SUNY BROOME**, improvements have been made to the digital sign by toning it down and placing awnings on the sides. More work is expected to be completed on the sign. Mr. Marinaccio is well pleased with the changes.

ATTORNEY

RESOLUTION 2016-13

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: ADOPTING INTERMUNICIPAL AGREEMENT REGARDING THE PROVISION OF COOPERATIVE HIGHWAY SERVICES WITH VILLAGE OF JOHNSON AND AUTHORIZING THE SUPERVISOR AND PUBLIC WORKS COMMISSIONER TO SIGN

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 voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns Absent

All in favor.

Attorney Blaise will take the signed originals for signatures by the Johnson City officials. Fully signed version of the agreement to be kept on file in the Clerk’s Office.

RESOLUTION 2016-14

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: ADOPTING INTERMUNICIPAL AGREEMENT REGARDING THE PROVISION OF COOPERATIVE HIGHWAY SERVICES WITH CITY OF BINGHAMTON AND AUTHORIZING THE SUPERVISOR AND PUBLIC WORKS COMMISSIONER TO SIGN

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 voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns Absent

All in favor. Agreement on file in the Clerk’s Office.

Town Clerk to keep one original for the Town and forward one original to Ken Frank, the City of Binghamton’s attorney. Fully signed version of the agreement to be kept on file in the Clerk’s Office.

RESOLUTION 2016-15

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:

READOPT RESOLUTION: AUTHORIZING SUBMISSION OF PROPOSED HOTEL OCCUPANCY TAX TO ASSEMBLYMAN CROUCH

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 voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns Absent

All in favor.

Town Clerk will submit certified copy of the minutes containing the resolution to Assemblyman Crouch’s Office.

RESOLUTION 2016-16

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 UNDER SEQRA FOR “STOP SIGNS AND SIDEWALKS” LOCAL LAW 2016-3.

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 voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns Absent

All in favor. Resolution attached.

RESOLUTION 2016-17

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: ADOPTING LOCAL LAW 2016-3 REGARDING CHANGES TO “STOP SIGNS AND SIDEWALKS”

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 voting Aye
Councilwoman Exley voting Aye
Councilman Morabito voting Aye
Councilman Burns Absent

All in favor.

THE AGENCY - IDA PROPOSED BUILDING

Attorney Blaise stated that he had a discussion with **The Agency/IDA** attorney regarding the proposed building to be located on the corner of Lt. Van Winkle Drive. Mr. Blaise told the attorney representing the **IDA** that the town would be amenable to the County having oversight on the project, provided the inspector is a certified code enforcement officer. The contract between The Agency and the County will be sent to the Town to review to make sure the provisions on the oversight inspections are acceptable to us. The County must submit a rezoning application request. The whole **SUNY Broome** campus is currently zoned **R-1**, but the portion used for this project needs to be zoned **PUD** because this building would be commercial not educational use. The board wants to see what the footprint of the building and the parking lot will look like.

Code Enforcement Officer Rafferty stated that the building permit fee would be around \$1100. Councilman Morabito asked if there will be sewage issues with **The Agency** building. Code Enforcement Officer replied that in order to apply for a **PUD** zoning permit they need a complete set of plans, soil and erosion and everything must be complete and reviewed before the board.

Public Works Commissioner Kie remarked that the sewer/pumps will definitely be an issue that will need to be taken into account.

Supervisor Marinaccio agreed and stated that the town should have complete oversight of the public utility issues.

ADAMS STREET CODE ISSUES

Attorney Blaise addressed the ongoing code issues on the 49 Adams Street property. Mr. Blaise researched the possibility of taking the resident to Supreme Court and feels at this point this is not a good option. Attorney Blaise feels that the best option is to stay in town court and turn up the heat by increasing fines, civil judgements and possibly jail if we don't get compliance. Supervisor Marinaccio commented that we are just trying to preserve the neighborhood.

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

- Public Works Commissioner Kie stated that **Municipal Cleanup Day** would be held on May 21st, 2016.
- Mr. Kie commented that neutering of rabbits is very expensive and he mentioned that he feels there is a rabies concern with having rabbits.
- Commissioner Kie stated that the **Microtel** construction is going well.

CODE ENFORCEMENT

Code Enforcement Officer Rafferty received a complaint from a resident whose next door neighbor is raising bees. This resident has concerns because her son is allergic to bees. None of our ordinances cover bees. The questions were raised – is this resident selling the honey and

operating a business? Is this a civil matter or a town matter? Code Enforcement Officer Rafferty will research the matter.

PLANNING & ZONING BOARD

The Stella Ireland Rd property owner will be applying for a zoning change expecting a denial. The property owner will be retaining Attorney Sarah Campbell for a variance request.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Gardner at 7:36 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk