

July 11, 2016 – 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 5:30 PM on Monday, July 11, 2016 at the Polish Community Center located at 347 Prospect Street, Binghamton, New York.

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
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
Deputy Town Clerk Karen O'Neil, Public Works Commissioner Joel Kie,
Code Enforcement Officer Steve Rafferty, Town Historian and Planning
Board Chairman David Wasser, Town Engineer Ron Lake, Assessor Jack
Cahill and approximately 70 members of the general public.**

CHAIR

Opened the Public Hearing portion of the meeting at 5:30 PM. Supervisor Marinaccio welcomed and thanked the public for their attendance.

PUBLIC HEARING: GARBAGE DISTRICT NO. 1 AND EXTENSION NO. 1 AND 2 DISSOLUTION PLAN

Supervisor Marinaccio outlined several points:

- 1. The 1 year cost for the Garbage District in 2016 is \$123,770. That contract, if we go to bid again, is up at the end of this year. There was an over 30% increase in the contract from 2015 to 2016.**
- 2. The garbage district tax that everyone pays is \$224 for 2016. That cost should have been around \$240 but do to an error, residents were charged the \$224. There will be a \$15 charge per unit in the 2017 taxes to make that up.**
- 3. If we move forward and dissolve the garbage district, the tax that all of you are now paying, will be removed from your tax bill. We still need the \$15 next year to make finance corrections.**

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- 4.** There is only one garbage district in the entire town. All other areas such as Sunrise Terrace, Chenango Shores, Brandywine Heights, etc., do not have a garbage district. They contract with whomever they wish to have their garbage and recycling picked up.
- 5.** For example, pay Taylor Garbage around \$56 every 3 months. They pick up garbage every Thursday plus recycling. They also give a senior citizen discount 65 and over. Burt Adams also gives discounts to residents 60 and older.
- 6.** By eliminating the garbage district, the entire town benefits in terms of property taxes and the tax cap. Our town has stayed under the tax cap since its inception and residents have benefited by receiving property tax rebates from the state plus enjoy the lowest town property tax rate in the county while receiving all the services that the town has provided over the years. We have been using surplus funds for the past 3 years to stay under the tax cap but we cannot keep doing that. We need to have surplus funds to cover emergencies which we have had over the past 10 years.
- 7.** The tax cap is calculated from our tax levy. Our tax levy includes all district taxes, garbage, light, and fire. All of our costs such as salaries, health insurance, etc. are included in the tax levy. If we eliminate the garbage district, this gives the town a better chance in maintaining tax rates with no impact on garbage district residents. Residents simply contract with a garbage service provider. If you are not happy with your provider, you can go to another.
- 8.** Years ago, the cost for garbage service in your district was lower than what residents paid outside of the district. That is no longer true due to increases in the cost of service within the district.
- 9.** If a resident accumulates garbage on their property, the town and state have strict rules covering that issue and the resident will be in violation and be cited. Residents also have the opportunity to take their garbage to the landfill themselves. The cost to do that is around \$4.00 depending on the amount of garbage being dumped there.
- 10.** The town has cut spending by thousands of dollars over the past 20 years. We eliminated health insurance benefits for most of the elected officials. We have changed health insurance policies saving thousands of dollars but health insurance continues to increase by 15% or more per year. Salary increases for employees is at a minimum. There have been no increases in salaries for elected officials for the past few years. State mandates continue to burden all municipalities with high costs with little or no relief in sight.
- 11.** Brush and Leaf pickup is not affected with the dissolution of the garbage district. That is a town service and it will continue as usual.

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PUBLIC COMMENTS:

Several residents took the floor to ask questions and voice their concerns.

Here are some of the discussion points:

- Who will collect my recyclables? The hauler that you contract with collects your recyclables as well as your trash.
- Who will collect yard waste? As always, the Town of Dickinson Highway Department collects yard waste/brush every Monday according to the schedule.
- Cost difference private vs. garbage district contract
- Illegal dumping
- Code enforcement
- Littering
- Absentee landlords
- Eliminating tax
- Individual contracts/individual choices
- Standard rates/discounts
- Taylor Garbage and Bert Adams are the primary garbage service providers
- Property rebate checks from NY State
- Future rate increases – private and/or contract bids
- Inconvenience to write a check for garbage service
- Discounts/Senior/yearly payments
- The town will notify residents if the district is dissolved and residents will then have to contract with a private hauler – the change would begin January 1st, 2016.
- \$224/yr Garbage District fee on tax bill would be removed if Garbage District is dissolved
- Decision process -legally it is for the board to decide/public hearing/take information
- Elected officials to make decisions
- The Garbage District affects the rest of the town - Garbage District counts against the tax cap
- 35% increase in contract bid from 2015-2016

The questions were addressed by Supervisor Marinaccio, Attorney Blaise and the Town Board members. Mr. Marinaccio thanked the public for attending and stated that at the August meeting the board will discuss and decide if we want to continue with the dissolution process. If the board decides not to proceed with the dissolution then the bid process will have to begin.

With no further comments or questions, Mr. Marinaccio closed that portion of the public hearing at 6:42 PM.

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The meeting was suspended at 6:42 PM for a break.

The meeting resumed at 6:53 PM.

Supervisor Marinaccio gave his report for the month of July. His report will be placed on file.

SUPERVISOR'S MONTHLY REPORT JULY, 2016

- Councilman Gardner, Public Works Commissioner Kie and Supervisor Marinaccio continue to meet in regard to the Dickinson Emergency Plan that is being put together. Mr. Gardner and Mr. Kie are putting together an inventory of equipment, and other items that can be used during an emergency as well as identifying places where our residents can be evacuated to if that need arose due to an emergency. The bulk of the plan has been written and once we insert the equipment and other charts, we will present to the board, fire department and county emergency services for review.
- Supervisor Marinaccio received our final 2016 State equalization rate for our town and it is at 75 %.
- Just a reminder to everyone that we are into our summer schedule for board meetings starting in July and including August and September. Board meetings will be held on the second Monday of those months unless a special meeting is necessary. Meetings start at 5:30 pm.
- Senator Schumer may be announcing that the Town of Dickinson will be proclaimed the NY Town of the Day for September 16.
- The 125th Town Anniversary Committee continues to work on the celebration that will take place on Saturday, September 17, starting at 11 am at the **Port Dickinson Park**. This will be a wonderful celebration with many officials attending and honoring our town with various proclamations. Food and beverages will be served.
- The next Association of Towns & Villages Association meeting will be held in September. We are planning to hold the meeting at the Cornell Cooperative Extension's Farmer's Market.
- Town of Kirkwood Supervisor and I have been in communication with Senator Schumer's office regarding the lack of cooperation from **Norfolk Southern Railroad** in our request for assistance in paying for the new road that we built due to trains blocking the roads for extended periods of time. We are planning to meet with the senator's office in the very near future to see if we can get some funding from the railroad.

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SUPERVISOR’S REPORT (CONTINUED)

- Supervisor Marinaccio received a call from Ann Lomonaco from **Elizabeth Church Manor** asking about how her organization can move forward with a fund raiser in December which will have luminaries placed along Front St. Mr. Marinaccio called Jim Massar with the **NYS Dept. of Transportation** and he explained the process of getting a permit to do this which the Supervisor shared with Ms. Lomonaco.
- The Supervisor received a thank you letter from a Sunset Drive property owner thanking him and our Highway Superintendent Joel Kie for taking the time to address the installation of fencing and other plans for her property.
- Supervisor Marinaccio received a letter from Assemblyman Cliff Crouch informing us that A.8546, an act to amend the tax law, in relation to authoring the Town of Dickinson to establish hotel and motel taxes did not get taken up or pass the assembly house this legislative session. He will reintroduce this bill next year on moving it forward and getting it passed.
- Supervisor Marinaccio received a letter from the Broome County Security Division that our Dog Shelter contract expires December 31, 2016. They are asking that we continue the relationship and renew the contract for a term of 5 years. They have reduced the renewal rate by 27.425 %. The new rate will be \$7,024 per year. I recommend that we continue to contract with Broome County. Our dog control officer Greg Starley agrees with that.
- **Code Violations:**
 1. 17 Market St., mattress next to house not picked up.
 2. 50 Pulaski St., multiple garbage in driveway, not in container, on the ground and not picked up
 3. 45 Pulaski St., tall weeds and grass
 4. 33 Pulaski St., tall weeds and grass
 5. 58 Pulaski, high grass, brush at curb not properly bundled for pick up
 6. 13 N. Louisa, basketball hoop installed in town right away
 7. 153 Iris Dr., large tree limbs and brush at curb, not picked up

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SUPERVISOR’S REPORT (CONTINUED)

- 8. 25 Forest Hills Blvd., tall weeds and grass
- 9. 46 Sowden, tall weeds and grass

Dog Control Report

Supervisor Marinaccio received the June, 2016 Dog Control report for both the Village and the Town. Stray dogs, dogs defecating on neighbor’s property, aggressive pit bull.

NYSEG Warning Letter:

No letters issued.

CHAIR

COMMITTEE REPORTS

• **PUBLIC WORKS**

- Councilman Gardner reported that the Adams Street curbing and paving project has been completed.
- 2 cruncher pumps have been installed at SUNY Broome and are operational. The bypass has been left in place.
- The Microtel opened today.

• **FINANCE**

○ **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilman Morabito made a motion to accept the **June Monthly Financial Report** for the **Town Clerk in the amount of \$1,437.01**. On a motion by Councilman Morabito seconded by Councilman Burns. All in favor.

Town Clerk’s Report	
June 2016 in the amount of \$1,437.01:	
<u>NYSDOH</u>	<u>\$90.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$61.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,437.01</u>

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- **PERSONNEL**
 - Councilwoman Exley reported that one of the court clerks is out for surgery. A temporary part time clerk was hired and started on June 22nd to work 15 hrs/per week at \$14.50/hr. until the permanent clerk returns.
- **PLANNING**
 - Councilman Burns reported there will be a Planning Board meeting on Wednesday, July 13th.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Gardner to approve the **Work Session June 6, 2016 and Regular Meeting Minutes of June 13, 2016**. All in favor.
Vote-5 Ayes, Nays-0, Absent-0.

ABSTRACTS FOR APPROVAL

On Motion from Councilman Morabito, seconded by Councilman Burns to approve **abstract # 7**, dated **July 11, 2016** in the amount of **\$311,155.32**. Vote Ayes- 5, Nays-0, Absent-0.

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

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$311,155.32.

Voucher #7 for July 2016 year in the amount of \$311,155.32:

<u>General Fund</u>	<u>\$14,465.65</u>
<u>Part Town</u>	<u>\$20.00</u>
<u>Highway</u>	<u>\$54,934.51</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$4,335.09</u>
<u>Refuse & Garbage</u>	<u>\$10,314.15</u>
<u>Sewer Operating Dist.</u>	<u>\$214,598.36</u>
<u>Water Operating Dist.</u>	<u>\$12,487.56</u>

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125TH ANNIVERSARY

Supervisor Marinaccio encouraged everyone to attend the upcoming 125th Anniversary celebration of the Town of Dickinson which will be held on September 17th from 11am -3pm at **Port Dickinson Park**.

UPGRADE TOWN HALL PHONE SYSTEM

Supervisor Marinaccio stated that the Town Hall's current phone system needs to be replaced and upgraded. The system is 12 years old and we have been having many problems with it. Councilman Morabito reviewed the options and recommended that we stay with our current provider **CPE Interlink**. The quote received from **CPE Interlink** to install/provide equipment and services is \$3,837.00. Councilman Morabito recommends buying the phone system equipment/services versus the lease option because from a cost standpoint there is not enough of a significant savings in selecting the lease option.

Councilman Morabito made a motion seconded by Councilman Gardner to approve the proposed lease quote from **CPE Interlink** in the amount of \$3,837.00 for the installation of equipment and providing services related to a new telephone system at the town hall.

All in favor.

SOLAR ENERGY

Supervisor Marinaccio stated that the State is pushing hard on developing solar energy. The town is considering placing a moratorium on solar farms until we educate ourselves. Mr. Marinaccio stated that he is in favor of solar energy but there are still a lot of questions that need to be answered and we will be able to make better decisions once we have better information.

EMERGENCY PLAN

Supervisor Marinaccio stated that the Town Emergency Plan is being worked on and almost completed.

ATTORNEY

UPDATING CODE FOR DUMPING AND FILL PERMITS AND FEES

Attorney Blaise stated that he and Public Works Commissioner Kie will be going over the dumping and fill permits and fees sections in code in detail.

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RESOLUTION 2016-28

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 AUTHORIZING THE ISSUANCE OF A BOND IN THE AMOUNT OF \$78,000 FOR THE PURCHASE OF A NEW LOADER AND GIVING ADMINISTRATIVE ASSISTANT BEVERLY WIKE THE AUTHORITY TO NEGOTIATE THE LOAN RATE WITH NBT BANK.

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, Absent -0.

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

All in favor: Full copy on resolution file.

RESOLUTION 2016-29

The following Resolution was offered by Councilman Gardner, 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 THE EXISTING LOADER AS SURPLUS AND AUTHORIZING SALE TO TOWN OF FENTON ON TERMS TO BE NEGOTIATED BY PUBLIC WORKS COMMISSIONER KIE.

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, Absent -0.

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

All in favor.

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SOLAR ENERGY MORATORIUM

Attorney Blaise addressed solar energy moratorium and included the following points of discussion:

1. The type of moratorium the town would be putting in place would be subject to 239 review by the County.
2. Attorney Blaise provided a sample moratorium that the Town of Kirkwood put in place in June.
3. The Town of Kirkwood is interested in working jointly with the Town of Dickinson in reviewing code and zoning issues and developing solar energy regulations. Attorney Blaise recommended that the Town of Dickinson board members and planning board members volunteer to participate with the task force group.

Attorney Blaise stated that we need to review our code, particularly permitted use.

Public Works Commissioner Kie commented that new **ICC** codes will be implemented October 3rd which will address many issues and concerns.

Attorney Blaise will revise the sample moratorium to permit residential solar use.

SOLAR FARM OPTING OUT

Attorney Blaise stated that the exemption in place falls under the New York State Real Property Tax Law. Kirkwood opted out of this so they are free to tax solar development. The Town of Kirkwood assessor's view, as is the Town of Dickinson Assessor Jack Cahill's, is that residential installation of solar panels will likely not increase property assessments.

Attorney Blaise stated that by state law any solar development is exempt; you can't distinguish between residential and commercial – you're either all in or all out. Alternatively, the Town has the option to negotiate a **PILOT** agreement. If you leave the exemption in place you can adopt a Local Law.

Attorney Blaise presented the options: The board can leave things the way they are where any solar development is automatically exempt from solar taxation, opt out so that development could be taxed, or choose the option of the middle ground of the **PILOT** agreement which would require negotiation.

Supervisor Marinaccio stated that he would like a plan that would protect the homeowner.

Town Engineer Ron Lake suggested taxing anything over 10,000 kw hours to distinguish commercial income producing entities.

MICROTEL EASEMENTS

Attorney Blaise stated that a temporary Certificate of Occupancy was issued to the Microtel and easements were prepared. Attorney Blaise will follow up with Microtel Attorney Meagher with changes to the water/sewer easements that were not substantial. Mr. Blaise stated that we should have the final for recording for the August meeting.

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CUL DE SAC EASEMENTS

Attorney Blaise stated that he reached out to Microtel Attorney Meagher regarding the boundary lines of the cul de sac. Public Works Commissioner Kie expressed the need to have a drawing with coordinates reflecting the property lines and that the Microtel needs to deed back a portion of the property to the town as a buffer zone for maintenance.

BRANDYWINE HEIGHTS TRANSFER OF UNDEVELOPED TOWN OF DICKINSON PROPERTIES TO MRS. BURKE

Attorney Blaise stated that if the Board is willing to deed the undeveloped properties to Mrs. Burke, then the parcels can go back on the tax rolls. Councilman Morabito commented that the properties hold no value to the town and the original agreement was to deed the properties back to Mrs. Burke. The board members agreed to transfer the properties to Mrs. Burke. Attorney Blaise stated that a permissive referendum is required to transfer the properties over to Mrs. Burke. Mr. Blaise will prepare the appropriate documents for next month's meeting.

CEMETERY PLOTS

Attorney Blaise stated that Administrative Assistant Wike was contacted by Mr. Jones who had purchased plots in Glenwood Cemetery from the Cemetery Association years ago and was deeded property by the Cemetery Association. The Cemetery Association went out of business and the Town assumed the cemetery. Mr. Jones would like to sell the plots back to the town at the purchase price he paid 30 years ago. Mr. Blaise stated that his partner who handles the real estate transactions is working on the complicated research and deed preparation process.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

- Attorney Blaise stated that Public Works Commissioner Kie informed him that he caught a resident helping herself to municipal water by tampering with and disconnecting her water meter. Public Works Commissioner Kie advised the resident that was not an appropriate thing to be doing. Attorney Blaise drafted a letter advising the resident that should this conduct be repeated, the Town will pursue legal course of action against her. Attorney Blaise asked the board if they would like the letter to be sent. The board unanimously agreed to send the letter to the resident and agreed that this is considered theft of services.

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- Public Works Commissioner Kie reported that last Friday there was an accidental illegal discharge of grease into the sewer system at Cracker Barrel. Mr. Kie stated that a letter has been drafted and will be going out to the parties involved - Cracker Barrel and Mr. Rooter. Commissioner Kie stated that the parties are doing everything they have been asked to do in order to clean it up. The sewage treatment board was notified - they can impose fines. All of the activity was documented by Dan Miller in the Water Department.
- Commissioner Kie will be attending the State Association meeting in Buffalo July 14-15.

PLANNING & ZONING BOARD

none

CODE ENFORCEMENT

none

PUBLIC COMMENTS

Supervisor Marinaccio mentioned that he had a meeting with **DOT** and was informed that the noise wall bases will be poured first and the panels, which are custom designed for each space, will be added next year. The bridge is being widened for the sound wall. The completion date for the project is the year 2020.

Supervisor Marinaccio commented that he and Public Works Commissioner Kie complain about the intersection of Front and Old Front Street. Traveling south on RT 81 at exit 5 the center lane is not marked with an arrow sign.

A resident asked about the status of the proposed **Dunkin Donuts** on Downs Ave. Supervisor Marinaccio replied that nothing has been brought back to the board for review and that the County had serious traffic concerns with the proposed project and the zoning would have to be changed. Mr. Marinaccio remarked there was great resistance to the project.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 8:02 PM.

Respectfully submitted,

Susan M. Cerretani

Town Clerk