

August 8, 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, August 8, 2016 in the Town Hall, 531 Old Front Street, Binghamton, New York.

This is the second of the regular meetings of 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
Public Works Commissioner Joel Kie, Code Enforcement Officer Steve Rafferty, Town Historian and Planning Board Chairman David Wasser, Administrative Assistant Beverly Wike, Jeanne Compton, Broome County Sheriff Officer Benjamin Harting and 12 members of the general public.**

CHAIR

Supervisor Marinaccio opened the meeting by welcoming Lt. Benjamin Harting from the Broome County Sheriff's Department. Lt. Harting addressed the concerns of several residents who have complaints regarding the property located at 231 Bevier Street.

SUPERVISOR'S MONTHLY REPORT August, 2016

- Supervisor Marinaccio received the final 2016 State equalization rate for the town. It is at 75.0.
- Just a reminder to everyone that we are still into our summer schedule for board meetings. The next meeting is Monday, Sept. 12. Meetings start at 5:30 pm.
- 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. Invitations to local, state and federal officials are being mailed. Flyers will be delivered to our residents in the near future as a reminder of the event.
- The next Association of Towns & Villages Association meeting will be held in September 22, 6:30. We are planning to hold the meeting at the **Cornell Cooperative Extension's Farmer's Market.**

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SUPERVISOR’S REPORT (CONTINUED)

- 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. Supervisor Marinaccio recommended that we continue to contract with Broome County. Our dog control officer agrees with that.
- Mr. Marinaccio received several calls and letters from residents regarding the dissolution of the garbage district and all were in favor of the dissolution.
- Mr. Marinaccio received a report from Broome County that Dickinson’s second quarterly sales tax share was \$199,741.85. Our 1st quarter share was \$189,875.81 for a total to date of \$389,617.66. We budgeted \$698,096 for 2016.
- Supervisor Marinaccio received a letter from **Duchess County Executive Marcus Molinaro** requesting that we adopt their initiative called “Think Differently”. This request has been sent to all NY State municipalities. City of Troy is the first to adopt this initiative. This initiative is to learn how to better welcome individuals with special needs, to a greater sense of inclusiveness among residents of all abilities. Mr. Marinaccio has given a copy of the sample resolution to Attorney Oliver Blaise for his review, comment and recommendation.
- **Code Violations:**
 1. 61 Old State Rd, tall weeds and grass, broken limbs hazard, property maintenance
 2. 11 N. Broome, tall weeds and grass
 3. 3 N. Louisa, broken basement window, tall weeds, property not being maintained per code
 4. 231 Bevier, yard not properly maintained according to code, tall weeds and grass, excess garbage
 5. 22 Broome, Appearance Ticket issued due to construction without a permit.
 6. 155 Glenwood, building alterations without a permit

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SUPERVISOR’S REPORT (CONTINUED)

Dog Control Report

Supervisor Marinaccio has received the July, 2016 Dog Control report for both the Village and the Town. Stray dogs, dog eating neighbor’s duck, dog defecating in neighbor’s yard while being walked by the owner, dog left on side of the road, Lower Stella.

NYSEG Warning Letter:

No letters issued

CHAIR

PUBLIC COMMENTS

none

COMMITTEE REPORTS

• PUBLIC WORKS

- Councilman Gardner reported that over the last several weeks the Highway Department has received new equipment - John Deere loader, leaf vacuum and box for back of truck.

• FINANCE

- **SUPERVISOR MONTHLY REPORT**
Councilman Morabito made a motion to accept the **June** monthly report seconded by Councilwoman Exley. All in favor.
- **TOWN CLERK MONTHLY FINANCIAL REPORT**
Councilman Morabito made a motion to accept the **July Monthly Financial Report** for the **Town Clerk in the amount of \$1,303.60**. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

Town Clerk’s Report	
July 2016 in the amount of \$1,303.60:	
<u>NYSDOH</u>	<u>\$00.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$66.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,303.60</u>

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- **PERSONNEL**
 - Supervisor Marinaccio thanked Councilwoman Exley for attending the **MEGA (Municipal Electrical and Gas Alliance)** meeting. Both Municipal entities and residents can now participate in the energy program to take advantage of better consumer rates and bulk energy purchasing. Councilwoman Exley would like to have a **MEGA** representative address the board at a future meeting.

- **PLANNING**
 - Councilman Burns reported the August 29 Planning Board Meeting date has been changed to August 25th, 6PM. The **Taste of New York** site plan and zoning recommendation for **The Agency** will be discussed.
 - The Planning Board will be finishing up the Comprehensive Plan.

APPROVAL OF MINUTES

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

ABSTRACTS FOR APPROVAL

On Motion from Councilman Morabito, seconded by Councilman Gardner to approve **abstract # 8**, dated August 8, **2016** in the amount of **\$437,879.23**. 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 voting Aye

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$437,879.23.

Voucher #8 for August 2016 year in the amount of \$437,879.23:

<u>General Fund</u>	<u>\$58,183.68</u>
<u>Part Town</u>	<u>\$5,000.00</u>
<u>Highway</u>	<u>\$189,944.01</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$4,436.84</u>
<u>Refuse & Garbage</u>	<u>\$10,314.15</u>
<u>Sewer Operating Dist.</u>	<u>\$53,456.53</u>
<u>Water Operating Dist.</u>	<u>\$116,544.02</u>

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CHAIR

GARBAGE DISTRICT RESIDENTS NOT BILLED FOR SERVICES

Supervisor Marinaccio stated that it came to our attention that there are 4 residents who live in the Lower Stella Ireland Rd area that have not been paying for garbage services that they are receiving. These residents have not paid for garbage services for approximately 4 years time. If the **Garbage District** is dissolved, the residents who have been receiving garbage services will be billed (on their taxes) for the past year. Supervisor Marinaccio stated that it is Broome County's error.

TOWN EMERGENCY PLAN

Supervisor Marinaccio stated that he has given a copy of the Town Emergency Plan to Councilman Gardner and Town Clerk Susan Cerretani. Once the inventory is received from Public Works Commissioner Kie and the Organizational Chart is completed, the Board will review the plan. Once the Board reviews the Emergency Plan, if accepted, it will then be forwarded on to Jerry Marinich, **Director of Broome County Emergency Services** and the **Broome County Planning Department** for 239 review.

ATTORNEY

Attorney Blaise reported that a Public Hearing regarding the dissolution of the **Garbage District** was held last month at the **Polish Community Center**. Mr. Blaise recommended that the Board move forward as quickly as possible with a decision because bids need to be solicited if the District is to be maintained.

Attorney Blaise stated that the Board has three choices:

1. Modify the Garbage Dissolution Plan
2. Accept the Garbage Dissolution Plan as is
3. Choose to not dissolve the Garbage District

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RESOLUTION 2016- 30

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 APPROVING THE PLAN FOR THE DISSOLUTION OF THE GARBAGE DISTRICT EFFECTIVE DECEMBER 31, 2016.

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.

Supervisor Marinaccio stated that each resident will receive a letter notifying them that the Garbage District has been dissolved and the residents must contract with their own individual hauler. The residents will be provided with contact information for local garbage haulers.

UPDATE CODE FOR DUMPING, FILL PERMITS AND FEES

Attorney Blaise commented that he and Public Works Commissioner Kie will attempt to meet to go over and update the code regarding fill permits and fees before the next town board meeting.

SOLAR ENERGY MORATORIUM

Attorney Blaise stated that at the July meeting it was discussed that rather than putting a total moratorium in place for all development of solar and wind energy, maybe something that would permit continued residential development could be put in place. Attorney Blaise asked Code Enforcement Officer Rafferty what we currently have in place in our code that covers residential solar installations. Mr. Rafferty replied “nothing.” Supervisor Marinaccio stated that the board is considering a moratorium because they don’t have enough information relative to solar farms. The board wants to educate themselves and protect the town. The board is not opposed to solar energy development but there are still many questions about waste, disposal, etc.

Attorney Blaise asked the board how it wants to distinguish what falls under the moratorium - size or output level. The board agreed on a maximum output of 12,000 kw. The moratorium is designed for one year.

Attorney Blaise will revise the solar moratorium Local Law and bring it back to the board next month for review.

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LOCAL LAW APPROVAL OF PILOT AGREEMENTS FOR SOLAR DEVELOPMENT

Attorney Blaise stated that the exemption is automatically in place under the New York State **Real Property Tax Law RPTL § 487**. Town of Dickinson Assessor Jack Cahill's stance is that residential installation of solar panels will likely not increase property assessments.

Attorney Blaise presented the 3 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. Attorney Blaise prepared a sample **PILOT** agreement, which is used by the Town of Otego, and a list of FAQ's from the **New York State Department of Finance** for the board members to review.

THE AGENCY

Attorney Blaise stated that we received an application for a petition to change the zoning on the area of the **SUNY Broome** campus where **The Agency** building is proposed. We will schedule a Public Hearing for the September 12th meeting at 5:30 to consider whether the zoning change should be implemented. Code Enforcement Officer Rafferty has already submitted the **239** to the **Broome County Planning Department**. The zoning change is from **R1 to PUD**. We will have the Planning Board recommendation after its August 25th meeting.

RESOLUTION 2016- 31

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 TO SCHEDULE A PUBLIC HEARING FOR THE SEPTEMBER 12, 2016 TOWN BOARD MEETING AT 5:30 TO CONSIDER THE PROPOSED ZONING CHANGE FROM R-1 TO PUD AND APPROVAL OF THE PRELIMINARY ZONING PLAN FROM FOR THE PROPOSED BUILDING SITE FOR THE AGENCY.

We will have Planning Board recommendation after the August 25th meeting.

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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APPROVING MICROTEL EASEMENTS AND AUTHORIZING SUPERVISOR TO SIGN

RESOLUTION 2016- 32

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 APPROVING MICROTEL EASEMENTS AND AUTHORIZING SUPERVISOR MARINACCIO 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 – 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.

TRANSFER OF PROPERTY AROUND ADAMS STREET CUL DE SAC FROM MICROTEL TO TOWN

Attorney Blaise stated that we secured the information needed to officially transfer property around the Adams Street cul de sac from the Microtel to the Town.

Public Works Commissioner Kie recommended that once the transfer of property is official that this part of Adams Street be adopted as Town roadway by resolution so that it is included in the CHIPS calculation for road payments from the State.

RESOLUTION 2016- 33

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 DECLARING UNDEVELOPED BRANDYWINE HEIGHTS PARCELS AS SURPLUS AND AUTHORIZING TRANSFER TO MRS. BURKE SUBJECT TO PERMISSIVE REFERENDUM

Councilman Gardner clarified that originally there were 3 additional lots and Mrs. Burke purchased those lots directly from the County and not from the Town because the County foreclosed on those lots.

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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.

The Town Clerk will arrange to have the permissive referendum published in the Binghamton Press within 10 days.

TRANSFER OF CEMETERY PLOTS TO TOWN

Attorney Blaise reported that his law partner is working on the cemetery plot transfer paperwork in process. The Town will purchase the plots back for the same amount paid for the plots back in the 1970's.

ZONING OF 340 PROSPECT STREET

Code Enforcement Officer Rafferty researched the 340 Prospect Street property along with several of the surrounding properties and was unable to find the original 1972 zoning map records. Mr. Rafferty stated that the 1984 zoning map shows 8 or 10 area lots as being zoned **PUD**.

A long discussion followed to try to determine what the zoning should be and how to correct it. The consensus was to look at the whole character of the neighborhood. Code Enforcement Officer will look at what is there now and what it is being used for and report back to the board. Attorney Blaise remarked that the fundamental question to the board is what should it be zoned.

TRANSFER OF TAFT AVENUE RIGHT OF WAY TO RESIDENTS

Attorney Blaise stated that the transfer of Taft Avenue right of way papers have been signed and are in the process of being filed with the County Clerk's Office.

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PARTICIPATION IN THE COUNTY HEALTH DEPARTMENT VACANT PROPERTY

RESOLUTION 2016- 34

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 APPROVING AUTHORIZATION TO ENTER INTO THE AGREEMENT TO PARTICIPATE IN THE BROOME COUNTY HEALTH DEPARTMENT VACANT PROPERTY PROGRAM AND AUTHORIZING THE SUPERVISOR 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 – 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.
Copy on file.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

- Public Works Commissioner Kie reported that while the college is out of session and the dorms are empty, the water and sewer system has been functioning properly with no issues.
- Public Works Department has been working on catch basin maintenance.
- The Agency will move the water main on the proposed building site.

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PLANNING & ZONING BOARD

Jeanne Compton was welcomed back from her recent surgery.

David Wasser reported that the Anniversary Celebration committee will meet to go over details such as signs for parking and door hangers for the upcoming event. **PAST preservation Association of the Southern Tier** is having a house tour on the same day as the Town's Anniversary celebration – they will be picking up tickets at the Port Dick Fire Station. Supervisor Marinaccio stated that invitations were mailed to federal, state and county officials along with two previous supervisors – Mr. Conklin and Mr. Moran. 70 local supervisors and mayors received email invitations. Congressman Hanna will be attending; Senator Charles Schumer or his representative will be attending. Assemblyman Clifford Crouch will attend as well as our local Senator, Fred Akshar.

PUBLIC COMMENTS

none

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:35 PM.

Respectfully submitted,

Susan M. Cerretani

Town Clerk