

September 12, 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, September 12, 2016 in the Town Hall, 531 Old Front Street, Binghamton, New York.

This is the third 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

Danny F. Morabito, Councilman

Thomas J. Burns, Councilman

Absent: Councilwoman Exley

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, Assessor Jack Chill, Town Engineer

Ron Lake, Representatives from Delta Engineers – Anthony Paniccia and

Maxwell Bendert, Deputy Director of Community & Economic Development

for The Agency Stacey Duncan , and 8 members of the general public.

CHAIR

SUPERVISOR'S MONTHLY REPORT

September, 2016

- 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 were mailed. Flyers were delivered to residents in the town and village.
- 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**.
- 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.

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SUPERVISOR'S REPORT (CONTINUED)

- Once again **Coughlin & Gerhart** will be conducting their 35th Annual Labor & Employment Law Update on October 4, 2016, starting at 7:30 am for registration & Breakfast and 8:30 to 12:30 for the program. It will be held at the **Doubletree**.
- Our Planning Board has been and will continue to be extremely busy. Dave Wasser can update us later in the meeting.
- Supervisor Marinaccio met with some officials from BOCES to discuss the “**Think Differently**” program started in Dutchess County. This program supports persons with autism and has many municipalities throughout the state joining them in their efforts. BOCES supports this program and is willing to partner with us if we adopt the resolution that is before us tonight. Mr. Marinaccio supports this effort 100%.
- After receiving a call from a resident who lives on Front St. inquiring about a sign that was recently placed in front of his neighbor’s house, Supervisor Marinaccio investigated and noticed that the sign was directly placed in front of the house just off of the sidewalk but still in the **NYS DOT** right away. The sign pointed towards the home with an arrow indicating where the Red Roof Inn was. It did not make sense to Mr. Marinaccio. The Supervisor contacted DOT and was told that while this sign is permissible through **DOT** permitting process, the sign was placed incorrectly and should have been several hundred feet closer to the Front St.-Old Front St. intersection. The sign will be relocated in the near future.
- The **Prospect Terrace Fire Department** and our town were notified by Assemblyman Crouch that the Governor signed into A.9827 Crouch and S.7366 Akshar into Law. This legislation would exempt the **Prospect Terrace Fire Company** from the requirement that a percentage of non-resident fire department members not exceed 45% of the total membership.
- Due to the recent changes that were announced by County Executive Preston regarding Sales Tax distribution, our town is estimated to receive an additional \$21,201 for 2017.
- Fees due to our town for Non-Broome County residents housed at the **Broome County Jail** during the second quarter of this year is \$1,824.14.
- **Code Violations:**

None

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SUPERVISOR'S REPORT (CONTINUED)

- **Dog Control Report**

Not received

- **NYSEG Warning Letter:**

No letters issued

CHAIR

Supervisor Marinaccio opened the Public Hearing portion of the meeting at 5:30 PM.

PUBLIC HEARING 5:30 PM: LOCAL LAW TO AFFECT A MORATORIUM WITHIN THE TOWN OF DICKINSON ON THE PLACEMENT OF CERTAIN SOLAR AND/OR WIND ENERGY EQUIPMENT, MATERIALS AND SUPPORT ACTIVITIES

Attorney Blaise stated that facilities with twelve thousand kilowatt output would be restricted during the 12 month moratorium period to allow the Town time to study the development.

Hearing no comments the Public Hearing was closed at 5:37 PM.

PUBLIC HEARING 5:35 PM: RE-ZONING OF 883 UPPER FRONT STREET FROM R-1 TO PUD

Attorney Blaise stated that this is the parcel where The Agency building is proposed with a zoning change from R-1 to PUD light industrial on the Southeast corner of SUNY Broome Campus. The footprint of building is to be leased to the Agency from the County and re-zoned.

Public Comments:

Question: Why is this not considered spot rezoning?

Response from Attorney Blaise: There is an adjacent development (**The Gardens**) across the street which is zoned PUD. PUD uses give the Town flexibility to designate what goes on in a PUD development zone.

Public Comment: What is planned? Too many car dealers on Front St.

Supervisor Marinaccio replied: Car lots are all in the Town of Chenango – zoned commercial. Supervisor Marinaccio explained that The Agency will be a multi-use building with the goal to develop economic and business development.

Public Hearing closed at 5:42 PM.

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COMMITTEE REPORTS

- **PUBLIC WORKS**
 - Councilman Gardner reported that he met with Public Works Commissioner Joel Kie to review the Highway and Water Department budget for 2017.
- **FINANCE**
 - **SUPERVISOR MONTHLY REPORT**
Councilman Morabito made a motion to accept the **July** monthly report seconded by Councilman Gardner. All in favor.
 - **TOWN CLERK MONTHLY FINANCIAL REPORT**
Councilman Morabito made a motion to accept the **August Monthly Financial Report** for the **Town Clerk in the amount of \$1,667.45**. On a motion by Councilman Morabito seconded by Councilman Burns. All in favor.

Town Clerk’s Report	
August 2016 in the amount of \$1,667.45:	
<u>NYSDOH</u>	<u>\$90.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$55.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,667.45</u>

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 months of July and August in the amount of **\$23,831** and **\$37,162** respectively. On a motion of Councilman Morabito and seconded by Councilman Burns. All in favor.

ABSTRACTS FOR APPROVAL

On Motion from Councilman Morabito, seconded by Councilman Burns to approve **abstract # 9**, dated September 12, **2016** in the amount of **\$120,489.20**. Vote Ayes- 4, Nays-0, Absent-1.

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

Unanimously passed and noted as duly adopted.

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Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$120,489.20.

Voucher #9 for September 2016 year in the amount of \$120,489.20:

<u>General Fund</u>	<u>\$74,932.21</u>
<u>Part Town</u>	<u>\$200.00</u>
<u>Highway</u>	<u>\$20,115.85</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$4,818.55</u>
<u>Refuse & Garbage</u>	<u>\$10,314.15</u>
<u>Sewer Operating Dist.</u>	<u>\$3,719.70</u>
<u>Water Operating Dist.</u>	<u>\$6,388.74</u>

- **PERSONNEL**
 - Supervisor Marinaccio reported that our Court clerk is back from medical leave, therefore the temporary clerk is no longer needed at this time.

- **PLANNING**
 - Planning Board Chair Wasser reported that there will be a Public Hearing September 26th at 6PM on the Comprehensive Plan. The Comprehensive Plan can be viewed on the Town’s website (www.townofdickinson.com) or at the Town Clerk office.
 - Plans for the Taste of New York have been approved – to be located next to the Farmers Market. The Cutler House will be added on to.
 - The Town of Dickinson 125th Anniversary celebration will take place Saturday, September 17th at **Port Dick Park** in the Village of Port Dickinson from 11AM–3PM. Supervisor Marinaccio thanked Mr. Wasser and the committee for all their hard work in planning this event.

PUBLIC COMMENTS

Resident Jim Love remarked that **DOT** installed new arrow signs at the intersection of Front and Old Front Street. Supervisor Marinaccio and Public Works Commissioner Kie had asked for these signs some time ago and are happy to see that they have been installed.

APPROVAL OF MINUTES

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

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CHAIR

GARBAGE DISTRICT DISSOLUTION

Supervisor Marinaccio stated that the Garbage District will be dissolved at the end of the year. All of the notifications have been mailed out.

TOWN OF GREECE ZOMBIE PROPERTY LAW

Supervisor Marinaccio provided the board members with information regarding Zombie properties. Mr. Marinaccio encouraged the Board members to read the information so that it can be discussed at the next meeting.

ATTORNEY

RESOLUTION 2016- 35

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 DECLARING TOWN AS LEAD AGENCY FOR THE AGENCY BUILDING PROJECT AT SUNY BROOME

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

All in favor.

Discussion: Councilman Morabito questioned why the Town, rather than the County, would want to be the lead agency for the project. Mr. Morabito was particularly concerned about responsibility, liability and expertise issues. Attorney Blaise explained that because it isn't specifically a project for the school (**SUNY Broome**), it would be a good fit for the Town and stated that the County has done the bulk of the underlying work in regard to **SEQRA**. **Delta Engineers, Architects, & Land Surveyors** and **The Agency** have already kept the Town involved with the project. Attorney Blaise stated that Code Enforcement Officer Rafferty, Public Works Commissioner Kie and Town Engineer Lake feel confident that they can oversee the project.

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RESOLUTION 2016- 36

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: NEGATIVE ENVIRONMENTAL IMPACT FOR THE AGENCY BUILDING PROJECT 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 – 4, Nays – 0, Absent -1.

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

All in favor.

RESOLUTION 2016- 37

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 RE-ZONING OF 883 UPPER FRONT STREET FROM R-1 TO PUD

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

All in favor.

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RESOLUTION 2016- 38

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: APPROVING PUD PLAN FOR 883 UPPER FRONT STREET TO ACCOMMODATE AGENCY BUILDING PROJECT

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

All in favor.

RESOLUTION 2016- 39

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: NEGATIVE ENVIRONMENTAL IMPACT FOR SOLAR DEVELOPMENT 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 – 4, Nays – 0, Absent -1.

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

All in favor.

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RESOLUTION 2016- 40

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: LOCAL LAW TO AFFECT A MORATORIUM WITHIN THE TOWN OF DICKINSON ON THE PLACEMENT OF CERTAIN SOLAR AND/OR WIND ENERGY EQUIPMENT, MATERIALS AND SUPPORT ACTIVITIES WITHIN 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 – 4, Nays – 0, Absent -1.

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

All in favor.

Attorney Blaise has a meeting scheduled with Kirkwood’s Supervisor next week. The Town of Kirkwood is interested in partnering with the Town of Dickinson to share information regarding solar development.

ZONING OF 340 PROSPECT STREET

Code Enforcement Officer Rafferty reported that there are several parties who are interested in acquiring and developing the property. The property needs to be rezoned to match the neighborhood. Code Enforcement Officer Rafferty will follow up next month.

UPDATE CODE FOR DUMPING AND FILL PERMITS AND FEES

Attorney Blaise will be meeting with Public Works Commissioner Kie and Code Enforcement Officer Rafferty next week to go over updates for code for dumping and fill permits and fees.

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

Attorney Blaise stated that one of his partners is working on the transfer and Mr. Blaise will follow up with an update at next month’s meeting.

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TRANSFER OF CEMETERY PLOTS TO TOWN

The transfer of cemetery plots has been accomplished.

THINK DIFFERENTLY PROGRAM

Supervisor Marinaccio would like the town to partner with BOCES in order to support the THINK DIFFERENTLY program to raise public awareness for autism. Attorney Blaise will prepare a resolution for the October meeting.

RESOLUTION 2016- 41

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 RETAINER AGREEMENT FOR TAX ASSESSMENT APPRAISAL IN THE AMOUNT OF \$6,500

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

All in favor.

231 BEVIER STREET

Supervisor Marinaccio stated that we are still getting reports on 231 Bevier Street and following it closely.

AG & MARKETS INSPECTION

Supervisor Marinaccio stated that he received the inspection report from **NYS Ag & Market**. The inspection report for our Dog Control Officer was completely satisfactory.

September 12, 2016 – WORK SESSION & REGULAR MEETING

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

- Public Works Commissioner Kie asked Attorney Blaise to try to have the follow up paperwork for the Adams Street for the next meeting and the inventory has to be in to the state by November. Mr. Kie stated that we have to schedule for next month's meeting a resolution adopting that.
- Public Works Commissioner Kie met with Scott from **DOT** regarding the **Red Roof** sign. The sign will be moved to a new location shortly.
- David Bloodgood, Senior Risk Control Specialist from **NYMIR** conducted an inspection of the Town Hall and Highway Garage.
- Public Works Commissioner Kie reported that Sowden Street sound barrier holes are being drilled.

PUBLIC COMMENTS

- A member of the general public questioned whether The Agency building which will be zoned PUD would be tax exempt. Assessor Cahill responded that the commercial offices within the building will be taxed by square footage.
- A village resident requested the board consider the re-zoning of 507 Glenwood Rd. from residential to agricultural. Currently, the property is a vacant 19 acre parcel zoned R-1. The resident is interested in purchasing the property if it could be used for horses and animals. Code Officer Rafferty will research and get back to the resident.

The meeting was adjourned to executive session on motion of Councilman Morabito and seconded by Councilman Burns at 6:42 PM.

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The Board came out of executive session in order to vote on a resolution authorizing Town Attorney Blaise to pursue litigation as a matter outside of the legal services retainer.

RESOLUTION 2016- 42

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 TOWN ATTORNEY BLAISE TO PURSUE LITIGATION OUTSIDE OF THE LEGAL SERVICES RETAINER AND BILL THE TOWN THEREFOR ON AN HOURLY BASIS AT A RATE OF \$200/HOUR.

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

All in favor.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 8:15 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk