

**March 7, 2016 – WORK SESSION**

**The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, March 7, 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 Cerretani, Town Clerk**

**Also in attendance:**

**3 Town of Dickinson residents**

**CHAIR**

**Supervisor Marinaccio opened the Public Hearing portion of the meeting.**

**PUBLIC HEARING:**

The public hearing was opened at 5:30PM by Supervisor Marinaccio **REGARDING THE ADOPTION OF A LOCAL LAW THAT WOULD AMEND CHAPTER 484, PERTAINING TO “STREETS AND SIDEWALKS,” AND CHAPTER 528, PERTAINING TO “VEHICLES AND TRAFFIC.”**

Attorney Blaise explained the specific provisions of the amended Local Law. The word “pave” will be removed so there is no confusion - sidewalks must be concrete, not asphalt. The references to Burbank Avenue will be removed because the street no longer exists. The code will be altered to match the placement of the stop signs on Taft Ave.

**PUBLIC COMMENTS:**

A resident of North Moeller Street/ Brandywine Heights area commented on the new connector road and remarked how beneficial it is. She remarked that she has not noticed an increase in truck traffic or traffic overall and that the addition of the connector has taken away the fear of residents being cut off by a train blocking the roadway. Supervisor Marinaccio told the resident that he appreciates her comments. With no further comments or questions, Mr. Marinaccio closed the public hearing at 5:35 PM.

## **NEWSLETTER ARTICLES**

Supervisor Marinaccio stated that the 2016 newsletter is just about complete and a draft will be put together tomorrow and checked for typos. It will then be sent to the board members for their review and on to the printer in a week or two.

## **REPORT OUT OF ASSOCIATION OF TOWNS TRAINING, FEBRUARY 2016 - NEW YORK CITY**

Supervisor Marinaccio and Councilman Gardner attended the 2016 AOTV training in New York City. Mr. Marinaccio remarked that it was a good trip and that the meetings they were able to attend related directly to what we do here at the town. Councilman Gardner stated that it was a beneficial meeting and there were several sections on fiscal responsibility as board members and information on the tax cap and what we can expect in the future.

Supervisor Marinaccio stated that the business portion of the meeting ran smoothly and timely. Mr. Marinaccio mentioned that he is pleased that our Town Board and Highway Department interact so well. He discovered this is not the case in many of the municipalities.

Councilman Burns asked what percentages of Highway Superintendents are appointed. Highway Superintendent Kie replied that out of 932 towns and villages, approximately 800 are elected, the others are appointed.

## **CMA SMALL CELL PROJECT**

Supervisor Marinaccio stated that he was contacted by Paul Reynolds, a consultant for CMA. Attorney Blaise explained that CMA installs mini cell receivers by attaching them to existing structures such as light poles or buildings, or erecting new poles when necessary. The receiver acts as a booster for improved cell reception. Generally, this company will try to make a deal with the municipality that owns the utility structures. There can be a flat fee rental to attach to a structure or the Town would receive a percentage of whatever revenue was generated by the receivers. CMA would conduct a survey of the town to see where to place the devices. The company would work with the town and get our approval. Private or commercial property may have to go through site planning unless it is subject to Telecommunications Act that was passed in 1999 by Congress. Attorney Blaise stated that we need to check the telecommunications law in our town code. The board members agreed that the next step would be to obtain more precise information. Supervisor Marinaccio stated that Mr. Reynolds told him that a gentleman by the name of Mr. Washington would meet with the board to discuss the details at a later date.

## **BROOME COUNTY EXECUTIVE PRESTON**

Supervisor Marinaccio stated that Broome County Executive Debbie Preston will be at the next board meeting to discuss what is going on at the County level.

## **SOLAR FARM**

Supervisor Marinaccio stated that there is a rumor of possible plans for the development of a Solar Farm on the Sweet property located on Glenwood Rd. He mentioned that the property is zoned R-1.

**BEVIER STREET PROPERTY**

Supervisor Marinaccio received a letter from a resident regarding the problem property at 231 Bevier Street. Mr. Marinaccio stated that here are ongoing issues with the property and hopefully they will be rectified soon.

**ATTORNEY**

**COUNTY SHARED SERVICES AGREEMENT**

Attorney Blaise stated that the Broome County Legislature adopted the agreement that we sent over. The Town Clerk has received a signed copy and it has been filed and a copy was mailed to the County.

**INTERMUNICIPAL AGREEMENT REGARDING THE PROVISION OF COOPERATIVE HIGHWAY SERVICES (VILLAGE OF JOHNSON CITY, CITY OF BINGHAMTON, BROOME COUNTY)**

Attorney Blaise stated that next week the board can formally adopt the revisions to the agreements for the City and the Village.

**INVALID HOME RULE LEGISLATION HOTEL MOTEL OCCUPANCY TAX FILING – READOPT RESOLUTION**

Attorney Blaise stated that it was brought to Town Clerk Cerretani’s attention by Assemblyman Crouch’s office that the timing was off on our request to institute a hotel occupancy tax. The Board needs to readopt the resolution and send it to Assemblyman Crouch’s office to be reintroduced into the Legislature. Mr. Blaise will prepare the updated resolution for next week’s meeting.

**2016 TOWN CLEAN-UP DAY**

Public Works Commissioner Kie will have a date for the Municipal Cleanup day by next week.

**CODE ENFORCEMENT**

**LOWER STELLA IRELAND PROPERTY/JUNKYARD**

Code Enforcement Officer Rafferty stated that **Joe’s Garage** and vehicle dismantling business on Stella Ireland Road has a new owner. The owner wants to open a car sales lot and repair garage. The property is zoned R-1 and the property has lost its nonconforming status since it has been vacant for more than a year. The new owner stated that the State dismantling license that they issue does not expire until 2017. However, the Town Code takes priority over the state license. At this point, unless the property is rezoned or applies and receives a use variance, the property can only be used in accordance with the permitted uses in the R-1 district. Zoning would be considered a spot zone and he received the property as a result of the estate from Joe’s wife. The

property owner will retain attorney Sarah Campbell to represent him. Supervisor Marinaccio voiced concerns about possible environmental issues with this property. Attorney Blaise stated that the town does not have jurisdiction over environmental issues.

**STATUS OF ADAMS STREET PROPERTY**

Attorney Blaise stated that the Adams Street property has been a problem for more than five years having gone through several cycles of citations, fines, trials and convictions for code violations. The resident continues to pay the fines but cannot seem to pull the trigger and get the property cleaned up. Instead of continuing this cycle in town court, Attorney Blaise will look into getting an order by Supreme Court to get it cleaned up.

**PUBLIC WORKS**

**GLENWOOD CEMETERY**

Public Works Commissioner Kie reported that a tree fell in the cemetery. Fortunately, it missed most of the headstones. Mr. Kie commented that there are so many large trees and asked whether we should spend money each year selectively removing trees so they don't damage headstones. Supervisor Marinaccio recommended that Commissioner Kie plan ahead and put it in the budget.

Mr. Kie reported that he caught three kids in a car in the cemetery, took a picture of their license plate, confronted them, and gave all their information to the Sheriff's Department. Mr. Kie reported that the Sheriff's Department is patrolling the cemetery and a police officer is now picking up hypodermic needles that are being found in the cemetery. Supervisor Marinaccio mentioned if St. Michael's Cemetery agreed to open and close their gate at certain times that might help prevent people who are engaging in drug activity from going into the cemetery.

**ASSESSOR**

None.

**PLANNING AND ZONING BOARDS**

None.

On motion by Supervisor Marinaccio, the work session was adjourned by motion from Councilman Morabito and seconded by Councilman Burns at 6:39PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk