

August 6, 2018 – 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 at 5:30 PM on Monday, August 6, 2018 in the Town Hall, 531 Old Front Street, Binghamton, New York.

This is the second 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. This meeting date was changed from August 13th to August 6st by resolution by the Town Board, publicized in the Binghamton Press, published on the Town of Dickinson website and posted on the Town of Dickinson signboard.

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
Public Works Commissioner Joel Kie, Town Engineer Ron Lake,
Administrative Assistant Beverly Wike, Zoning Board Chair Jeanne
Compton and 1 member of the general public.**

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

SUPERVISOR'S MONTHLY REPORT August, 2018

- 1. Supervisor Marinaccio stated that we need to change how we post our meeting minutes. Under Public Officers Law section 106(3), minutes are supposed to be available within two weeks of the meeting. In addition, the Board isn't required to formally approve the minutes since, by law, the Town Clerk makes the final call as to what is included, or not, in the minutes. However, there is nothing wrong with the Board offering edits or voting to acknowledge their approval of the minutes. The Town Clerk can mark the minutes as "draft" or "unapproved" if published before the Board can meet to formally approve them. They need to be put on the website, or otherwise made available by the Town Clerk, within two weeks of our meetings. The same goes for ZBA and Planning minutes.**

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SUPERVISOR'S REPORT CONT'D

2. The Town of Dickinson will proclaim August 12 as Jack Williams Day in the Town of Dickinson. A retirement reception will be held at the **Relief Pitcher** on Aug. 12, from 2 to 5 pm. Supervisor Marinaccio cannot attend due to being out of town but he will generate a proclamation and have it presented by Councilman Gardner.
3. Councilperson Exley and Mr. Marinaccio will be meeting with Tom Pudish, President of the **Prospect Terrace Fire Company** to discuss the renewal of the fire protection contract. The date is set for Wednesday, Aug. 8th at 5 pm at the fire station. Ms. Exley and Mr. Marinaccio will report the meeting results to the board.
4. January 1, 2019, the **Enhanced Fire Fighters Cancer Disability Benefits** legislation, volunteer companies or fire districts must provide cancer coverage to volunteer firefighters who have at least five years of service and are also certified to provide interior structure services. NY State has yet to release the rules under which this program must operate. Expected cost to be no more than \$300 per qualifying firefighter.
5. Town of Dickinson final 2018 State Equalization Rate is 74.63.
6. **ACHIEVE** has successfully applied for a fireworks permit for their **Savor the Summer** annual event to be held on Thursday, August 23. Fireworks will begin around 9 pm.
7. Sales Tax revenue for the 2nd quarter is \$225,842.42. Total revenue for our town year to date is \$433,085.19. We budgeted \$820,000 for the 2018 budget year.
8. Fees due to the Town for inmates held at the **Broome County Jail** for non-Broome Country charges during the 2nd quarter for 2018 are \$14,719.11.
9. Supervisor Marinaccio continues to receive complaints regarding vehicles speeding on Market St. He received a video of one vehicle that is constantly observed speeding and going through the stop sign. A copy of the video was sent to the Sheriff's Department.
10. Supervisor Marinaccio received a message from **BOCES Superintendent** Allen Buyck informing him why there has not been a lot of activity recently on the building project on Glenwood Road. Mr. Buyck stated "The State Education finally got around to reviewing the lease agreements, they notified us of some issues that they had. I personally went to Albany yesterday to talk to the **Commissioner of Education** and we are working through some alternate arrangements with the builder that will satisfy her concerns. Our goal is to get this back on track as soon as we can. In the meantime, we instructed the builder to stop any further work until we get this resolved."

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SUPERVISOR’S REPORT CONT’D

Code Violations Report:

1. 143 Glenwood Rd., lawn not mowed, shopping cart in driveway, various debris left in yard
2. 62 Sowden, garbage at curb, mattress, etc.
3. 354 Prospect, garbage in trailer

Dog Control Report

The July Dog Control Officer report was submitted to me for both the village and the town: stray dogs running loose and captured, stray pit bull in resident yard, dog owner showed up before capture, was given a warning. Call came in on 2 dogs fighting, both owners had dogs on a leash, neither party wanted to press charges, **Broome Security** was involved.

NYSEG Warning Letter:

No warning letters issued to property owners by **NYSEG** this month.

PUBLIC COMMENTS:

No comments heard.

COMMITTEE REPORTS

- **PUBLIC WORKS**
 - Councilman Gardner had nothing to report.
- **FINANCE**

SUPERVISOR’S MONTHLY FINANCIAL REPORT

Councilman Morabito made a motion to approve the **June 2018 Supervisor monthly report** seconded by Councilman Gardner. All in favor.

TOWN COURT MONTHLY FINANCIAL REPORT

Councilman Morabito made a motion to accept the Financial Report for the **Town of Dickinson Court** for the month of **June, 2018** in the amount of **\$40,578**. On a motion of Councilman Morabito and seconded by Councilman Burns.

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TOWN COURT MONTHLY FINANCIAL REPORT CONT'D

Town portion: \$8,149.50
State portion: \$31,424.00
County portion: \$952.00
Total: \$40,578.00
All in favor.

TOWN CLERK MONTHLY FINANCIAL REPORT

Councilwoman Morabito made a motion to accept the **July, 2018 Monthly Financial Report** for the **Town Clerk in the amount of \$1,713.00**. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

July 2018 in the amount of \$1,713.00:	
<u>NYSDOH</u>	<u>\$90.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$49.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,713.00</u>

ABSTRACTS FOR APPROVAL

On Motion from Councilman Morabito, seconded by Councilman Burns to approve **abstract # 8**, dated **August 6, 2018** in the amount of **\$496,266.72**. 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 \$496,266.72.

Voucher #08 for August 2018 in the amount of \$496,266.72:

<u>General Fund</u>	<u>\$52,092.96</u>
<u>Part Town</u>	<u>\$0.00</u>
<u>Highway</u>	<u>\$92,718.81</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$3,727.26</u>
<u>Sewer Operating Dist.</u>	<u>\$190,902.34</u>
<u>Water Operating Dist.</u>	<u>\$156,825.35</u>

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- **PERSONNEL**
 - Councilwoman Exley had nothing to report.
- **PLANNING**
 - Nothing to report.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Gardner to approve the **Work Session and Regular Meeting Minutes of July 09, 2018**. All in favor.

- Supervisor Marinaccio mentioned that he is concerned about abandoned properties in the town.
- The **Sunrise Terrace Association** held a meeting July 11th at the Town Hall and formed committees.
- There will be an Ice Cream Social at the **Children's Home** on August 14th from 5-8 pm.
- The **Dormitory Grant** is still in effect. Public Works Commissioner Kie is obtaining bids for automatic doors.

ATTORNEY

AGREEMENT FOR SEWER HOOKUP ON TERRACE DRIVE

Attorney Blaise spoke to the issue of a sewer break on Terrace Drive. He stated that Public Works Commissioner Kie secured quotes for the homeowner for a connection into the sewer. The resident was given two options, each with their specific requirements:

Option A: connecting into Terrace Drive

Option B: Going down to Sunrise Drive

Attorney Blaise will follow up with the homeowner this week.

RESOLUTION 2018-22

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 TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 10th
AT 5:30 PM TO REVISE THE DOG LICENSING LATE FEE DEADLINE FROM
60 DAYS TO 15 DAYS AFTER THE EXPIRATION OF THE LICENSE.**

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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RESEARCH CEMETERY FUNDS

There is a sum of \$56,000 in the cemetery account that is not available to the town. The town can only use the interest income from the account which amounts to approximately \$3.00/year. The money is for perpetual care. The law was in place when the Town took the cemetery over. It pertained to private cemeteries but does not pertain to municipalities.

We would like to gain access, with court approval, to open up the restricted funds. The Town would then place the monies into a savings account to gain interest and use the money to help offset the cost of the cemetery.

The research would be outside the retainer because it would be considered ‘specialized work.’ Attorney Blaise will look at the auditor’s notes, prepare court papers and prepare a formal petition to be presented in Supreme Court.

If the funds are released, the money would then be applied to the retainer charges.

RESOLUTION 2018-23

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 TO APPOINT OLIVER N. BLAISE III, ESQ. FOR LEGAL AND COURT PROCEEDINGS OUTSIDE THE RETAINER TO SECURE THE RELEASE OF THE RESTRICTIONS ON THE CEMETERY FUNDS AT A RATE OF \$200.00 PER HOUR WITH VOUCHERS TO BE SUBMITTED.

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.

REVIEW OF DRAFT OF TEMPORARY SIGN CODE

Code Enforcement Officer Stephen Rafferty and Town of Dickinson resident Jim Love worked together to develop and submit a draft of the revised temporary sign code. A new section exempt signs was added, political signs remained the same, new regulations for temporary signs limiting the time and size, and a new section on construction site signs. These regulations were a combination of ordinances in Vestal, Chenango and Union.

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The Board Members discussed the proposed changes. Attorney Blaise asked the Board members to take some time to review the revised code and we will re-visit it at the September meeting. If the Board decides to make the changes, we will have to have a public hearing.

Mr. Blaise asked the Board Members to ask themselves these questions:

1. Do you want to put these requirements in place? Review the limitations.
2. Do you want to charge a fee associated with the permits?

Supervisor Marinaccio thanked Mr. Love for his hard work on the sign revisions.

RESOLUTION 2018-24

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 PROCLAIMING AUGUST 12, 2018 AS JACK WILLIAMS DAY IN 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 – 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.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

- Public Works Commissioner Kie reported that paving will begin on Old Front Street from **McDonald's** to just past Rosedale Drive, the entrance to **Sunrise Terrace** and Adams Drive, starting the week of August 20th. **Broome Bituminous** will be doing the paving.
- Mr. Kie reported that regarding the insulation of the Town Hall, we couldn't meet the criteria for payback.
- Discussion on cost savings of buyout of light poles and conversion to **LED lights** – Mr. Kie will research further.
- Code Enforcement Officer Rafferty and Town Engineer Lake submitted the **Mitigation Plan** Update last week.

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PLANNING & ZONING BOARD

- Nothing to report

CODE ENFORCEMENT

- Nothing to report

Councilwoman Exley reported that there have been car break-ins in the **Prospect Terrace** neighborhood. They were after money and loose change. The **Sheriff's Department** was notified.

PUBLIC COMMENTS

None

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:45 PM.

Respectfully submitted,

Susan M. Cerretani

Town Clerk